

**REGULAR MEETING OF CITY COUNCIL
AUGUST 3, 2010 - 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Robert Vinyard Council Member
Charles Gillingham Council Member

ABSENT: Marvin Dickson Council Member

STAFF: Eddie Edwards City Manager
Stella E. Sauls City Secretary
Danny Richards E.O.C. Director
Bob Watson Fire Chief
Jerry Langwell Fire Marshal
Bruce Roberts Captain, Police Department
Ted Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works
Larry Mullenix Director, Planning and Zoning
Larry Byrd Code Enforcement Officer
Scott Radach Director, Finance Department

VISITORS: Neville Buchanan
Henry Phares Juanita Phares
Brandi Hannon Garry Hannon
Jimmy Hines Ann Hines
Barbara Dennis J. C. Cambron
Robin Harrington Mary Harrington
Sheryl Franks Judy Mihm
Ken Kyle Ingham
Joy Haley Roy Haley
Dave McGinley Arlie Washer
Vernon Faylor Frances Faylor
Heather Hulsey Stanley Franks
Fred Bartran Ken Whitworth
Leanne Wheless Sherman Wheless
Ricky Davis Marshall Ford

NEWS MEDIA: Michelle Berry Borger News Herald

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing city policy; however, City Council members may request city staff to place the subject

matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

Several citizens voiced opinions about the potential purchase of property located in Block 9, Huber Camp Addition, Section 2.

MINUTES APPROVED: Following review of the minutes of the regular meeting of July 20, 2010, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the last half of July were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to approve payment of the expenditures for the last half of July as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-003-10 AMENDING THE FY 2009-2010 OPERATING BUDGET

APPROVED: City Manager Eddie Edwards submitted for the consideration of the Council Ordinance O-003-10 amending the City's budget for FY 2009-2010. The Ordinance increases the revenue by \$125,270 from grant proceeds and also increases expenditures for the purchase of public safety equipment by the same amount. Mr. Edwards explained the use of the requested funds and asked the Council to approve same on final reading. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve on final reading of Ordinance O-003-10. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-003-10 reads as follows:

ORDINANCE O-003-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010 AS ADOPTED BY ORDINANCE O-006-09; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF CERTAIN FUNDS; PROVIDING THAT ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY

SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

INTERLOCAL AGREEMENT FOR FIRE PROTECTION SERVICES BETWEEN HUTCHINSON COUNTY AND THE CITY OF BORGER APPROVED:

City Manager Eddie Edwards explained to the Council that this Agreement is not materially different than past agreements; however, it does re-define the Borger Fire Department's primary response area for fire protection services provided to unincorporated areas in the County. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve the Interlocal Agreement for Fire Protection Services between Hutchinson County and the City of Borger as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

RESOLUTION R-012-10 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS APPROVED:

Kyle Ingham from the Panhandle Regional Planning Commission explained to the Council the purpose and historical regional uses of the Community Development Block Grant Program. Mr Ingham further stated that in order to begin the grant process a resolution authorizing the submission of a grant application was needed. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve Resolution R-012-10 authorizing the submission of a grant application to the Office of Rural Community Affairs. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Resolution R-012-10 reads as follows:

RESOLUTION R-012-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, the City Council of the City of Borger desires to develop a viable urban community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low/moderate income; and,

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and,

WHEREAS, it is necessary and in the best interests of the City of Borger to apply for funding under the 2011-2012 Texas Community Development Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

1. **That**, a Texas Community Development Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City of Borger with the Texas Department of Rural Affairs.
2. **That**, the City of Borger's application be placed in competition for funding under the Community Development Fund.
3. **That**, the application be for \$275,000 of grant funds to carry out sewer system improvements.
4. **That**, the City Council directs and designates the City Manager as the City of Borger's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Program.
5. **That**, it further be stated that the City of Borger is committing \$72,188.00 as a cash contribution toward the construction activities of this sewer system improvements program.

PASSED, APPROVED, AND ADOPTED, on this the 3rd day of August, 2010, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

RECOMMENDATION FROM BUILDING STANDARDS COMMISSION APPROVED:

After proper notice and hearings, the Building Standards Commission of the City of Borger has determined and declared the structures located at 1300 Clayton (Lot 1, Block 9, Coronado Addition) as substandard and has recommended demolition of said structures. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member DeWeese, to approve the recommendation submitted by the Building Standards Commission to demolish structures located at 1300 Clayton (Lot 1, Block 9, Coronado Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

EXECUTIVE SESSION: Mayor Brain stated that in compliance with Chapter 551, Texas

Govt. Code, Section 551.072 Real Property, the Council would retire into executive session to discuss:

- a. Potential purchase of property located in Block 9, Huber Camp Addition, Section 2.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the potential purchase of property located in Block 9, Huber Camp Addition, Section 2. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the purchase of 0.213 acres of property along the east side of Block 9, Huber Camp Addition, Section 2 for \$9,290.00. The motion carried by the following vote:

Ayes:	Brain Vinyard Gillingham
Nays:	None.
Abstention:	DeWeese

MEETING ADJOURNED: There being no further business, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following vote:

Ayes:	All members present voted aye.
Nays:	None.

Mayor

ATTEST:

City Secretary