

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 19, 2010 - 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Robert Vinyard Council Member
Marvin Dickson Council Member
Charles Gillingham Council Member

STAFF: Eddie Edwards City Manager
Stella E. Sauls City Secretary
Danny Richards E.O.C. Director
Larry Mullenix Director, Planning and Zoning
Larry Byrd Code Enforcement Officer
Rhonda Partain Finance Department
Jimmy Adams Chief, Police Department
Bob Watson Chief, Fire Department
Ted Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works
Ivonne Mendoza Clerk, Public Works

VISITORS: Paul Burwash Pastor, Fairlanes Baptist Church
Judy Mihm
Dale A. Milner
Chrystal Stewart-Garton
Nancy Brawley
Meryl Barnett
Mike Barnett
Barbara Barnett

NEWS MEDIA: Michelle Berry Borger News Herald

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 were heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of October 5, 2010, motion was made by Council Member Gillingham, seconded by Council

Member Dickson, 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 first half of October were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve payment of the expenditures for the first half of October as submitted. The motion carried by the following vote:

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

BOARD APPOINTMENTS MADE TO HOUSING AUTHORITY BOARD OF DIRECTORS: City Manager Eddie Edwards submitted a letter from the Housing Authority detailing the need for two regular appointments to fill expiring terms. In the request, Ms. Moneymaker, Executive Director of the Housing Authority, advised the Council of the expiration of the terms of David Holmes and Robert Bradley. Ms. Moneymaker stated Mr. Holmes has submitted his resignation; she requested Robert Bradley be re-appointed for an additional two year term and recommended Jim Hess be appointed to fill the expired position of David Holmes. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to reappoint Robert Bradley and appoint Jim Hess to two-year terms respectfully. The motion carried by the following vote:

Ayes: All members present voted.
Nays: None.

PUBLIC HEARING CONDUCTED – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED AND ORDINANCE O-006-10 APPROVED: Director of Planning and Zoning Larry Mullenix explained to the Council the City of Borger Code of Ordinances requirements pertaining to the Certificate of Public Convenience and Necessity. Mayor Brain opened the public hearing and asked if anyone wished to comment. There being no further comments the Mayor closed the public hearing. Motion was made by Council Member Vinyard, seconded by Council Member DeWeese to:

- a. allow the Chief of Police to issue a Certificate of Public Convenience and Necessity to Barbara Barnett , 1408 Clayton; and,
- b. approve Ordinance O-006-10, amending the City of Borger Code of Ordinances, Chapter 4, Business Regulations, on final reading.

The motion carried by the following votes:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-006-10 reads as follows:

ORDINANCE O-006-10

AN ORDINANCE AMENDING CHAPTER 4, BUSINESS REGULATIONS, ARTICLE 4.07, TAXICABS, DIVISION 6, “RATES, FARES AND CHARGES”; IN SECTION 4.07.172, “RATES”; IN SECTION 4.07.173, “ADDITIONAL STOP CHARGE”; IN SECTION 4.07.174, “ADDITIONAL PASSENGER CHARGE”

ORDINANCE O-007-10 APPROVED: Code Enforcement Officer Larry Byrd explained to the Council, clarification of the language in the Code of Ordinances is the reason for the amendment. Motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve Ordinance O-007-10, amending Article 3.04, Electricity, Division 2, Electrical Code, Section 3.04.032, Amendments, Article 230, Services, Section VI, Service Equipment-Disconnecting Means, paragraph 230.70(A)(1), Readily Accessible Location, on final reading. The motion carried by the following vote:

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

The caption of Ordinance O-007-10 reads as follows:

ORDINANCE O-007-10

AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.04, ELECTRICITY, DIVISION 2, “ELECTRICAL CODE”; IN SECTION 3.04.032, “AMENDMENTS”; ARTICLE 230, SERVICES, SECTION VI, SERVICE EQUIPMENT DISCONNECTING MEANS, PARAGRAPH 230.70(A)(1), READILY AVAILABLE LOCATION

ORDINANCE O-008-10 INTRODUCED: Fire Chief Bob Watson explained the National Parks Service Grant would be used for equipment needed in the Fire Department. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham to:

- a. accept a grant of \$12,200 from the National Park Service for the purchase of authorized equipment; and,
- b. introduce Ordinance O-006-10, amending the FY 2010-2011 Operating Budget .

