

**REGULAR MEETING OF CITY COUNCIL
APRIL 3, 2012 – 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
	Danny Richards	E.O.C. Director
	Stella E. Sauls	City Secretary
	Bruce Roberts	Captain, Police Department
	Scott Radach	Director, Finance Department
	Kenneth Petr	Director, Planning and Zoning
	Ted B. Dodd	Director, Public Works

VISITORS:	Les Sharp	Pastor, Faith Covenant Church
	Gail DeWeese	
	Judy Mihm	
	Brandy Callahan	
	Meryl Barnett	
	E. C. Huffine	
	Janet Huffine	
	Pat Rendon	
	Jesse Shuffield	
	C. D. Hopkins	
	Brad Carpenter	

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 March 20, 2012, 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 last half of March were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Dickson and DeWeese, 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.

ORDINANCE O-002-12, AMENDING THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL and RESOLUTION R-004-12, ESTABLISHING A SCHEDULE OF FEES AND COSTS APPROVED: City Manager Eddie Edwards explained the steps and processes that Council and staff had taken over the last several weeks to amend several sections of the proposed Ordinance in response to citizen concerns voiced in a November public hearing. Mr. Edwards further stated that it is staff's belief that the Ordinance as now presented provides a comprehensive set of rules and regulations consistent with State law for the ownership, keeping, and/or care of animals within the corporate limits of the City of Borger. Under the proposed Ordinance all fees, costs, charges, and expenses are set by resolution. Mr. Edwards also presented Resolution R-004-12 which establishes a schedule of fees, costs, charges, and expenses related to the City of Borger Code of Ordinances, Chapter 2, Animal Control. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to:

- a. approve Ordinance O-0902-012 amending the City of Borger Code of Ordinances, Chapter 2, Animal Control on final reading; and,
- b. approve Resolution R-004-12 establishing a schedule of fees, costs, charges, and expenses related to the City of Borger Code of Ordinances, Chapter 2, Animal Control as submitted.

The motion carried by the following vote:

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

The caption of Ordinance O-002-12 reads as follows:

ORDINANCE O-002-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY OF BORGER'S CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL; PROVIDING FOR THE ESTABLISHMENT OF COMPREHENSIVE RULES AND REGULATIONS RELATING TO THE CONTROL OF ANIMALS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE

Resolution R-004-12 reads as follows:

RESOLUTION R-004-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, ESTABLISHING A SCHEDULE OF FEES, COSTS, CHARGES, AND EXPENSES RELATED TO THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL

WHEREAS, the City of Borger Code of Ordinances, Chapter 2, Animal Control, establishes certain fees, costs, charges, and expenses related to the control and regulation of animals; and,

WHEREAS, the City Council of the City of Borger desires to establish a fee schedule setting necessary fees to cover costs attributable with the impoundment, permitting, registration, inspection, quarantine, adoption, and boarding of animals; and,

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

THAT, the City Council of the City of Borger, Texas, does hereby establish the following schedule of charges and fees for impoundment, permitting, registration, inspection, quarantine, adoption, and boarding of animals. In addition, the owner of any animal shall be liable for the actual cost of any required veterinary care or other unforeseen costs associated with the care of the owner's animal. Payment of all applicable fees and charges shall be a condition of release, redemption, or adoption of any animal.

Impoundment Fees:

First Offense - \$30.00

Second Offense	- \$40.00
Third Offense	- \$80.00
Subsequent Offenses	- \$80.00
Livestock or Swine	- Actual Costs

Permit Fees:

Temporary	- \$25.00
Multiple Pet	- \$25.00
Fowl & Rabbit	- \$25.00

Animal Enterprise Permits:

Temporary	- \$25.00
Annual	- \$25.00

Dangerous Animal Registration - \$25.00

Adoption Fee - \$25.00

Quarantine Fee - \$25.00

Daily Boarding -\$10.00

Rabies Vaccination/Sterilization - the Animal Control Authority will from time to time make arrangements with a local, licensed veterinarian to administer vaccinations and perform sterilizations for an agreed amount, which will be collected at the time of redemption (vaccination only) or adoption (both vaccination and sterilization). The owner may then either have that veterinarian perform the services upon presentation of the receipt from the Animal Control Authority, or have a different veterinarian perform the services at the owner's expense and present the paid receipt for those services to the Animal Control Authority for a refund of the amounts collected for those services.

PASSED, APPROVED, AND ADOPTED, on this the 3rd day of April, 2012, 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.

