

**REGULAR MEETING OF CITY COUNCIL
MARCH 20, 2012 – 1:30 P.M.**

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

ABSENT: Leon DeWeese Council Member
Marvin Dickson 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
Scott Radach Director, Finance Department
Anthony Griffin Lieutenant, Police Department
Betsy Parks Supervisor, Animal Control

VISITORS: Rev. Darian Thompson Pastor, Bethel Baptist Church
Judy Mihm
Brandy Callahan
Meryl Barnett

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 March 6, 2012, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, 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 March were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve payment of the expenditures for the first half of March as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-002-12 AUTHORIZING THE SUBMISSION OF A COPS HIRING RECOVERY PROGRAM GRANT APPLICATION APPROVED: Lt. Anthony Griffin explained to the Council the qualifications and distribution of the funds from the grant if awarded. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve Resolution R-002-12 authorizing the submission of a COPS Hiring Recovery Program Grant Application to the Office of Community Oriented Policing Services. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-002-12 reads as follows:

RESOLUTION R-002-12

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE SUBMISSION OF THE COPS HIRING RECOVERY PROGRAM GRANT APPLICATION TO THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES – UNITED STATES DEPARTMENT OF JUSTICE AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COPS HIRING RECOVERY PROGRAM GRANT

WHEREAS, President Obama signed into law the Omnibus Appropriations Act, 2009, which provides funding for the COPS Hiring Program. This funding is appropriated for the COPS Hiring Recovery Program (CHRP) under the American Recovery and Reinvestment Act (ARRP) of 2009; and,

WHEREAS, the ARRP includes funding for the hiring of additional police officers, community policing development, methamphetamine enforcement, law enforcement technology, secure our schools, and child sexual predator elimination; and,

WHEREAS, this funding provides 75% of the salary and benefits of additional personnel for a period of thirty-six (36) months; and,

WHEREAS, The City of Borger desires to address these needs by the utilization of federal funds to hire one (1) additional commissioned Police Officer to further enhance the safety and security of our community and its citizens.

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

1. **That**, the CHRP Grant Application is hereby authorized to be filed on behalf of the City of Borger with the Office of Community Oriented Policing Services – United States Department of Justice.
2. **That**, the Application be for the minimum of one (1) additional commissioned Police Officer, a veteran of the United States Armed Forces as required by the grant directives.
3. **That**, the City Council of the City of Borger directs and designates Lieutenant Anthony Griffin or his authorized designee, as the City of Borger’s authorized representative and that he be given the power to apply for, accept, reject, alter, or terminate the CHRP Grant on behalf of the City of Borger.
4. **That**, the City of Borger agrees to retain the additional personnel hired under this grant for the entirety of the thirty six (36) month term, plus an additional twelve (12) months, as required by the grant directives.
5. **That**, in the event of loss or misuse of COPS Hiring Recovery Program (CHRP) funds, the governing body assures that funds will be returned to COPS Hiring Recovery Program (CHRP) in full.

PASSED, APPROVED, AND ADOPTED, on this the 20th day of March, 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.

PETITION REQUESTING ANNEXATION RECEIVED FROM OTIS McCLELLAN AND RESOLUTION R-003-12 APPROVED: City Manager Eddie Edwards submitted a request from Otis McClellan, President, OHM Operating, Inc., to annex a 19.773 acre tract of land in Section 23, Block “Y”, Arnold & Barrett-Morris & Cummings Survey, Hutchinson County, Texas. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham to:

- a. Receive the Petition Requesting Annexation.
- b. Instruct staff to prepare a Service Plan.
- c. Approve Resolution R-003-13, scheduling two (2) public hearings May 15, 2012.

The motion carried by the following vote:

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

Resolution R-003-12 reads as follows:

RESOLUTION R-003-12

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BORGER, TEXAS, AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARING

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

SECTION 1

That, on the 15th day of May, 2012, at 1:30 pm in the City Council Chamber of the City Hall of the City of Borger, Texas, the City Council will hold two (2) public hearings pursuant to Local Government Code Sec. 43.063 giving all interested persons the right to appear and be heard on the proposed annexation by the City of Borger, Texas of the following described property, to-wit:

A 19.773 acre tract of land situated in Section 23, Block Y, Arnold & Barrett-Morris & Cummings Survey, Hutchinson County, Texas. This area is the proposed site for a new Wal-Mart Supercenter.

SECTION 2

That, the City Secretary of the City of Borger, Texas, is hereby authorized and directed

to cause notice of such public hearings to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty (20) days nor less than ten (10) days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

PASSED, APPROVED, AND ADOPTED, on this the 20th day of March, 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.

- * The governing body of the city must conduct two public hearings on any proposed annexation. The hearings must be held not more than 40 days nor less than 20 days prior to adoption of the ordinance annexing an area.

ORDINANCE O-002-12, AMENDING THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL INTRODUCED: City Manager Eddie Edwards explained to the Council that there have been meetings with the citizens to discuss the Ordinance and some changes based on citizen recommendation and concern. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to introduce Ordinance O-002-12, amending the City of Borger Code of Ordinances, Chapter 2, Animal Control. The motion carried by the following vote:

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

Ordinance O-002-12 reads as follows:

ORDINANCE O-002-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY OF BORGER'S CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL; PROVIDING FOR THE ESTABLISHMENT OF COMPREHENSIVE RULES AND REGULATIONS RELATING TO THE CONTROL OF ANIMALS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE O-003-12, AMENDING ARTICLE 12.08, TRAFFIC SCHEDULES, SECTION 12.08.001, SCHEDULE I, ONE WAY STREETS AND ALLEYS REMOVING WEST DRIVE AS A ONE WAY STREET INTRODUCED: Director of Public Works Ted

B. Dodd explained to the Council that he has received calls from the citizens asking if West Drive could be changed to two way traffic since one way is no longer needed for the school. Mr. Dodd stated the Borger Independent School District is in agreement with the change. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to introduce Ordinance O-003-12, amending article 12.08, Traffic Schedules, Section 12.08.001, Schedule I, One Way Streets and Alleys, removing West Drive as a one way street. The motion carried by the following vote:

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

Ordinance O-003-12 reads as follows:

ORDINANCE O-003-12

AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, ARTICLE 12.08, TRAFFIC SCHEDULES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

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