

REGULAR MEETING OF CITY COUNCIL
MAY 15, 2012 – 1:30 P.M.

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Brandy Callahan Incoming 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
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Scott Radach Finance Director
Rhonda Partain Finance/IT Specialist
Kenneth Petr Director, Planning and Zoning
Ted B. Dodd Director of Public Works
Ralph Earles Assistant Director of Public Works
Vernon Jones Parks Department
Dick Loftis Parks Department

VISITORS: Johnny Robertson Pastor, First United Methodist Church
Gail DeWeese
David Hagler
Judy Mihm
Jesse Sheffield
Jim Robbins
Judy Flanders
Dan Redd
Rachelle Redd
Renee Brain
Pam Carlock
Glynn Carlock
Meryl Barnett
Lynn Hopkins
Don Rice

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 May 1, 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 May were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Members Gillingham, to approve payment of the expenditures for the first half of May as submitted. The motion carried by the following vote:

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

RETURNS OF CITY OFFICER'S ELECTION CANVASSED – RESOLUTION R-005-12 APPROVED: Mayor Brain and the City Council canvassed the election returns of the May 12, 2012 City Officer's Election for Place 1. Mayor Brain stated that in Place 1, William "Willy" Adams received 195 votes and Brandy Callahan received 241 votes. Following review of the election returns, Resolution R-005-12 canvassing the votes and declaring the successful candidate in the City Officer's Election conducted on May 12, 2012 was submitted for the consideration of the Council, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Resolution R-005-12 as submitted. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION R-005-12

A RESOLUTION AND ORDER CANVASSING THE RETURNS
AND DECLARING RESULTS OF A CITY OFFICER'S ELECTION

TO FILL A VACANCY IN PLACE 1 ON THE BORGER CITY COUNCIL

WHEREAS, on the 12th day of May, 2012, a General Election was held for the purpose of electing one (1) Council Member to Place 1, of the City Council of the City of Borger to serve a three year term, and such election having been called, notice given, and held, as is required under the Charter of the City of Borger and the laws of the State of Texas; and

WHEREAS, the City Council of the City of Borger in a regular meeting for the purpose of canvassing the returns of the above mentioned election, due notice having been given to the members of said City Council of said meeting, and after having canvassed said returns from said following candidates received the following votes:

CITY COUNCIL MEMBER, PLACE 1, THREE YEAR TERM

	PAUL BELTON ELEMENTARY SCHOOL	BORGER MIDDLE SCHOOL	FAIRLANES CHURCH	EARLY VOTING	TOTAL VOTES
William "Willy" Adams	20	35	24	116	195
Brandy Callahan	31	26	29	155	241

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

THAT the election held on the 12th day of May, 2012, for the purpose of electing one (1) Council Member to Place 1, for a three (3) year term, was duly and legally called and held in compliance with the Charter of the City of Borger and the laws of the State of Texas, that the successful candidate in Place 1 was Brandy Callahan, and as authorized to be submitted to the voters under the Order passed on the 7th day of February, 2012, were duly resolved at said election.

PASSED, APPROVED, AND ADOPTED, on this the 15th day of May, 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.

PRESENTATION TO COUNCIL MEMBER DEWEESE: Mayor Brain presented Council Member Leon DeWeese with a Certificate of Appreciation for his 6 years of service on the Council and recognized him for over 40 years of employment with the City of Borger, as well.

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED COUNCIL MEMBERS: City Secretary Stella E. Sauls administered the Oath of Office to Brandy Callahan. Mayor Brain

presented Mrs. Callahan with a Certificate of Election.

ELECTION FOR THE MAYOR FOR ELECTION YEAR 2012-2013: The Council conducted an election for Mayor for the election year 2012-2013. Mr. Brain won with a four to one vote.

MAYOR PRO-TEM ELECTED FOR ELECTION YEAR 2012-2013: Council Member Vinyard was nominated for Mayor Pro-Tem by Council Member Dickson. The nomination carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

FIRST PUBLIC HEARING ON PROPOSED ANNEXATION CONDUCTED: Mayor Jeff Brain opened the first public hearing on the proposed annexation of a 16.361 acre tract of land in Section 23, Block "Y", Arnold & Barrett-Morris & Cummings Survey, Hutchinson County, Texas and asked if anyone present wished to speak. No comments were heard; therefore, the Mayor closed the public hearing. No action necessary.

