

**REGULAR MEETING OF CITY COUNCIL
AUGUST 21, 2012 – 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Brandy Callahan 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
Kenneth Petr Director, Code Enforcement
Bob Watson Chief, Fire Department
Jerry Langwell Marshall, Fire Department
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Ted Dodd Director, Public Works

VISITORS: Randy Bartley Pastor, Keeler Baptist Church
Judy Mihm
Jesse Shuffield
Jimmy Gowdy
Mark Mitchell
Meryl Barnett
Leon Roberts
Mr. & Mrs. Jose Diaz

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.

Odis McClellan thanked the Council for repairing the storm drain at corner of Coble and 7th Streets.

MINUTES APPROVED: Following review of the minutes of the regular meeting of August 7, 2012 and the work session of August 14, 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 first half of August 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 August as submitted. The motion carried by the following vote:

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

PROPOSED FY 2012-2013 OPERATING BUDGET RECEIVED AND PUBLIC HEARING SCHEDULED: City Manager Eddie Edwards presented the City’s proposed budget for 2012-2013 and asked the Council to receive the proposed budget and schedule a public hearing to allow citizen comment on same. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to receive the proposed FY 2012-2013 Operating Budget and schedule a public hearing for September 4, 2012. The motion carried by the following vote:

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

ORDINANCE O-007-12 INTRODUCED: Director of Planning and Zoning Kenneth Petr explained to the Council the need for the changes to the Code of Ordinances, Article 4.05. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to introduce on first reading Ordinance O-007-12 amending the City of Borger Code of Ordinances, Article 4.05 Oil and Gas Wells. The motion carried by the following vote:

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

The caption for Ordinance O-007-12 reads as follows:

ORDINANCE O-007-12

**AN ORDINANCE AMENDING THE CITY OF BORGER
CODE OF ORDINANCES, ARTICLE 4.05, OIL AND GAS
WELLS; PROVIDING A REPEALER; PROVIDING FOR
SEVERABILITY; PROVIDING FOR A PENALTY; AND
PROVIDING FOR AN EFFECTIVE DATE**

PUBLIC HEARING CONDUCTED – PRELIMINARY AND FINAL RE-PLAT

APPROVED: Director of Planning and Zoning Kenneth Petr presented a recommendation from the Planning and Zoning Commission on a preliminary and final plat for a 2.563 acre tract of land known as Tract 18, located in the SE/4 of Section No. 23, Block “Y”, A & B Survey, Hutchinson County, Texas, to be known as Illinois Avenue Addition. Mayor Brain opened the public hearing and asked if there were any comments. There being no comments, Mayor Brain closed the public hearing. Motion was made by Council Member Dickson, seconded by Council Member Vinyard, to approve the preliminary and final plat for a 2.563 acre tract of land known as Tract 18, located in the SE/4 of Section No. 23, Block “Y”, A & B Survey, Hutchinson County, Texas, to be known as Illinois Avenue Addition. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – RE-ZONING REQUEST APPROVED:

Director of Planning and Zoning Kenneth Petr presented request from Mr. Dennis Jack, Golden Plains Community Hospital, to rezone PT of S/W 4 of Section 19, Block “Y”, M & C Survey, from General Residence (GR) zoning district to Neighborhood Service (NS) zoning district. Mayor Brain opened the public hearing and asked if there were any comments. There being no comments, Mayor Brain closed the public hearing. Motion was made by Council Member Callahan, seconded by Council Member Gillingham, to rezone PT of S/W 4 of Section 19, Block “Y”, M & C Survey, from General Residence (GR) zoning district to Neighborhood Services (NS) zoning district, to be known as 200 S. McGee. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – SPECIFIC USE PERMIT APPROVED:

Director of Planning and Zoning Kenneth Petr presented a request from Mr. Jimmy Gowdy for a Specific Use Permit for mini-storage to be located at 401 Weatherly Street (Lots 12-16, Block 44, Original Townsite Addition). Mayor Brain opened the public hearing and asked if there were any comments. There being no comments, Mayor Brain closed the public hearing. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve the Specific Use Permits to place mini-storage at 401 Weatherly Street (Lots 12-16, Block 44, Original Townsite Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED – SPECIFIC USE PERMIT APPROVED:

Director of Planning and Zoning Kenneth Petr presented a request from Mr. Jose Diaz for a Specific Use Permit to place a manufactured home at 520 California Street (Lot 15, Block 10, East Side Addition). Mayor Brain opened the public hearing and asked if there were any comments. There being no comments, Mayor Brain closed the public hearing. Motion was made by Council Member

Dickson, seconded by Council Member Gillingham, to approve request for a Specific Use Permit to place a manufactured home to be located at 520 California Street (Lot 15, Block 10, East Side Addition). The motion carried by the following vote:

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

OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the property located at 106 Chaparral (Lot 13, Block 1, Philview II Addition) has sustained fire damage and the owner has signed a facelift contract with the City of Borger to remove the remaining structures. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the Operation Facelift contract between Mr. Peter Woodin and the City of Borger for the removal of structures at 106 Chaparral (Lot 13, Block 1, Philview II Addition). The motion carried by the following vote:

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

OPERATION FACELIFT CONTRACT TABLED: Motion was made by Council Member Vinyard, seconded by Council Members Callahan and Gillingham, to table the Operation Facelift Contract between Mr. Jake Minton and the City of Borger for the removal of structures at 220 W. Coolidge (Lots 30-32, Block 11, Isom Addition). The motion carried by the following vote:

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

ORDINANCE O-008-12 INTRODUCED: Fire Chief Bob Watson explained to the Council the difficulty in recruiting, hiring and retention of fire personnel due to the response time restriction in place at this time. Chief Watson expressed the need for the change to the Code of Ordinances, Chapter 9, Personnel, Article 9.01, Section 9.01.001. Following discussion motion was made by Council Member Callahan, seconded by Council Member Vinyard, to introduce on first reading Ordinance O-008-12, amending Article 9.01, Personnel, Section 9.01.001, from a 20-minute to a 60-minute response time from the City of Borger Central Fire Station. The motion carried by the following vote:

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

The caption for Ordinance O-008-12 reads as follows:

ORDINANCE O-008-12

**AN ORDINANCE AMENDING CHAPTER 9, PERSONNEL,
OF THE CODE OF ORDINANCES OF THE CITY OF
BORGER, TEXAS REVISING THE RESPONSE TIME FOR
FIRE AND POLICE PERSONNEL AS IT PERTAINS TO**

**RESIDENCY REQUIREMENTS; PROVIDING A
REPEALER; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE**

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