

**REGULAR MEETING OF CITY COUNCIL
JUNE 19, 2012 – 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Brandy Callahan Council Member
Marvin Dickson Council Member
Charles Gillingham Council Member

ABSENT: Robert Vinyard Council Member

STAFF: Eddie Edwards City Manager
Danny Richards E.O.C. Director
Stella E. Sauls City Secretary
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Kenneth Petr Director, Planning and Zoning
Ralph Earles Assistant Director of Public Works

VISITORS: Dale Pierce Trinity Nazarene Church
Judy Mihm
Jara Callahan
Jesse Sheffield
Dan Caballero
Odis McClellan
Kyle Ingram

NEWS MEDIA: Michelle Berry

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.

No comments heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of June 5, 2012, motion was made by Council Member Dickson, seconded by Council Member

Gillingham, 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 first half of June were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Dickson, to approve payment of the expenditures for the first half of June as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-007-12 APPROVED: City Manager Eddie Edwards, submitted Resolution R-007-12 for the consideration of the Council. The Resolution authorizes the submission of a Texas Community Development Program Application for a Community Development Program Grant. Kyle Ingram from the Panhandle Regional Planning Commission explained the origin and purpose of the grant. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve Resolution R-007-12, authorizing the submission of a grant application for a Community Development Program Grant to the Texas Department of Agriculture. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-007-12 reads as follows:

RESOLUTION R-007-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE 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 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, safety, and welfare; and,

WHEREAS, it is necessary and in the best interests of the City of Borger to apply for funding under the 2013-2014 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 Agriculture.
2. **That**, the City's application be placed in competition for funding under the Community Development Fund.
3. **That**, the application be for \$275,000.00 of grant funds to carry out sewer system improvements.
4. **That**, the City Council directs and designates the City Manager as the City'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 at least \$55,055.00 from its Water & Sewer Fund as a cash contribution toward the construction activities of this sewer system improvements program.

PASSED, APPROVED, AND ADOPTED, on this the 19th day of June, 2012, 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.

RESOLUTION R-008-12 APPROVED: City Manager Eddie Edwards, submitted Resolution R-008-12 for the consideration of the Council. The Resolution approves the Texas Gas Service Company's 2012 Cost of Service Adjustment. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Resolution R-008-12, approving Texas Gas Service Company's COSA filing. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-008-12 reads as follows:

RESOLUTION R-008-12

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, APPROVING THE 2012 COST OF SERVICE ADJUSTMENT PURSUANT TO THE COST OF SERVICE ADJUSTMENT CLAUSE PROPOSED BY TEXAS GAS SERVICE A DIVISION OF ONEOK; FINDING THAT THE REGULAR MEETING OF THE CITY COUNCIL COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Texas Gas Service Company (TGS), a division of ONEOK, Inc. (Company), on or about May 29, 2012, filed a Cost of Service Adjustment (COSA) to change rates under the COSA Tariff as previously approved by the City of Borger, Texas (“City”); and,

WHEREAS, the increased service area revenue requirement does not exceed the current calculated CPI Cap established in the COSA Tariff; and,

WHEREAS, said schedules and tariffs are consistent with recommendations of the National Association of Regulatory Utility Commissioners; and,

WHEREAS, the City has exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality under Section 103.001, Texas Utility Code; and,

WHEREAS, the effective date for the TGS rate increase request is for meters read on and after June 28, 2012; and,

WHEREAS, the City has reviewed the books, records, and data provided by TGS, and based upon the review, finds that the COSA filing request should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY

OF BORGER, TEXAS, THAT:

PART 1. FINDINGS

- (A) On or about May 29, 2012, TGS filed a COSA to change rates under the COSA Tariff as previously approved by the City of Borger, Texas.
- (B) The increased service area revenue requirement of 0.55 percent does not exceed the current calculated CPI Cap of 2.9624 percent as established by the COSA Tariff.
- (C) TGS' proposed rate schedules and tariffs are consistent with recommendations of the National Association of Regulatory Utility Commissioners.
- (D) Based on company-provided information, TGS' proposal would impact the per Ccf rate of customers within the City of Borger for the following classes of service:

Service Class	2011/2012 Rate	2012/2013 Rate	Per Ccf increase
Residential	\$0.1048	\$0.1467	\$0.0419
Commercial	\$0.1648	\$0.2067	\$0.0419
Public Authority	\$0.1548	\$0.1967	\$0.0419
School/Municipal	\$0.1948	\$0.2367	\$0.0419

- (E) The City, under Section 103.001, Texas Utility Code et seq., has exclusive original jurisdiction to evaluate TGS' proposed rates and tariffs within the municipality.
- (F) The City has not surrendered its jurisdiction to the Railroad Commission under Section 103.03, Texas Utility Code.

