

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 21, 2014 – 1:30 P.M.**

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

STAFF:	Eddie Edwards	City Manager
	Kathie Harber	Deputy City Secretary
	Scott Radach	Director, Finance Department
	Kristi Powell	Accounting Specialist
	Byron Swafford	Director, Human Resources
	Kenneth Petr	Director, Planning and Zoning
	Bruce Roberts	Chief, Police Department
	Danny Richards	Director, Emergency Management
	Ted B. Dodd	Director, Public Works
	Rhonda Miller	IT Specialist

VISITORS:	Charles Griffin	Pastor
	Christine Jones	Carie Richards
	Terry Barnes	Echo O'Brien
	Dan Redd	Scott W. Honeyfield
	Jesse Shuffield	Brad Carpenter
	Meryl Barnett	

NEWS MEDIA: Sharon Castleberry

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 October 7, 2014, motion was made by Council Member Dickson, seconded by Council Member

Gillingham, to approve the minutes for the regular meeting of October 7, 2014 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 October 2014 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 first half of October 2014 as submitted. The motion carried by the following vote:

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

BORGER ECONOMIC DEVELOPMENT CORPORATION'S END OF THE YEAR REPORT AND 2014-2015 STRATEGIC PLAN RECEIVED:

- a. Executive Director Dan Redd presented and explained to the Council the BEDC End of the Year report and the 2014–2015 Strategic Plan.

No action taken.

- b. Executive Director Dan Reed presented to the Council the 2014-2015 fiscal year Strategic Plan.

No action taken.

CITY OF BORGER INVESTMENT REPORT FOR FISCAL YEAR 2013-2014 RECEIVED: Director of Finance Scott Radach explained to the Council the investment report for the fiscal year 2013-2014.

No action taken.

PURCHASE OF A MOTOROLA DISPATCH CONSOLE APPROVED: Emergency Operations Coordinator Danny Richards explained that due to a lightning strike, the 911 Dispatch Console was damaged and the dispatchers were making do. Mr. Richards stated that the console is the latest in technology and will suit the city well in the future. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to purchase a new Motorola Dispatch Console on a HGAC State approved contract in the amount of \$200,166.29. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – PRELIMINARY AND FINAL RE-PLAT FOR ALSTAR RV PARK APPROVED:

Director of Planning and Zoning Kenneth Petr, submitted a recommendation from the Planning and Zoning Commission to re-plat a 7.188 acre tract of land, out of the SE/4 of Section 34, Block “Y”, A & B Survey, Hutchinson County, Texas known as Alstar RV Park (within the City Limits of Borger, Texas). Mayor Vinyard opened the public hearing on the preliminary and final re-plat and asked if there were any comments; there being no comments, the Mayor closed the public hearing. Motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve the re-plat of Alstar RV Park, a 7.188 acre tract of land, out of the SE/4 of Section 34, Block “Y” A & B Survey, Hutchinson County, Texas (within the City limits of Borger, Texas). The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – SPECIFIC USE PERMIT APPROVED:

Director of Planning and Zoning Kenneth Petr, submitted a recommendation from the Planning and Zoning Commission on a request authorizing the operation of a Day Nursery at 606 Galahad (Lot 24, Block 9, Knight Crest Addition). Mayor Vinyard opened the public hearing and asked if there were any comments; there being no comments the Mayor closed the public hearing. Motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve the Specific Use Permit for a Day Nursery located at 606 Galahad (Lot 24, Block 9, Knight Crest Addition). The motion carried by the following vote:

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

EXECUTIVE SESSION: Mayor Vinyard stated that in compliance with Chapter 551, Texas Govt. Code, (Open Meetings Law), the Council would retire into executive session relative to The Texas Govt. Code, Section 551.071, Consultations with Attorney and Section 551.072, Real Property:

- a. Discuss Resolution R-017-14 SPS building purchase.
- b. Discuss contemplated legal action on Burgess Herring Ranch.
- c. Discuss counter offer in the City of Borger vs. Huddleston condemnation suit.

RETURN TO OPEN SESSION: Following the executive session, Mayor Vinyard reconvened the regular meeting and announced the Council discussed items related to the Texas Govt. Code Section 551.071, Consultations with Attorney and Section 551.072, Real Property:

- a. Discussed Resolution R-017-14 SPS building purchase.

Motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve Resolution R-017-14 pertaining to the purchase of real property at 430 Deahl Street. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-017-14 reads as follows:

RESOLUTION R-017-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE PURCHASE OF REAL PROPERTY, AUTHORIZING THE CITY MANAGER TO ACT ON THE CITY'S BEHALF IN ALL MATTERS NECESSARY TO EFFECTUATE THE PURCHASE OF SAID PROPERTY, AND PROVIDING FOR AN EFFECTIVE DATE

Whereas, Southwestern Public Service (SPS) Company is the current owner of real property locally known as 430 Deahl Street (the "Property") and is desirous of selling said property; and,

Whereas, the City Council of the City of Borger (the "Council") has determined that a public purpose exists for the City of Borger (the "City") to acquire the Property to allow for the future expansion of City Offices and/or Departments to better serve its citizens; and,

Whereas, SPS has offered to sell the Property to the City and further asks that City lease the Property back to SPS for a period not to exceed four (4) months from the Closing Date; and,

Whereas, the Council believes the purchase price is below fair market value for the Property, and SPS's condition for a short four (4) month lease after closing would not unduly interfere with the City's immediate or future plans for the Property; and,

Whereas, the City Council of the City of Borger believes it to be in the best interest of the City to proceed with the purchase and lease of the Property and desires to authorize the City Manager to act on the City's behalf on any and all matters as may be required to effectuate the purchase of said Property and the lease back to SPS.

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

Section 1

THAT, the purchase of real property from SPS, which is commonly known as 430 Deahl Street, Borger, Texas and more particularly described as:

All of Lots Numbered Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31) and Thirty-two (32), in Block Number Forty-five (45), of the ORIGINAL TOWNSITE OF BORGER, Hutchinson County, Texas, according to the duly recorded map or plat thereof on file in the office of the County Clerk of Hutchinson County, Texas, recorded in Volume 29, Page 383, Deed Records, Hutchinson County, Texas,

including all improvements located thereon, for the amount discussed in the offer from SPS, is hereby approved.

Section 2

THAT, the City Manager or his/her designee is hereby authorized and directed to act on the City's behalf including the authorization to execute the Purchase and Sale Agreement (the "PSA"), any and all exhibits to the

PSA, and any and all other documents as may be required to effectuate the purchase of said Property.

Section 3

THAT, this Resolution shall be effective immediately from and after its passage in accordance with the provisions of the Charter of the City of Borger, and is so accordingly resolved.

PASSED, APPROVED, AND ADOPTED, on this the 21st day of October, 2014, 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.

- b. Discussed contemplated legal action on Burgess Herring Ranch.

No action taken.

- c. Discussed counter offer in the City of Borger vs. Huddleston condemnation suit.

No action taken.

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

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary