

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 2, 2012 – 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Robert Vinyard Mayor Pro-Tem
Brandy Callahan 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
Larry Byrd Code Enforcement Officer
Jimmy Adams Chief, Police Department
Bruce Roberts Captain, Police Department
Ted B. Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works

VISITORS: Randy Green Word of Life
Odis McClellan
Judy Flanders
Horacio Lujan
Dan Redd
Brian Hughes
Patty Kasch
Meryl Barnett
Beverly Benton
Bob Layton
Jud Hicks
Mike Galloway
Catherine Gwyn
Jesse Shuffield
Mark Mitchell

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.

Comments were heard from Mrs. Judy Flanders. Mrs. Flanders thanked the Council for their cooperation during the Adobe Walls Celebration. Mayor Brain presented a Certificate of Recognition for all the hard work of the Hutchinson County Historical Commission.

Mr. Odis McClellan asked a question in reference to the Multi-Purpose Event Center and Mayor Pro-Tem Robert Vinyard answered the question and explained that it would be discussed later in the meeting.

MINUTES APPROVED: Following review of the minutes of the regular meeting and work session of September 18, 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:

Ayes: All members present voted aye.

Nays: None.

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

Ayes: All members present voted aye.

Nays: None.

INVESTMENT POLICY RESOLUTION R-012-12 APPROVED: Finance Director Scott Radach explained to the Council that there has been some Governmental Code changes that made it necessary for the City of Borger to change their current policy. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve Resolution R-012-12, to approve Resolution R-012-12, approving the current Investment Policy and authorizing representatives to act on the City's behalf in matters pertaining to the City's public funds.

Ayes: All members present voted aye.

Nays: None.

The caption for Resolution R-012-12 reads as follows:

RESOLUTION R-013-12 PERTAINING TO THE PROPOSED MULTI-PURPOSE EVENTS CENTER APPROVED: City Manager Eddie Edwards explained how much money has been expended at this time and discussed what the operating deficit per year could be per the

feasibility study. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Vinyard, to approve Resolution R-013-12 designating the conditions under which the City of Borger agrees to own, construct, maintain, and operate the proposed Multi-Purpose Events Center and authorizes the Amarillo Area Foundation to setup a special interest 501c3 account and to fund the account with the required minimum deposit amount of \$10,000. The motion carried by the following vote:

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

The caption for Resolution R-013-12 reads as follows:

RESOLUTION NO R-013-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, SPECIFYING THE CONDITIONS UPON WHICH THE CITY WOULD AGREE TO OWN, CONSTRUCT, MAINTAIN, AND OPERATE THE PROPOSED BORGER MULTI-PURPOSE EVENTS CENTER, AND AUTHORIZING THE ESTABLISHMENT OF A SPECIAL INTEREST FUND WITH THE AMARILLO AREA FOUNDATION TO ACCEPT DONATIONS FOR THE PROPOSED BORGER MULTI-PURPOSE EVENTS CENTER

SALE OF AREA PROPERTY APPROVED: City Manager Eddie Edwards explained that this property failed to sale at the Sheriff's sale and was then struck off the tax roll. If approved it would put the property back on the tax roll. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan to approve selling the following properties:

- a. 113 S. Harvey (S/2 of Lot 11, Block 11, Isom Addition) for a bid of \$500.00 from Ms. Aracely Soldevilla.
- b. 408 Dolomita (Lot 6, Block 16, Bunavista Addition) for a bid of \$2,500.00 from Mr. Jamie E. Batchelor.
- c. 415 N. Florida (Lot 1, Block 12, Eastside Addition) for a bid of \$800.00 from Mr. Jim Moyer, Jr.
- d. 1216 Roberts (Lot 7, Block 15, Phillips Addition) for a bid of \$1,500.00 from Mr. Jeremy Meyer.

