

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 7, 2014 – 6:30 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
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance Department
	Kenneth Petr	Director, Planning and Zoning
	Bruce Roberts	Chief, Police Department
	Jeremy Hundley	Lieutenant, Police Department
	Rhonda Miller	IT Specialist

VISITORS:	Randy Bartlett	Pastor, Keeler Baptist Church
	Danielle Brittain	Vincent Hearon
	Anfernee Glover	Vannesa Munoz
	Kirrah Powell	J. T. Conner
	Taylor Packebush	Luke Wyatt
	Katelyn Smith	Damaris Washington
	Bianet Urizar	Rhon Munoz
	Lizet Dour	Jara Callahan
	Efren Munoz	Jake Conner
	Hagen Young	Laila Hearon
	Hailey Young	Reina Washington
	Tashia Washington	

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 September 16, 2014, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting of September 16, 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 last half of September 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 last half of September 2014 as submitted. The motion carried by the following vote:

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

ORDINANCE O-009-14 APPROVING SPS' PROPOSED RATES AND TARIFFS

ADOPTED: City Manager Eddie Edwards submitted for the consideration of the Council on final reading Ordinance O-009-14 approving SPS' proposed rates and tariffs. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to adopt on final reading Ordinance O-009-14 approving SPS' proposed rates and tariffs. The motion carried by the following vote:

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

Caption of Ordinance O-009-14 reads as follows:

ORDINANCE NO. O-009-14

AN ORDINANCE OF THE CITY OF BORGER, TEXAS, APPROVING A SETTLEMENT AGREEMENT BETWEEN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") AND SOUTHWESTERN PUBLIC SERVICE COMPANY ("SPS" OR "COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE ELECTRIC RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THE CITY'S RATE CASE EXPENSES REASONABLE; DIRECTING SPS TO REIMBURSE THE CITY ITS REASONABLE RATE CASE EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES OR RESOLUTIONS INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL

ORDINANCE O-010-14 AMENDING CHAPTER 14, ZONING, SECTION 14.02.002, DIRECTING CHANGES TO THE ZONING DISTRICTS, AND UPDATING THE ZONING DISTRICT MAP APPROVED:

Director of Planning and Zoning Kenneth Petr, explained that the properties have previously been rezoned and this process is to change the zoning map. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Felker, to approve on final reading Ordinance O-010-14 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.

Caption of Ordinance O-010-14 reads as follows:

ORDINANCE O-010-14

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 AN 8.5 ACRE TRACT IN THE NORTHEAST QUARTER OF SECTION 18, BLOCK Y, M & C SURVEY, HUTCHINSON COUNTY, TEXAS FROM ESTATE AND AGRICULTURE TO GENERAL RESIDENCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AND AN EFFECTIVE DATE

RESOLUTION R-016-14, PERTAINING TO HANDICAPPED PARKING DESIGNATION ON WEST 6TH STREET APPROVED:

Director of Public Works Ted B. Dodd explained to the Council that a request has been made for the City to provide a handicapped parking space in the 400 block of West 6th Street by Ms. Castillo of the Virginian Apartments. Following discussion, motion was made by Council Member Callahan, seconded by Council Members Felker and Dickson, to approve Resolution R-016-14, pertaining to handicapped parking designation on West 6th Street. The motion carried by the following vote:

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

Resolution R-016-14 reads as follows:

RESOLUTION NO. R-016-14

A RESOLUTION OF THE CITY COUNCIL OF THE

**CITY OF BORGER, TEXAS, AUTHORIZING THE
TRAFFIC ENGINEERING DEPARTMENT TO
DESIGNATE A HANDICAPPED PARKING SPACE IN
THE 400 BLOCK OF WEST SIXTH STREET**

WHEREAS, the citizens of the City of Borger, Texas utilize West Sixth Street; and,

WHEREAS, a request has been made to provide a handicapped parking space in the 400 block of West Sixth Street; and,

WHEREAS, the City Council of Borger, Texas, see the need for handicapped parking in the 400 block of West Sixth Street.

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

1. the City Council has reviewed the request for a handicapped parking space.
2. the City Council is in agreement that a handicapped parking space is warranted.
3. the City Council instructs the Traffic Engineering Department to mark a parallel parking only handicapped parking space at the appropriate location on the North side of the 400 block of West Sixth Street.
4. the City Council instructs the Traffic Engineering Department to provide appropriate handicapped signage pursuant to current traffic law requirements.

PASSED, APPROVED, AND ADOPTED, on this the 7th 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.

POLICE DEPARTMENT VEHICLE PURCHASE APPROVED: Lieutenant Jeremy Hundley of the Borger Police Department presented to the Council for approval, the bid information from Defender Supply, LLC on the purchase of three (3) Ford Police Interceptor Utility Vehicles fully equipped for \$105,437.94 with a trade-in of two (2) Chevrolet Impalas for \$4,000.00. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the purchase of three (3) Ford Police Interceptor Utility Vehicles with a trade-in of two (2) Chevrolet Impalas to Defender Supply, LLC in the amount of \$101,437.94. 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 Easement Agreement between Jodie Powers Yake and the City of Borger.
- b. Discuss settlement 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 that the Council discussed items related to the Texas Govt. Code, Section 551.071 Consultation with Attorney and 551.072 Real Property:

- a. Discussed Easement Agreement between Jodie Powers Yake and the City of Borger.

Motion was made by Council Member Callahan, seconded by Council Members Felker and Gillingham to approve the Easement Agreement between Jodie Powers Yake and the City of Borger. The motion carried by the following vote:

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

- b. Discussed settlement offer in the City of Borger vs. Huddleston condemnation suit.

Motion was made by Council Member Callahan, seconded by Council Members Gillingham and Felker, to reject the counter offer dated October 2, 2014 in the matter of the City of Borger vs. Eric Huddleston. The motion carried by the following vote:

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

OATH'S OF OFFICE ADMINISTERED TO NEWLY SELECTED BORGER YOUTH ADVISORY COUNCIL MEMBERS: City Secretary Stella E. Sauls administered the Oath of Office to Taylor Packebush Secretary of the Youth Advisory Council. Miss Packebush gave the Oath's of Office to the selected members of the Youth Advisory Council and Directors of same. Mayor Vinyard presented all members of the Borger Youth Advisory Council with folders stating their position.

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