

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 5, 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
	Kathie Harber	Deputy City Secretary
	Danny Richards	E.O.C. Director
	Larry Mullenix	Director, Planning and Zoning
	Scott Radach	Director, Finance Department
	Jimmy Adams	Chief, Police Department
	Bruce Roberts	Captain, Police Department
	Ted Dodd	Director, Public Works
	Ivonne Mendoza	Secretary, Public Works

VISITORS:	Tim Hall	Grace Fellowship
	Judy Mihm	
	Margart Engler	
	Marty Vinyard	
	Michael Barrett	
	Meryl Barnett	
	Ivonne Mendoza	
	Rob Vinyard	
	Lisa Vinyard	
	Harold Poole	
	Susan Wagnon	
	Bobby J. Lee, Jr.	

NEWS MEDIA:	Michelle Berry	Borger News Herald
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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 September 21, 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 last half of September were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve payment of the expenditures for the last half of September as submitted. The motion carried by the following vote:

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

PUBLIC HEARING CONDUCTED – RESOLUTION R-016-10 APPROVED: Director of Planning and Zoning Larry Mullenix and Code Enforcement Officer Larry Byrd explained the record of events pertaining to the property located at 605 – 607 W. Wilson. Mayor Brain opened the public hearing and asked if anyone wished to comment. Ms. Margaret Engler spoke on behalf of Mr. Thomas Stern asking the Council to modify the decision of the Building Standards Commission. Ms. Engler stated that Mr. Stern was willing do what was necessary to bring the entire property up to code. There being no further comments the Mayor closed the public hearing.

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to affirm the decision by the Building Standards Commission to demolish the southern structure located at 605-607 W. Wilson. The motion carried by the following vote:

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

A motion was made by Council Member Vinyard, seconded by Council Member Dickson to adopt Resolution R-016-10, affirming the recommendation of the Building Standards Commission, after appeal, for the demolition of 605-607 W. Wilson, Lot E/182' Lot 2, Block 1, Wilson Addition. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION
R-016-10

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 605-607 W Wilson, Lot E/182' of 2, Block 1, Wilson Addition from to the City of Borger, to be unsafe and unfit for human habitation; and

WHEREAS, the owner, Mr. Thomas Sterns, 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 605-607 W Wilson, Lot E/182' of 2, Block 1, Wilson 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 AND APPROVED this the 5TH day of October, 2010.

PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Larry Mullenix explained to the Council that Ms. Penny Hodges would like to appeal the decision made by the Building Standards Commission concerning the property located 309 S. Hedgecoke and 219-221 W. Jefferson, Lots 28-29, Block 11, Isom Addition. Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to schedule a public hearing for Tuesday, October 19, 2010, to hear an appeal concerning the recommendation from the Building Standards Commission to demolish the structures at 309 S. Hedgecoke, Lot 28, B lock 11, Isom Addition and 219-221 W. Jefferson, Lot 28 & 29, Block 11, Isom Addition. The motion carried

by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATIONS FROM BUILDING STANDARDS COMMISSION APPROVED

- PUBLIC HEARING SCHEDULED: After proper notice and hearings, the Building Standards Commission of the City of Borger has determined and declared the buildings located on the properties described herein as substandard and has recommended the demolition thereof as provided in the Substandard Building Ordinance.

Susan Wagon speaking on behalf of her husband requested the Council reconsider the decision of the Building Standards Commission to demolish structures at 1002 Thrams. She stated that while work is being done on the home, most of the work has been on the inside.

Structures recommended for demotion are located at:

- a. 1002 Thrams, Lot 2, Block 32, Gateway Addition
- b. 1550 S. Florida #47, Lot TR 50' SW/4 of 18, Block "Y" M & C Survey
- c. 804 Canady, Lot 3, Block 5, Rock Creek Addition
- d. 806 Canady, Lot 4, Block 5, Rock Creek Addition
- e. 217 Brain, Lots 6-7 Block 57, Original Townsite
- f. 1004 W. Jackson, Lot 8, Block 58, Isom Addition

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to schedule a public hearing for Tuesday, October 19, 2010 to hear an appeal on property at 1002 Thrams, and; approve the demolition of all other aforementioned properties as recommended by the Building Standards Commission. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY RECEIVED, PUBLIC HEARING SCHEDULED – ORDINANCE O-006-10 INTRODUCED:

Director of Planning and Zoning Larry Mullenix explained the requirements of the City of Borger's Code of Ordinances pertaining to the issuance of a Certificate of Public Convenience and Necessity. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to receive the Certificate of Public Convenience and Necessity and schedule a public hearing for Tuesday, October 19, 2010. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Motion was made by Council Member Dickson, seconded by Council Member Gillingham, to introduce Ordinance O-006-10, amending the City of Borger Code of Ordinances, Chapter 4, Business Regulations Article 4.07, Taxicabs, Division 6, Rates, Fares and Charges. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

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

ORDINANCE NO. 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 INTRODUCED: Code Enforcement Officer Larry Byrd explained the reason for the amendment is to clarify language in the Code of Ordinances pertaining to the location of electrical service disconnection equipment Motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to introduce Ordinance O-007-10, amending the City of Borger Code of Ordinances, 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. 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 NO. 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**

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