EXPANSION PROJECT FOR PRAEFECTUS, LLC APPROVED: Borger Economic Development Corporation Chief Executive Officer Dan Redd presented information on an expansion project for Praefectus, LLC for the Council's consideration. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the expansion project for Praefectus, LLC. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REQUEST FROM THE FRIENDS OF THE HUTCHINSON COUNTY HISTORICAL MUSEUM APPROVED: Judy Flanders Co-Chair of the Friends of the Hutchinson County Historical Museum explained to the Council the purpose of the request to place a Quanah Parker Trail Giant Arrow in Crawford Park. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve the placement of a Quanah Parker Trail Giant Arrow in Crawford Park; and directed city staff to participate in said installation. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-004-12, AMENDING CHAPTER 14, ZONING, SECTION 14.02.002 INTRODUCED: Director of Planning and Zoning Kenneth Petr explained to the Council that the re-zoning has been approved causing the change to the district map; this ordinance is to reflect the change in the City's Code of Ordinances. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to introduce on first reading Ordinance O-004-12 amending Chapter 14, Zoning, Section 14.02.002, directing changes to the zoning of various lots, and updating the Zoning District Map. The motion carried by the

following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-004-12 reads as follows:

ORDINANCE O-004-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING CHAPTER 14, ZONING, SECTION 14.02.002, ZONING DISTRICT MAP OF THE CITY OF BORGER, TEXAS BY REZONING: LOTS 17-27, BLOCK 5, ORIGINAL TOWNSITE FROM RETAIL TO COMMERCIAL; LOTS 9-10, BLOCK 49, ORIGINAL TOWNSITE FROM GENERAL RESIDENCE TO RETAIL; LOTS 4-6, BLOCK 66, ISOM FROM GENERAL RESIDENCE TO NEIGHBORHOOD SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AND AN EFFECTIVE DATE

PLANNING AND ZONING COMMISSION MEMBER APPOINTED: Director of Planning and Zoning Kenneth Petr submitted a recommendation for appointment of one individual to fill the unexpired term of Mike Stewart on the Planning and Zoning Commission. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to appoint Kenneth Coleman to the unexpired term on the Planning and Zoning Commission, said term to end on March 31, 2014. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that the structure(s) at 1311 Boyd has burned twice. The legal owner Mrs. Juanita Matlock has signed an Operation Facelift to have the structure(s) removed from the property. Following discussion, motion was made Council Member Vinyard, seconded by Council Member Dickson, to approve the Operation Facelift contract between Mrs. Juanita Matlock and the City of Borger to remove structure(s) located at 1311 Boyd, (Lot 6, Block 9, Gateway Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

SECOND PUBLIC HEARING ON PROPOSED ANNEXATION CONDUCTED: Mayor Jeff Brain opened a second public hearing on the proposed annexation of a 16.361 acre tract of land in Section 23, Block “Y”, Arnold & Barrett-Morris & Cummings Survey, Hutchinson County, Texas and asked if anyone present wished to speak. No comments were heard; therefore, the Mayor closed the public hearing. No action necessary.

RECOMMENDATION FROM PLANNING AND ZONING COMMISSION RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr submitted a request from the Planning and Zoning Commission to rezone a 19.773 acre tract of land in Section 23, Block “Y”, Arnold & Barrett-Morris & Cummings Survey, Hutchinson County, Texas from Estate and Agricultural (EA) to Commercial (C) zoning district. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to receive the rezoning request for a 19.773 acre tract of land, located in Section 23, Block “Y”, A & B Survey, Hutchinson County, Texas, from Estate and Agricultural to Commercial zoning district and schedule a public hearing for 1:30 p.m., June 5, 2012 to allow public comment on same. 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 Gillingham, seconded by Council Member Dickson, to adjourn the meeting. The motion carried by the following vote:

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

Mayor

ATTEST:

City Secretary