

**REGULAR MEETING OF CITY COUNCIL
APRIL 4, 2005**

1:30 P.M.

PRESENT:	Jeff Brain Meryl Barnett Charles Gillingham Judy Flanders Charles Loftis	Mayor Mayor Pro-tem Council Member Council Member Council Member
STAFF:	Wanda Klause Eddie Edwards Tom Edmonds Larry Mullenix Jimmy Adams Glynn Carlock John Webb Bruce Roberts Jim Harder	City Manager Assistant City Manager City Attorney Director, Planning & Zoning Police Chief Director of Finance Municipal Court Judge Captain, Borger PD Director of Utilities
VISITORS:	John Ray Harry Kuhrt Archie Adams Jimmy Borum Terry Washer Theron Baker Ernest Warren Leon DeWeese Charlie Fletcher Tom Carson Judy Mihm	
NEWS MEDIA:	Michelle Berry	Borger News Herald

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of March 21, 2006, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Flanders, to approve the minutes as written. The motion carried by the following vote:

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

PAYMENT OF EXPENDITURES APPROVED: Following review, motion was made by Council Member Spradling, seconded by Council Member Loftis, to approve payment of the expenditures for the last half of March as submitted. The motion carried by the following vote:

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

DONATION FROM BORGER NOON LION'S CLUB ACCEPTED: Harry Kuhrt, representing the Borger Noon Lion's Club, presented Fire Chief Gayland Darnell with a check in the amount of \$1,000 to replenish supplies used in recent fires. Mr. Kuhrt expressed thanks on behalf of the Lion's Club for the work of the Borger Fire Fighters. No further action necessary.

PUBLIC HEARING CONDUCTED - SPECIFIC USE PERMIT ISSUED: Mayor Brain opened a public hearing concerning a request from Charlie Fletcher for a Specific Use Permit to construct an RV Park at 707 S. Main, and asked if anyone present wished to speak. Jimmy Borum spoke on behalf of Charlie Fletcher stating that Mr. Fletcher owns several pieces of property in Borger and keeps them all clean. Council Member Spradling said that he would like to add a stipulation to the specific use permit that there be no more than five trailers and that the city re-visit the permit every four years to insure that the park is properly maintained. The Mayor asked if there were any additional comments. There being none, the Mayor closed the

public hearing. Motion was made by Council Member Spradling, seconded by Council Member Loftis, to approve issuance of a Specific Use Permit for an RV Park at 707 S. Main with the stipulation that it house no more than five (5) trailers, and that the city re-visit the permit every four years to insure that the park is properly maintained. The motion carried by the following vote:

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

2005 CITY AUDIT RECEIVED AND PAYMENT FOR SAME APPROVED: Gary Murrow, CPA, submitted the city's 2005 Audit and apologized for its lateness. Mr. Murrow said the city was in good shape and staying within budget. Following discussion, motion was made by Mayor Pro-tem Flanders, seconded by Council Member Garrett Spradling, to receive the audit and approve payment for same. The motion carried by the following vote:

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

ORDINANCE NO. O-002-06 APPROVED ON FINAL READING: Ordinance No. O-002-06 declaring an unopposed candidate in the May 13, 2006 General Election, elected to office, and canceling the election was submitted for the consideration of the Council on final reading. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve Ordinance No. O-002-06 on final reading. The motion carried by the following vote:

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

Caption of the ordinance reads as follows:

AN ORDINANCE DECLARING AN UNOPPOSED CANDIDATE IN THE MAY 13, 2006 GENERAL ELECTION; ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

REQUEST FROM BORGER CITIZENS FACILITY COMMITTEE APPROVED: Terry Washer, committee member of the Borger Citizens Facility Committee, requested permission to insert an informational brochure concerning the Borger Independent School District's bond election in the city's April water bill. Mr. Washer said the Committee will assume all costs relative to stuffing the envelopes. Following discussion, motion was made by Mayor Pro-tem Judy Flanders, seconded by Council Member Gillingham, to approve the request. The motion carried by the following vote:

Ayes: Judy Flanders, Charles Gillingham and Jeff Brain voted aye.
Nays: None
Abstain: Charles Loftis and Garrett Spradling

REQUEST FROM THE CENTER FOR TEXAS CULTURE FOR FINANCIAL ASSISTANCE APPROVED: Mike Harrison, representing the Center for Texas Culture, submitted a request for financial assistance for advertising in the amount of \$5,445.00. Mr. Harrison said the Center was in the process of designing new travel brochures, mailers, posters and cable television commercials, and he would like to include information about tourism in the city of Borger on all of their advertising. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to approve funding for advertising in the amount of \$5,445.00 as requested. The motion carried by the following vote:

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

RECOMMENDATION RECEIVED FROM PLANNING & ZONING COMMISSION TO REZONE PROPERTY IN GATEWAY HEIGHTS ADDITION: Director of Planning &

