

**REGULAR MEETING OF CITY COUNCIL
APRIL 19, 2011 - 1:30 P.M.**

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

ABSENT: Leon DeWeese Council Member

STAFF: Eddie Edwards City Manager
Danny Richards E.O.C. Director
Stella E. Sauls City Secretary
Scott Radach Director of Finance
Jimmy Adams Police Chief
Bruce Roberts Captain, Police Department
Larry Mullenix Director of Planning and Zoning
Larry Byrd Code Enforcement Officer
Ted Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works

VISITORS: Larry Lamont Pastor
Judy Mihm
Twila Stine
Gene Stine
Meryl Barnett
Bud Reynolds
Cindy Reynolds
Jonathan Yarbrough
Tylon Wilson
Paula Francis
Mary Kay Phelan
Beverly Benton
Jerry Matthews
Ted Wilson
L. H. Garmond
Brad Carpenter

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 heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of April 5, 2011, motion was made by Council Member Dickson, seconded by Council Member Gillingham, 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 April 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 April as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

TOURISM SERVICES REPORT FOR FY 2010-2011 FROM THE BORGER CHAMBER OF COMMERCE RECEIVED AND THE TOURISM CONTRACT FOR FY 2011-2012 APPROVED: Beverly Benton, CEO/President of the Borger Chamber of Commerce, submitted the Chamber's Annual Report for FY 2010-2011 and the FY 2011-2012 Tourism Contract between the Borger Chamber of Commerce and the City of Borger. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to accept the FY 2010-2011 Annual Report and approve the 2011-2012 Tourism Contract between the Borger Chamber of Commerce and the City of Borger as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED - PRELIMINARY AND FINAL RE-PLAT OF 230 N. CEDAR STREET APPROVED: Mayor Brain stated that he has a conflict of interest on this item and stepped out of the meeting while this item was considered. Mr. Tylon Wilson, Representative for Jacobs Engineering Group explained to the Council that CVS Pharmacy proposed to put a Pharmacy in this location. Mayor Pro-Tem Vinyard opened a public hearing on the preliminary and final re-plat of Lots 4-11, Block 24, Thompson Addition, containing 1.303 acres, to be known as 230 N. Cedar Street (Lot 4R, Block 24, Unit 4, Thompson Addition). No

comments were heard; therefore Mayor Pro-Tem Vinyard closed the public hearing. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the preliminary and final re-plat of same. The motion carried by the following vote:

Ayes: Council Member's Vinyard, Gillingham, and Dickson.

Nays: None.

Abstained: Mayor Brain abstained due to a conflict of interest.

RE-APPOINTMENT OF TWO BOARD MEMBERS TO THE ZONING BOARD OF ADJUSTMENT – RESOLUTION R-003-11 APPROVED: Director of Planning and Zoning Larry Mullenix explained the duties of the Zoning Board of Adjustment. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to approve Resolution R-003-11 re-appointing Dean Cooke and Randy Lopez to the Zoning Board of Adjustment with terms ending June 30, 2013. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The Resolution reads as follows:

RESOLUTION R-003-11

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS APPOINTING TWO REGULAR MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, due to the expiration of terms, two vacancies have occurred on the Zoning Board of Adjustment; and,

WHEREAS, pursuant to the provisions of Chapter 14, Zoning, Section 14.07.001 of the Code of Ordinances of the City of Texas, the Council desires to re-appoint two members to the Zoning Board of Adjustment, to perform the duties and responsibilities as provided by said Chapter 14.

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

1. **THAT**, Dean Cooke is hereby re-appointed to serve as a regular member of the Zoning Board of Adjustment to a term which will expire on June 30, 2013; and,
2. **THAT**, Randy Lopez is hereby re-appointed to serve as regular member of the Zoning Board of Adjustment to a term which will expire on June 30, 2013; and,
3. **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 19th day of April 2011, at regular meeting of the City Council of the of 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.

