

**REGULAR MEETING OF CITY COUNCIL
DECEMBER 20, 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
Jimmy Adams Chief, Police Department
Kenneth Petr Director, Planning and Zoning
Larry Byrd Code Enforcement Officer
Ralph Earles Assistant Director, Public Works
Ivonne Mendoza Clerk, Public Works
David Holmes City Prosecutor

VISITORS: Shawn Dunigan Pastor, Fellowship Baptist Church
Meryl Barnett
Jeff Whittington
Phillip Englund
Saundra Whittington
Eddie Whittington
Robert Coffman
Jesse Shuffield
Ed Stimson
Ronnie Keranen
James Bruce
Steve Graves
Renee Graves
Clay Garrison
Lynn Garrison
Greg Fleming
Janet Fleming

NEWS MEDIA: Michelle Berry

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 December 6, 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 December 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 for the first half of December as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-005-11 APPROVED: City Manager Eddie Edwards explained to the Council that this amendment to our Ordinance is designed to bring our Code in line with State Law on alcoholic beverages. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to approve on final reading Ordinance O-005-11 amending the City of Borger Code of Ordinances, Article 4.02, Alcoholic Beverages. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-005-11 reads as follows:

ORDINANCE O-005-11

AN ORDINANCE AMENDING THE CITY OF BORGER

CODE OF ORDINANCES, ARTICLE 4.02, ALCOHOLIC BEVERAGES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

PUBLIC HEARING CONDUCTED ON RE-ZONING REQUEST – NO ACTION

TAKEN: Director of Planning and Zoning Kenneth Petr explained to the Council that Mr. Jeff Whittington has requested to re-zone 1.5 acres of land located in the SE/4 of Section 18, Block “Y”, M&C Survey from IF2 (Single Family Dwelling) to General Residence which would allow multiple family dwellings. Mayor Brian opened the public hearing and asked if there were any comments. There were several comments were made opposing any change in zoning which would allow multiple family construction. Mr. Whittington addressed the concerns brought before the Council by the citizens that were present. There were no further comments; therefore, Mayor Brain closed the public hearing. Following discussion the decision was made by the Council to take no action at this time.

EXECUTION SESSION: Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon’s Texas Codes Annotated, the Council would retire into executive session relative to Section 551.071, Consultation with Attorney to discuss filing a petition in District Court for the abatement of structures at the following locations:

- a. 117 W. Second (Lots 16-18, Block 68, Original Townsite Addition).
- b. 117 Deahl (Lot 1, Block 67, Original Townsite Addition).

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and announced that the Council discussed Section 551.071, Consultation with Attorney.

- a. 117 W. Second (Lots 16-18, Block 68, Original Townsite Addition).
- b. 117 Deahl (Lot 1, Block 67, Original Townsite Addition).

Following discussion motion was made by Council Member Dickson, seconded by Council Member Gillingham, to allow David Holmes, City Prosecutor, to file a petition in the 84th District Court for the abatement of the aforementioned substandard structures. The motion carried by the following vote:

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

RE-SCHEDULING AND/OR CANCELLATION OF JANUARY 3, 2012 MEETING – NO

ACITON TAKEN: City Manager Eddie Edwards brought before the Council the option to re-schedule or cancel the January 3, 2012 council meeting. The Council decided to follow the schedule.

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