HOUSING AUTHORITY BOARD MEMNBER APPOINTMENTS MADE: City Manager Eddie Edwards submitted a letter from the Housing Authority detailing the need for two regular appointments to fill expiring terms, and one appointment to fill the term of the resident board member. The terms of Garry Hannon, Linda Chisholm, and resident board member Doris True expired August 2011. Ms. Moneymaker, Executive Director of the Housing Authority, stated that Mr. Hannon was unavailable to serve another term and recommends Mr. Marvin Spencer for this position. Mrs. Chisholm and Mrs. True are interested in serving another term on the board. Following discussion, motion was made by Council Member Dickson, seconded by Council member Gillingham, to appoint Mr. Marvin Spencer and reappoint Mrs. Linda Chisholm as Regular Board Members and Mrs. Doris True as Resident Board member to the Housing Authority Board with terms to expire August 31, 2013. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REAPPOINTMENT OF TWO BOARD MEMBERS TO THE PLANNING AND ZONING COMMISSION APPROVED: Director of Planning and Zoning Kenneth Petr submitted a letter of recommendation from the Planning and Zoning Commission requesting that the City Council consider reappointing two members, Jesse Shuffield and June Voigt, to the Commission for additional three (3) year terms respectively. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to reappoint Jesse Shuffield and June Voigt to the Planning & Zoning Commission with terms to expire March 31, 2015. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

SPECIFIC USE PERMIT RECEIVED - PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr explained the request from Mr. Arvind Patel for the Specific Use Permit and asked the Council to receive it and schedule a public hearing. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to receive and set a public hearing on May 1, 2012 to receive public comment on the Specific Use Permit for a manufactured home to be located at 1415 W. Wilson (rear). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REZONING REQUEST RECEIVED - PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr presented a recommendation from the Planning and Zoning Commission on a rezoning request submitted by Mr. Matt Armstrong for Lots 17-27, Block 5, Original Townsite, from Retail (R) zoning district to Commercial (C) zoning district to be known as 900 N. Main and asked the Council to receive and schedule a public hearing for same. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to receive the Planning and Zoning Commission's recommendation, and

schedule a public hearing for May 1, 2012 to hear citizen comment. The motion carried by the following vote:

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

REZONING REQUEST RECEIVED - PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr presented a recommendation from the Planning and Zoning Commission on a rezoning request submitted by Ms. Maricel Martinez to rezone Lots 9-10, Block 49, Original Townsite, from General Residence (GR) zoning district to Retail (R) zoning district to be known as 315 Coble and asked the Council to receive and schedule a public hearing for same. Following discussion, motion was made by Council Member Dickson, seconded by Council Members Vinyard and Gillingham, to receive the Planning and Zoning Commission's recommendation, and schedule a public hearing for May 1, 2012 to hear citizen comment. The motion carried by the following vote:

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

REZONING REQUEST RECEIVED - PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr presented a recommendation from the Planning and Zoning Commission on a rezoning request submitted by Ms. Rachel Oeleis, to rezone Lots 4-6, Block 66, Isom Addition, from General Residence (GR) zoning district to Neighborhood Service (NS) zoning district to be known as 1111 Roosevelt and asked the Council to receive and schedule a public hearing for same. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Vinyard, to receive the Planning and Zoning Commission's recommendation, and schedule a public hearing for May 1, 2021 to hear citizen 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 and Zoning Kenneth Petr submitted a letter from Ms. Starla Buchanan, 407 Baylor, requesting the City establish an escrow account to receive funds in the amount of \$3,195.00 to be used for the installation of 1-1/2" asphalt ten feet (10') wide in the alley of Lots 1-18, Block 6, University Heights. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to authorize the staff to establish an escrow account for alley paving of Lots 1-18, Block 6, University Heights. The motion carried by the following vote:

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

ORDINANCE O-003-12, AMENDING ARTICLE 12.08, TRAFFIC SCHEDULES,

SECTION 12.08.001, SCHEDULE I, ONE WAY STREETS AND ALLEYS REMOVING WEST DRIVE AS A ONE WAY STREET APPROVED:

Director of Public Works Ted B. Dodd explained to the Council this ordinance is to restore two way traffic to West Street. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve Ordinance O-003-12, amending Article 12.08, Traffic Schedules, Section 12.08.001, Schedule I, One Way Streets and Alleys, removing West St. as a one way street. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption for Ordinance O-003-12 reads as follows:

ORDINANCE O-003-12

AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, ARTICLE 12.08, TRAFFIC SCHEDULES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

TWO RECOMMENDATIONS FROM THE HUTCHINSON COUNTY TAX ASSESSOR – COLLECTOR APPROVED, 108 WARNER REJECTED:

City Manager Eddie Edwards explained to the Council that these properties have been struck off the tax rolls and citizens have placed bids on them. Following discussion:

- a. Motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to reject bid of \$500.00 made by Joe Clement on 108 Warner (Lot 9, Block 30, Coronado Terrace Addition Unit 111). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

- b. Motion by Council Member Gillingham, seconded by Council Member Dickson, to accept bid of \$500.00 made by Cory Kirk on 701 McPherson (Lot 15, Block 11, Rock Creek Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

- c. Motion made by Council Member Vinyard, seconded by Council Members

Gillingham and DeWeese, to accept bid of \$500.00 made by Alfonso Rangel on 817 Derr (Lot 12, Block 3, Rock Creek Addition). 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 motion carried by the following vote:

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

Mayor

ATTEST:

City Secretary