

**REGULAR MEETING OF CITY COUNCIL  
NOVEMBER 3, 2015 - 6:30 P.M.**

<b>PRESENT:</b>	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Odis McClellan	Council Member
	Karen Felker	Council Member
	Charles Gillingham	Council Member

<b>STAFF:</b>	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance
	Bruce Roberts	Chief, Police Department
	Rhonda Miller	IT Specialist

<b>VISITORS:</b>	Kenneth Benton	Pastor, Stinnett of the Nazarene
	Ricky Lyles	Michael Camden
	Debra Brantley	Seth Pennington
	Corbin McGill	C. J. McDaniel
	Vincent Hearon	Brandon Autrey
	Kyle Alders	Rhon Munoz
	Luke Wyatt	Charles Loftis
	Vannesa Munoz	Efren Munoz
	Jesse Shuffield	Garry Hannon
	Shane Arnold	Jennifer Arnold
	Lynne Wyatt	Haley Young
	Hagen Young	Miguel Rangel
	Chris Prock	Joshua Brown
	Joe Wyatt	

**NEWS MEDIA:** Tabitha Fleming

**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.

There were comments from Garry Hannon, Joshua Brown, and Cody Schroeder about the 4-Plex Softball complex.

**MINUTES APPROVED:** Following review of the regular minutes and work session of October 20, 2015 motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting and work session of October 20, 2015. 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 2015 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 of the last half of October 2015 as submitted. The motion carried by the following vote:

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

**PUBLIC HEARING CONDUCTED – ORDINANCE O-005-15 INTRODUCED:** City Manager Eddie Edwards asked the Council to nominate Phillips 66 as an Enterprise Project and introduced Mr. Michael Camden with Ryan LLC, who further explained that the Enterprise Program requires local jurisdiction involvement. 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 Felker, seconded by Council Member Gillingham, to introduce on first reading Ordinance O-005-15 nominating the Borger Phillips 66 Facility to the Office of the Governor Economic and Tourism through the Economic Development Bank. The motion carried by the following vote:

Ayes: Council Members McClellan, Felker, Dickson, Gillingham.  
Nays: None.  
Abstained: Mayor Vinyard.

Caption of Ordinance O-005-15 reads as follows:

**ORDINANCE O-005-15**

**AN ORDINANCE AUTHORIZING THE CITY OF BORGER TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX INCENTIVES; NOMINATING PHILLIPS 66 COMPANY (“P66”) TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK (THE “BANK”) FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE ACT; DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES;**

**PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR  
PUBLICATION AND AN EFFECTIVE DATE**

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**SALE OF “STRUCK-OFF” PROPERTY APPROVED:** City Manager Eddie Edwards presented a letter from Carrie Kimmell, Hutchinson County Tax Assessor/Collector, with bids on the following properties:

- a. 711 Delaware (Lot 3, Block 3, East Side Addition) James Warren \$650.00.
- b. 720 Delaware (Lot 14, Block 4, East Side Addition) James Warren \$650.00.
- c. 1309 Patton Circle (Lot 2, Block 39, Coronado Addition) Alfredo Garcia \$1,000.00.
- d. 702 O’Daniel (Lot 23, Block 5, Unit 1, Thompson Addition) Eugene Rodriguez \$500.00.

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham to:

- a. accept a bid of \$650.00 from James Warren for the property located 711 Delaware (Lot 3, Block 3, East Side Addition).
- b. accept a bid of \$650.00 from James Warren for the property located at 720 Delaware (Lot 14, Block, East Side Addition).
- c. accept a bid of \$1,000.00 from Alfredo Garcia for the property located at 1309 Patton Circle (Lot 2, Block 39, Coronado Addition).
- d. accept a bid of \$500.00 from Eugene Rodriguez for the property located at 702 O’Daniel (Lot 23, Block 5, Unit 1, Thompson Addition).

The motion carried by the following vote:

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

**REMOVAL OF RESOLUTION R-019-15 FROM TABLE:** During the regular meeting of October 20, 2015 Resolution R-019-15 was tabled. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to remove item from the table. The motion carried by the following vote:

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

Resolution R-019-15 regarding \$1,500,000 for the Multi-Purpose Event Center was as removed from table and no action was taken at this time.

**RESOLUTION R-019-15 REGARDING SEED FUNDS FOR THE MULTI-PURPOSE  
EVENT CENTER APPROVED; RESOLUTION R-020-15 ISSUANCE OF  
CERTIFICATES OF OBLIGATION IN AN AMOUNT NOT TO EXCEED \$6,500,000**

**FOR THE CONSTRUCTION OF A FOUR-FIELD SOFTBALL SPORTS COMPLEX**

**FAILED:** City Manager Eddie Edwards explained that Resolution R-019-15 regarding seed funds for the Multi-Purpose Event Center was reduced to \$750,000 and Resolution R-020-15 regarding an amount not to exceed \$6,500,000 for the 4-Plex Softball Complex. Following discussion, motion was made by Council Member Gillingham, seconded Council Member Felker, to authorize staff to include in the issuance of certificates of obligation an amount not to exceed \$750,000 for seed funding to be transferred to the City's Multi-Purpose Events Center Account at the Amarillo Area Foundation. The motion carried by the following vote:

Ayes: Mayor Vinyard, Mayor Pro-Tem Dickson, Council Members Gillingham and Felker.