APPOINTMENT OF THREE BOARD MEMBERS TO THE PLANNING AND ZONING COMMISSION APPROVED:

Director of Planning and Zoning Larry Mullenix submitted three (3) names for appointment to the Planning and Zoning Commission. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the appointment of Mike Stewart, Danny Haynes, and Jimmy Gowdy to the Planning and Zoning Commission with terms ending March 31, 2012. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – 90 DAYS GRANTED FOR DEMOLITION: Code Enforcement Officer Larry Byrd, submitted a request from Mr. Bud Reynolds to appeal the recommendation to demolish structure(s) at 821 Moody (Lot 11, Block 2, Highland Park Addition).

Mayor Brain opened the public hearing to hear an appeal and allow public comment. Mr. Bud Reynolds stated that he would like at least 90 days to demolish the structure. Mr. Reynolds also agreed to clean the lot off. Mr. Byrd suggested an Operation Facelift but Mr. Reynolds stated he had employees that needed work. There being no further comments Mayor Brain closed the public hearing.

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to by Order, affirm the decision for demolition by the Building Standards Commission and to allow Mr. Reynolds 90 days until July 5, 2011, to complete demolition. Failure to comply with the Order will result in the demolition of any structure(s) not in compliance with the Property Maintenance Code to begin on July 11, 2011. The motion carried by the following vote:

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

Motion was made by Council Member Vinyard, seconded by Council Member Dickson, to adopt a Resolution affirming the recommendation of the Building Standards Commission, after appeal, for the demolition of 821 Moody, (Lot 11, Block 2, Highland Park Addition). The motion carried by the following vote:

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

The Resolution reads as follows:

**RESOLUTION
R-004-11**

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE UNSAFE AND UNFIT FOR HUMAN HABITATION, AND REQUIRING THE DEMOLITION AND REMOVAL OF SUCH IMPROVEMENTS.

WHEREAS, the City of Borger, after proper notice and hearings, has determined the structure at 821 Moody, Lot 11, Block 2, Highland Park Addition to the City of Borger, to be unsafe and unfit for human habitation; and

WHEREAS, the owner, Mr. C. C. (Bud) Reynolds, has failed to comply with the request from the Building Official and the Building Standards Commission to repair and secure the structure to minimum standards; and

WHEREAS, the City of Borger affirms, the decision of the Building Standards Commission to demolish said structure.

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

THAT, the improvements located at 821 Moody, Lot 11, Block 2, Highland Park Addition, to the City of Borger be demolished and removed as recommended by the Building Standards Commission.

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, this the 19th day of April, 2011, 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.

PUBLIC HEARING CONDUCTED – 45-DAY EXTENSION GRANTED: Code Enforcement Officer Larry Byrd, submitted a request from Mrs. Twila Stine and Mr. Gene Stine to appeal the recommendation to demolish structure(s) at 128 Cottonwood (Lot 8, Block 1, Philview II Addition).

Mayor Brain opened the public hearing to hear an appeal and allow public comment. Mr. and Mrs. Gene Stine stated to the Council they are trying to figure out what to do with the property. Ms. Mary Kay Phelan spoke on behalf of the Stines and the progress they have made on the property. Neighbors from 126 and 130 Cottonwood are not pleased with the property and would like to see action taken. There being no further comments Mayor Brain closed the public hearing.

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to grant a 45 day extension to allow Mr. and Mrs. Stine sufficient time to better assess the value of, and their legal responsibility in the property. The motion carried by the following vote:

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

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contract was submitted by Mr. Bobby Wayne Gardner for demolition and cleanup of the structure(s) located at 705 Bartush (Lot 13, Block 12, Rock Creek Addition). Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve demolition of the structure(s) as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contact was submitted by Mr. Marcos Hernandez for demolition and cleanup of the structure(s) located at 821 McPherson, (Lots 7-10, Block 2, Rock Creek Addition). Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve demolition of the structure(s) as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION FROM THE HUTCHINSON COUNTY TAX ASSESSOR – COLLECTOR APPROVED: Tax Assessor-Collector Mary Lou Henderson recommended the city accept a bid made on property located at 408 Dolomita, (Lot 6, Block 16, Bunavista Addition). Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve the sale of property located at 408 Dolomita for the amount of \$800.00, as recommended by the Hutchinson County Tax Assessor-Collector. 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.

Nays: None.

Mayor

ATTEST:

City Secretary