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

RESOLUTION R-011-12, TEMPORARY ABEYANCE FOR RECREATIONAL/MOTOR HOMES APPROVED: Director of Planning and Zoning Kenneth Petr explained that this

would give permission for RV's to be placed in General Residence (GR) zoned locations only. Mayor Brain opened the public hearing and asked if there were any comments. There being no comments the Mayor closed the public hearing. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve Resolution R-011-12 to allow temporary placement of Recreational Vehicles/Motor Homes in General Residential Zoned Districts of the City. The vote carried by the following vote:

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

The caption for the Resolution reads as follows:

**RESOLUTION
R-011-12**

A RESOLUTION FOR THE TEMPORARY ABEYANCE OF A PORTION OF CHAPTER 14, ZONING, SUBSECTION 14.03.003, PRIMARY RESIDENTIAL USES, CODE OF ORDINANCES, CITY OF BORGER.

REQUEST FOR VARIANCE DENIED: Director of Planning and Zoning Kenneth Petr explained to the Council that the City of Borger Code of Ordinance states there can be no alcohol sales within 300 feet of a church. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan to deny a variance to section 4.02.003(1) to Mr. Gabriel Pina that would allow beer and wine sales within 300 feet of a church. The motion carried by the following vote:

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

APPEAL REQUEST FOR 909 NELSON DENIED - RESOLUTION R-014-12

APPROVED: Code Enforcement Officer Larry Byrd explained that the Building Standards Commission has ordered the structure(s) located at 909 Nelson be demolished due to the current state of disrepair. Mr. Byrd, also, related that the owner has failed to follow through on said repairs. Mayor Brain opened the public hearing and asked if there were comments. Mr. Horacio Lujan spoke on behalf of Mr. Francisco Perez and explained that Mr. Perez has been working out of town and was unable to work on the property. There being no further comments the Mayor closed the public hearing. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan to:

- a. Affirm the decision of the demolition by the Building Standards Commission.
- b. Adopt Resolution R-014-12, affirming the recommendation of the Building Standards Commission, after appeal, for the demolition of 909 Nelson (Lot 35, Block 17, Gateway Heights Addition).

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Resolution R-014-12 reads as follows:

RESOLUTION
R-014-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BORGER, TEXAS, DECLARING THAT CERTAIN IMPROVEMENTS
DESCRIBED HEREIN ARE UNSAFE AND UNFIT FOR HUMAN
HABITATION, AND REQUIRING THE DEMOLITION AND
REMOVAL OF SUCH IMPROVEMENTS**

APPEAL REQUEST FOR 401 N. FLORIDA DENIED – RESOLUTION R-015-12

APPROVED: Code Enforcement Officer Larry Byrd explained that the Building Standards Commission has ordered the structure(s) located at 401 N. Florida be demolished due to the current state of despair. Mr. Byrd, stated that the owner has failed to follow through on said repairs. Mayor Brain opened the public hearing and asked if there were comments. There being no comments the Mayor closed the public hearing. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham to:

- a. Affirm the decision of the demolition by the Building Standards Commission.
- b. Adopt Resolution R-015-12, affirming the recommendation of the Building Standards Commission, after appeal, for the demolition of 401 N. Florida ((Lot 8, Block 12, Eastside Addition).

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption for Resolution R-015-12 reads as follows:

RESOLUTION
R-015-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BORGER, TEXAS, DECLARING THAT CERTAIN IMPROVEMENTS
DESCRIBED HEREIN ARE UNSAFE AND UNFIT FOR HUMAN
HABITATION, AND REQUIRING THE DEMOLITION AND
REMOVAL OF SUCH IMPROVEMENTS**

EXECUTIVE SESSION: Mayor Brain stated that in compliance with Chapter 551, Texas Govt. Code, (Open Meetings Law), the Council would retire into executive session relative to Section, 551.087, Deliberations regarding Economic Development Negotiations:

- a. Discuss possible economic expansion.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and announced that the Council discussed items relative to the Texas Govt. Code, Section 551.087, Deliberations regarding Economic Development Negotiations:

- a. Discussed possible economic expansion.

No action taken.

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 following.
Nays: None.

WORK SESSION CONDUCTED: Mayor Brain opened work session and stated that no official action could be taken. The following topic was discussed:

1. Discussed City of Borger Code of Ordinances, Article 4.06, Peddlers and Solicitors.

MEETING ADJOURNED: Motion was made to adjourn the meeting. The motion carried by the following vote:

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

Mayor

ATTEST:

City Secretary