Zoning Larry Mullenix submitted a recommendation from the Planning & Zoning Commission concerning the rezoning of Lots 1-5 and 10-26, Block 20, Gateway Heights Addition from Single Family Dwelling to Commercial. Following discussion, motion was made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to receive the recommendation and schedule a public hearing for 1:30 p.m., May 2, 2006 to allow for public comment. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION RECEIVED FROM THE PLANNING & ZONING COMMISSION CONCERNING THE ESTABLISHMENT OF EMPOWERMENT ZONES:

Director of Planning & Zoning Larry Mullenix submitted a recommendation from the Planning & Zoning Commission concerning the establishment of empowerment zones in various sections of the city. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Flanders, to receive the recommendation and schedule a public hearing for 1:30 p.m., May 2, 2006 to allow for public comment. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

STAFF AUTHORIZED TO ESTABLISH ESCROW ACCOUNT FOR ALLEY PAVING PROJECT:

Director of Planning & Zoning Larry Mullenix submitted a letter from the Timberlake Homeowners' Association requesting the city's participation in repairing the alley along the east side of Lakeview Drive for an estimated cost of \$3,900.00. Mr. Mullenix requested permission to establish an escrow account to receive funds for the repair of this alley. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Loftis, to authorize the staff to establish an escrow account for the repair of the alley as requested, and to schedule the project when all monies have been deposited into the escrow account. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATIONS FROM THE BUILDING STANDARDS COMMISSION

APPROVED: A memorandum was received from Larry Mullenix, Director of Planning & Zoning, concerning a request from the Building Standards Commission recommending the Council approve demolition of the following property:

- a. 316 S. Harvey, North 60' of Lot 45 and the North half of Lot 46, Block 6, Isom Addition

Following discussion, motion was made by Council Member Loftis, seconded by Council Member Gillingham, to approve the recommendation of the Building Standards Commission for demolition of this property. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

BID AWARDED: Bids were received and tabulated for the sale of a Boardman Fire Pumper. The bids received were as follows:

Steve Giles Giles Cabinet Shop Pampa, TX	\$2,505.00
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Matt Armstrong Borger, TX	\$1,500.00
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Sandy Ferguson
Borger, TX

\$1,600.00

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Loftis, to award bid to the highest bidder Steve Giles in the amount of \$2,505.00. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION NO. R-004-06 APPOINTING/REAPPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT APPROVED: Director of Planning & Zoning Larry Mullenix submitted a recommendation from the Zoning Board of Adjustment concerning the appointment of Bob Edmiaston from an alternate member to a regular member, appoint Dean Cooke as a regular member, and appoint one member as an alternate. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Loftis, to approve the recommendation of the Zoning Board of Adjustment for the appointments of Edmiaston and Cooke, appoint Mike Blansett as an alternate board member, and approve Resolution No. R-004-06 facilitating these appointments. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The Resolution reads as follows:

RESOLUTION R- 004-06

A RESOLUTION REAPPOINTING TWO MEMBERS, AND APPOINTING ONE ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, two members are eligible for reappointment, and one vacancy has occurred due to the unexpected resignation of a regular member on the Zoning Board of Adjustment; and

WHEREAS, pursuant to the provisions of Chapter 158, Zoning, Section 158.110 of the Code of ordinances of the City of Borger, Texas; and

WHEREAS, in performance of its duty to do so by said Code of Ordinances, the City Council desires to appoint one regular member, reappoint one regular member, and appoint one alternate member to the Zoning Board of Adjustment, to perform the duties and responsibilities as provided by Chapter 158, Zoning, Section 158.110 of the Code of Ordinances; therefore,

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

SECTION 1

THAT, Bob Edmiaston, an alternate member, is hereby appointed to serve as a regular member of the Zoning Board of Adjustment for a one (1) year term that will expire on June 30, 2007; and

THAT, Dean Cooke is hereby appointed to serve as a regular member of the Zoning Board of Adjustment for a one (1) year term that will expire on June 30, 2007; and

THAT, Mike Blansett is hereby appointed to serve as an alternate member of the Zoning Board of Adjustment for a term beginning April 4, 2006 and expiring on June 30, 2007.

This resolution shall be recorded in the minutes of the City Council and filed for permanent recorded in the office of the City Secretary.

QUESTIONS AND COMMENTS FROM CITIZENS: No comments were heard.

EXECUTIVE SESSION CONDUCTED: Mayor Brain stated that the Council would retire into an executive session as provided for in Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, Section 551.074 Personnel. The following item was submitted for discussion:

1. Review performance of Municipal Court Judge.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the performance of the Municipal Court Judge and no action was taken.

MEETING ADJOURNED: There being no further business, the meeting was adjourned.

Mayor

ATTEST:

City Secretary