

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 16, 2012 – 1:30 P.M.**

PRESENT: Jeff Brain
Robert Vinyard
Brandy Callahan
Marvin Dickson
Charles Gillingham

Mayor
Mayor Pro-Tem
Council Member
Council Member
Council Member

STAFF: Eddie Edwards
Danny Richards
Kathie Harber
Kenneth Petr
Jimmy Adams
Bruce Roberts
Anthony “Bud” Griffin
Scott Radach
Ted B. Dodd

City Manager
E.O.C. Director
Deputy City Secretary
Director, Planning and Zoning
Chief, Police Department
Captain, Police Department
Lieutenant, Police Department
Director, Finance
Director, Public Works

VISITORS: Jesse Shuffield
Michelle Berry
Larry Anderson

NEWS MEDIA: Michelle Berry
Invocation

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.

MINUTES APPROVED: Following review of the minutes of the regular meeting and work session of October, 2, 2012 motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the minutes as submitted. The motion carried by the following:

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

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the first half of October were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve payment of the expenditures for the first half of October as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ANNUAL FINANCIAL STATEMENT RECEIVED AND APPROVED: Larry Anderson of J.W. Anderson and Associates submitted an independent auditors report on the governmental activities, business type activities, and remaining supplemental fund information for the year ending September 30, 2011. The report indicates that the City of Borger's financial statements are free of deficiencies and fairly represent the City of Borger's financial position as of September 30, 2011. Mr. Anderson made no recommendations to change internal controls or procedures. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to receive and approve the Annual Financial Statement and Independent Auditor's Report for the year ending September 30, 2011 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-016-12 APPROVED – REHABILITATION OF ROOSEVELT STREET: Director of Planning and Zoning Kenneth Petr explained to the Council that the City has been working with the Texas Department of Transportation to improve Roosevelt St. from College to Highway 136 (Wilson St.) and from College to Highway 207 (Cedar St.). Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Resolution R-016-12, pertaining to a local project advance funding agreement with the Texas Department of Transportation for the rehabilitation of Roosevelt Street from SH136 to SH207. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption for Resolution R-016-12 reads as follows:

**RESOLUTION
R-016-12**

**A RESOLUTION APPROVING A LOCAL PROJECT ADVANCE
FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT
OF TRANSPORTATION FOR THE REHABILITATION OF
ROOSEVELT STREET FROM SH136 TO SH207 IN BORGER**

WHEREAS, The City of Borger and the Texas Department of Transportation have previously entered in to a Master Agreement Governing Local Transportation Project Advance Funding Agreements

(hereafter, LPAFA), stating the general terms and conditions for transportation projects developed through a LPFA.

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

THAT, the attached LPAFA, specifically for the rehabilitation of Roosevelt Street from SH136 to SH207, is hereby approved and the City Manager is authorized to execute same on behalf of the City of Borger; and,

THAT, should any part of this Resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this Resolution; and,

THAT, should any word, phrase, or part of this Resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect; and,

THAT, this Resolution shall be effective on and after its adoption.

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, APPROVED, AND ADOPTED, on this the 16th day of October, 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.

PUBLIC HEARING HELD – SPECIFIC USE REQUEST APPROVED: Director of Planning and Zoning Kenneth Petr presented a request from Mr. Jerry Allen for a Specific Use Permit for an auto detail facility at 102 Ozmer (Lot 2, Block 14, Keeler Heights Addition). Mayor Brain opened the public hearing and asked if there were any comments. Council Member Callahan had comments referencing the fact that Mr. Allen was already detailing cars and Deputy City Secretary Kathie Harber explained that he asked for and received permission to be allowed to work until the Specific Use Permit is approved or denied. There being no further comments Mayor Brain closed the public hearing. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve Specific Use Permit for an auto detail facility at 102 Ozmer (Lot 2, Block 14, Keeler Heights Addition) with the caveat of only one vehicle at a time on his property. The motion carried by the following vote:

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

PUBLIC HEARING HELD – SPECIFIC USE REQUEST APPROVED: Director of Planning and Zoning Kenneth Petr presented a request from Ms. Cassie Tarpley for a Specific Use Permit for a child care facility at 111 Ozmer (Lot 19, Block 13, Keeler Heights Addition). Mayor Brain opened the public hearing and asked if there were any comments. Comments were heard

from Council Member's Vinyard and Callahan. There being no further comments Mayor Brain closed the public hearing. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve the Specific Use Permit for a child care facility at 111 Ozmer (Lot 19, Block 13, Keeler Heights Addition) with the stipulation that all outside activities will remain in the backyard and the maximum allowable number of children for this facility be eight. 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 Callahan, seconded by Council Member Vinyard to adjourn. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary