

**REGULAR MEETING OF CITY COUNCIL
NOVEMBER 5, 2013 – 6:30 P.M.**

PRESENT: Jeff Brain Mayor
Robert Vinyard Mayor Pro-Tem
Brandy Callahan Council Member
Marvin Dickson Council Member
Charles Gillingham Council Member

STAFF: Eddie Edwards City Manager
Stella E. Sauls City Secretary
Scott Radach Director, Finance
Jason Pender Fire Marshal
Kenneth Petr Director, Planning and Zoning
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Anthony “Bud” Griffin Lieutenant, Police Department
Jeremy Hundley Sergeant, Police Department
Betsy Parks Supervisor, Animal Control
Ralph Earles Assistant Director, Public Works
Rhonda Miller I/T Specialist

VISITORS: Blain Shelton Grace Fellowship Church
Cambden Edwards
Dan Caballero
Audra Yerger
Jesse Shuffield
Blair Griffin
Harry Callahan

NEWS MEDIA: J. C. Cortez

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.

MINUTES APPROVED: Following review of the minutes of the regular meeting of October 15, 2013, 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 last half of October 2013 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve payment of the expenditures for the last half of October 2013 as submitted. The motion carried by the following vote:

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

RESOLUTION R-012-13 APPROVED: Joe Raper, Chief Appraiser of Hutchinson County Appraisal District, submitted a letter requesting the City Council cast their votes, by resolution, for a candidate to serve as the City of Borger's representative on the Hutchinson County Appraisal District Board of Directors. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve Resolution R-012-13 casting the City's 405 votes for Mr. Clarence McDaniel. The motion carried by the following vote:

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

Resolution R-012-13 reads as follows:

RESOLUTION R-012-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, CASTING VOTES FOR CANDIDATES FOR POSITIONS ON THE HUTCHINSON COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

WHEREAS, the Texas Property Tax Code requires the creation and election of a Board of Directors of a Central Tax Appraisal District for each county in the State; and,

WHEREAS, Section 6.03 of the Texas Property Tax Code contains the "voting instructions" for casting the votes; and,

WHEREAS, Joe Raper, Chief Appraiser of Hutchinson County, has requested a resolution from the City of Borger designating for which nominee the City of Borger's votes will be cast.

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

That, four hundred five (405) votes allocated to the City of Borger for the term 2014-2015 be cast for Clarence McDaniel.

PASSED, APPROVED, AND ADOPTED, on this the 5th day of November, 2013, 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

ORDINANCE O-012-13 TO AMEND ORDINANCE O-004-13 INTRODUCED: City Manager Eddie Edwards explained that due to changes made by the Texas Controlled Substance Act modifications to the City of Borger ordinance are requested. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to introduce Ordinance O-012-13 amending Ordinance O-004-13. The motion carried by the following vote:

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

The caption of Ordinance O-012-13 reads as follows:

ORDINANCE O-012-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CODE OF ORDINANCES, BY AMENDING ORDINANCE O-004-13, ARTICLE 8.10, ILLICIT SYNTHETIC AND MISBRANDED DRUGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION BY CAPTION ONLY; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION R-013-13 APPROVED: Fire Marshal Jason Pender and Fire Chief Bob Watson presented to the Council a residential Knox-Box and explained how the boxes work, how and where the keys would be secured and the proposed mode of payment. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Resolution R-013-13 authorizing the creation of the Borger Fire Department Non-destructive Entry Program. The motion carried by the following vote:

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

Resolution R-013-13 reads as follows:

RESOLUTION R-013-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE CREATION OF THE BORGER FIRE DEPARTMENT NON-DESTRUCTIVE ENTRY

PROGRAM

WHEREAS, more individuals within the senior and disabled communities choose to live at home, gaining access during an emergency can be an issue for first responders; and,

WHEREAS, while help is just a 911 call away, first responders often have to force open a door or break a window which can cause severe and costly damage to a residents home; and,

WHEREAS, the Knox-Box Rapid Entry System was specifically developed for fire departments to gain access to residential property in the event of an emergency; and,

WHEREAS, the City of Borger already utilizes the Knox-Box Rapid Entry System for newly constructed commercial properties; and,

WHEREAS, the City Council of the City of Borger wishes to create the “Borger Fire Department Non-destructive Entry Program” promoting voluntary use of the Knox-Box Rapid Entry System for residents of the City.

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

SECTION 1.

The Borger Fire Department is hereby authorized to:

1. Create and administer the “Borger Fire Department Non-destructive Entry Program” for residential properties within the corporate limits of the City of Borger.
2. Purchase a quantity of Knox-Box residential vaults and make those vaults available for resale to residents of the City at cost through a one-time payment or an installment agreement not to exceed twelve months.
3. Purchase and install in appropriate Fire Department vehicles, the Knox-Box Master Key Retention System to provide security, accountability, and an audit trail whenever a master key is accessed by fire department personnel.

PASSED, APPROVED, AND ADOPTED, on this the 5th day of November, 2013, 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.

USE OF FUNDS FROM THE HAZARD FUELS MITIGATION PROGRAM

APPROVED: Fire Chief Bob Watson presented a slide show of work done through the Hazard Fuels Mitigation Program. Based on the amount of work and some of the areas terrain the Fire Chief requested that a portion of the monies in the mitigation program be used to purchase a UTV and trailer to be used in the fuels mitigation efforts. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve the purchase of the recommended equipment. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – PRELIMINARY AND FINAL PLAT APPROVED:

Director of Planning and Zoning Kenneth Petr explained to the Council that the Planning and Zoning Commission met on October 28, 2013 and approved the preliminary plat for the 19.773 acre tract of land located in the West half (W/2) of Section 23, Block “Y”, A & B Survey and further stated that to expedite the process, advertising for a public hearing had been done. The Mayor allowed Wal-Mart representative Mr. Dan Caballero to address the Council. Mr. Caballero stated that Wal-Mart had gone out for bid and the City of Borger would probably see construction in January. Mayor Brain opened the public hearing. There being no comments Mayor Brain closed the public hearing.

Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approved the preliminary and final plat for Wal-Mart Supercenter Addition, a 19.773 acre tract of land located in the West half (W/2) of Section 23, Block “Y”, A & B Survey, City of Borger, Hutchinson County, Texas; to be known as 1501 Roosevelt. The motion carried by the following vote:

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

PURCHASE OF ASPHALT ZIPPER APPROVED: Assistant Public Works Director Ralph Earles expressed to the Council that an Asphalt Zipper would allow the Street Department to work on larger street repair jobs. Mr. Earles stated that through the HGACBUY Governmental Procurement Contract the City could purchase this piece of equipment for \$106,650 with upgrades of \$18,340. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to approve authorization of the expenditure of \$124,990 for the purchase of the Asphalt Zipper through HGACBUY Governmental Procurement Contract SM10-12. 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, (Open Meetings Law), the Council would retire into executive session relative the Texas Govt. Code, Section 551.072 Deliberation Regarding Real Property:

- a. Discuss sanitary control easements and electrical easements.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and announced that the Council discussed items relative the Texas Govt. Code, Section 551.072 Deliberation Regarding Real Property:

- a. Discussed sanitary control easements and electrical easements.

No action was taken.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Dickson, 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