Nays: Council Member McClellan.

Following discussion of Sports Complex, motion was made by Council Member Gillingham, seconded by Mayor Vinyard, to authorize staff to include in the issuance of certificates of obligation an amount not to exceed \$6,500,000 for the construction of a four-field softball sports complex. The motion failed by the following vote:

Ayes: Mayor Vinyard and Council Member Gillingham.

Nays: Council Members Felker, McClellan, and Dickson.

Resolution R-019-15 reads as follows:

**RESOLUTION R-019-15**

**A RESOLUTION APPROVING CITY STAFF TO SECURE FUNDING REQUIRED FOR SEED FUNDING OF THE PROPOSED MULTI-PURPOSE EVENTS CENTER THROUGH THE ISSUANCE OF CERTIFICATES OF OBLIGATION**

**WHEREAS**, the City of Borger FY2015-2016 Budget included an expenditure for the transfer of seed funding to the City's Multi-Purpose Events Center account at the Amarillo Area Foundation; and,

**WHEREAS**, in the adoption of the City of Borger FY2015-2016 Budget it was anticipated that a portion of the required funding for the transfer of seed funding to the City's Multi-Purpose Events Center account would be secured through the issuance of certificates of obligation; and,

**WHEREAS**, the City Council directs City staff to secure funding required through the issuance of certificates of obligation in an amount not to exceed seven hundred fifty thousand dollars.

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

**THAT**, the City Council directs City staff to secure funding required through the issuance of certificates of obligation in an amount not to exceed seven hundred fifty thousand dollars; and,

**THAT**, this Resolution shall be effective on and after its adoption; and,

**THAT**, this Resolution shall be recorded in the minutes of the City Council and filed for permanent record in the office of the City Secretary.

**PASSED, APPROVED, AND ADOPTED**, on this the 3<sup>rd</sup> day of November, 2015, 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.

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Resolution R-020-15 reads as follows:

**RESOLUTION R-020-15**

**A RESOLUTION APPROVING CITY STAFF TO SECURE FUNDING  
REQUIRED FOR THE CONSTRUCTION OF A FOUR-FIELD  
SOFTBALL COMPLEX THROUGH THE ISSUANCE OF  
CERTIFICATES OF OBLIGATION**

**WHEREAS**, the City of Borger FY2015-2016 Budget included an expenditure for the construction of a four-field softball complex; and,

**WHEREAS**, in the adoption of the City of Borger FY2015-2016 Budget it was anticipated that the required funding for the construction of a four-field softball complex would be secured through the issuance of certificates of obligation; and,

**WHEREAS**, the City Council directs City staff to secure funding required through the issuance of certificates of obligation in an amount not to exceed six million five hundred thousand dollars.

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

**THAT**, the City Council directs City staff to secure funding required through the issuance of certificates of obligation in an amount not to exceed six million five hundred thousand dollars; and,

**THAT**, this Resolution shall be effective on and after its adoption; and,

**THAT**, this Resolution shall be recorded in the minutes of the City Council and filed for permanent record in the office of the City Secretary.

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**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 the Texas Govt. Code, Section 551.072 Real Property.

- a. Discuss purchase of a 4.4 acre tract of land in the E/2 of Section 21, Block Y, A&B Survey, Phillips Municipal Golf Course.

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

- a. Discussed purchase of a 4.4 acre tract of land in the E/2 of Section 21, Block Y, A&B survey, Phillips Municipal Golf Course.

Motion was made by Council Member Felker, seconded by Council Member Gillingham, to approve Resolution R-021-15 authorizing the Mayor to execute a Real Estate Contract for the purchase of a 4.4 acre tract of land in the E/2 of Section 21, Block Y, A&B Survey from the Phillips Country Club, *dba*: Phillips Golf Course Association for \$75,000 with adjustments for any pro-rated property taxes for 2015 and other customary closing costs; and that the City Manager be authorized to execute all other required documents to effect the closing of the sale. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-021-15 reads as follows:

**RESOLUTION R-021-15**

**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**, the Phillips County Club, Inc. d/b/a as: Phillips Municipal Golf Course (PMGC) is the current owner of real property locally known as 1609 Sterling 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; and,

**Whereas**, PMGC has offered to sell the Property to the City and further asks that City lease the Property back to PMGC from the Closing Date; and,

**Whereas**, the Council believes the purchase price is below fair market value for the Property, and PMGC's request to lease back the Property 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.

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

**Section 1**

**THAT**, the purchase of real property from PMGC, which is commonly known as 1609 Sterling Street, Borger, Texas and more particularly described in a Real Estate Sales Contract attached as Exhibit A, including all improvements located thereon, for the amount discussed in the offer from PMGC, 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 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 3<sup>rd</sup> day of November, 2015, 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.

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**LEASE AGREEMENT BETWEEN THE PHILLIPS MUNICIPAL GOLF COURSE AND THE CITY OF BORGER APPROVED:** City Manager Eddie Edwards explained that with the purchase of the golf course buildings a new lease agreement has to be executed. Following discussion motion was made by Council Member Dickson, seconded by Council Member Gillingham to approve a Lease Agreement between the Phillips Municipal Golf Course and the City of Borger. The motion carried by the following vote:

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

**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.  
Nay: None.

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Mayor

**ATTEST:**

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City Secretary