The motion carried by the following vote:

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

The caption of Ordinance O-008-10 reads as follows:

ORDINANCE O-008-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY’S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011 AS ADOPTED BY ORDINANCE O-004-10; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS ; PROVIDING THAT ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION R-015-10 – SOLID WASTE GRANT APPROVED: Director of Public Works Ted Dodd explained to the Council that the funds from this Solid Waste Grant would be used to purchase 504 Green Yard Waste Polycarts. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve Resolution R-015-10, pertaining to a Solid Waste Grant through the Panhandle Regional Planning Commission. The motion carried by the following vote:

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

The caption for Resolution R-015-10 reads as follows:

RESOLUTION R-015-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AUTHORIZING THE SUBMISSION OF A FY 2011 REGIONAL SOLID WASTE GRANTS

**PROGAM APPLICATION TO THE PANHANDLE
REGIONAL PLANNING COMMISSION (PRPC) AND
AUTHORIZING THE CITY MANAGER TO REPRESENT
THE CITY IN ALL MATTERS PERTAINING TO THIS
APPLICATION**

BUILDING STANDARDS COMMISSION DECISION TO DEMOLISH REVERSED:

Code Enforcement Officer Larry Byrd explained to the Council that Mr. Milner has made considerable progress in bringing the property located at 1224 Hazelwood, (Lot 9, Block 6, Gateway Addition) into compliance and recommends that the house be removed from the demolition list. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to reverse the decision of the Building Standards Commission, for the demolition of 1224 Hazelwood, (Lot 9, Block 6, Gateway Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – 90 DAY EXTENSION GRANTED:

Code Enforcement Officer Larry Byrd asked the Council for a 90-day extension on property located at 309 S. Hedgecoke, 219 W. Jefferson, and 221 W. Jefferson, (Lots 28-29, Block 11, Isom Addition). Mayor Brain opened the public hearing to hear the appeal of Ms. Hodges concerning the recommendation of the Building Standards Commission to demolish said structures. There being no comments, the Mayor closed the public hearing.

Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to modify the decision of the Building Standards Commission, and grant a 90-day extension on the property located at 309 S. Hedgecoke, 219 W. Jefferson, and 221 W. Jefferson, (Lots 28-29, Block 11, Isom Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

NO ACTION TAKEN – 1002 THRAMS: Mrs. Susan Wagon was unable to attend this meeting due to the death of her father. Citizens Crystal Stewart – Garton and Nancy Brawley made comments in favor of the Building Standards Commissions' decision to demolish the property located at 1002 Thrams, (Lot 2, Block 32, Gateway Addition). No action was taken. The Council rescheduled the public hearing for 1:30 p.m., November 16, 2010.

DISPOSAL OF SURPLUS PROPERTY APPROVED: City Manager Eddie Edwards explained to the Council that normally the City would sell surplus property in an auction held on site. Mr. Edwards stated that online auctions have become very popular and the staff would like to try this method of disposing of surplus property. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to authorize staff to dispose

of the surplus property as submitted through an online auction service and, also have the leniency to donate one or more of the vehicles to the Panhandle Regional Law Enforcement Academy. The motion carried by the following vote:

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

Surplus vehicles for auction are as follows:

YEAR	MAKE	VIN NUMBER
1972	30 KW GenSet	
1974	GMC	TCE614V587546
1979	Ford	R80DVDG5676
1982	GMC	1GDJ7D1F9CV559527
1984	Ford	1FTCF15Y2EPA45200
1989	GMC	1GTGC24K1KE537138
1991	Ford	1FTHF25H2MLA48101
1992	Chevrolet	1GNCS13W7N2225919
1992	GMC	1GTGC24K1NE550170
1993	Chevrolet	1GCCS19Z7P0171403
1994	Ford	1FTEF15N1RNB35051
1997	Chevrolet	1GBJK34R7VF054235
1997	Ford	2FALP71W8VX213930
1999	Ford	2FAFP71W8XX186311
1999	Ford	1FDWF36S3XEC52417
1999	Ford	2FAFP71W0XX186299
2000	Ford	2FAFP71W4YX209083
2001	Chevrolet	2G1WF52EX19356826
2002	Chevrolet	1GBJK34U82F148012
2005	Chevrolet	2G1WF55K959374189
2005	Chevrolet	2G1WF55K159370423
2005	Ford	2FAFP71WX5X135163
2010	Chevrolet	2G1WD5EM6A1151155
	Cedar Rapids Laydown Machine	

EXECUTIVE SESSION: Mayor Brain state that in compliance with Chapter 551, Texas Govt. Code, Section 551.072, Real Property, the Council Would retire into executive session to discuss:

- a. Options to purchase real property at 1609 Sterling.

COUNCIL RETEURNED TO OPEN SESSION: Following executive session, Mayor Brain reconvened the regular meeting and stated the Council discussed Section 551.072, real property. 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