(G) The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PART 2. Based upon the foregoing findings the amended rate schedules as attached hereto in Exhibit A, are hereby approved in all respects with an effective date of June 28, 2012.

PART 3. This Resolution shall become effective from and after its passage.

PASSED, APPROVED, AND ADOPTED, on this the 19th day of June, 2012, 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.

STORM DRAINAGE IMPROVEMENTS APPROVED: City Manager Eddie Edwards submitted to the Council for their consideration, a proposal from Parkhill, Smith & Cooper to analyze and design a project to improve storm drainage at Fifth and Austin Streets. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the Fee Proposal from Parkhill, Smith & Cooper for the study and design of the Austin Street Drainage Project. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – REZONING REQUEST APPROVED: Director of Planning and Zoning Kenneth Petr submitted the recommendation for the Planning and Zoning Commission on a request from Steve Williams to rezone Lots 4-9, Block 4, Johnson Heights, from General Residence (GR) zoning district to Commercial (C) zoning district. Mayor Brain opened the public hearing on the rezoning request and asked if there were any comments. There being no comments, the Mayor closed the public hearing. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the rezoning of Lots 4-9, Block 4, Johnson Heights, from an General Residence (GR) zoning district to a Commercial (C) zoning district. The motion carried by the following vote:

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

ORDINANCE O-005-12, WAL-MART SUPERSCENTER ANNEXATION APPROVED: City Manager Eddie Edwards explained to the Council that this is the final step in the annexation

of a 16.361 tract of land. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve on final reading, Ordinance O-005-12, annexing the 16.361 acre tract of land in Section 23, Block “Y”, Arnold and Barrett Survey. The motion carried by the following vote:

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

The caption of Ordinance O-005-12 reads as follows:

ORDINANCE O-005-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, PROVIDING FOR INCORPORATION; ANNEXING THE HEREINAFTER DESCRIBED PROPERTY TO THE CITY OF BORGER, EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, GRANTING TO SAID PROPERTY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY, AMENDING THE OFFICIAL MAP AND BOUNDARIES OF THE CITY, APPROVING A SERVICE PLAN FOR THE ANNEXED PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

ORDINANCE O-006-12, AMENDING CHAPTER 14, ZONING SECTION 14.02.002

UPDATING ZONING DISTRICT MAP APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that this allows the City to officially change the Zoning District Map to include the rezoning of a 19.773 acre tract of land in Section 23, Block “Y”, Arnold and Barrett-Morris & Cumming Survey and the rezoning of Lots 4-9, Block 4, Johnson Heights to a Commercial (C) zoning district. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve on final reading Ordinance O-006-12, amending Chapter 14, Zoning, Section 14.02.002, directing changes to the zoning districts, and updating the Zoning District Map. The motion carried by the following vote:

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

The caption of Ordinance O-006-12 reads as follows:

ORDINANCE O-006-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING CHAPTER 14, ZONING, SECTION 14.02.002, ZONING DISTRICT MAP OF THE CITY OF BORGER, TEXAS BY REZONING A 19.773 ACRE TRACT OF LAND SITUATED IN SECTION 23, BLOCK Y, ARNOLD AND BARRETT SURVEY, HUTCHINSON COUNTY TEXAS FROM ESTATE AND AGRICULTURE TO COMMERCIAL AND REZONING LOTS 4 THROUGH 9, BLOCK 4, JOHNSON HEIGHTS FROM GENERAL RESIDENCE TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AND AN EFFECTIVE DATE

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

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

Mayor

ATTEST:

City Secretary