

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 18, 2012 – 1:30 P.M.**

PRESENT:	Robert Vinyard	Mayor Pro-Tem
	Brandy Callahan	Council Member
	Marvin Dickson	Council Member
	Charles Gillingham	Council Member

ABSENT:	Jeff Brain	Mayor
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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:	Kenneth Benton	Pastor, Stinnett Church of the Nazarene
	Jesse Shuffield	
	Judy Flanders	
	Meryl Barnett	
	Stanley Franks	

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 invited the Council and community to the Adobe Walls activities on September 28-29, 2012. Mrs. Flanders explained the planned activities of Friday and Saturday.

MINUTES APPROVED: Following review of the minutes of the regular meeting of September 4, 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 September were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan to approve payment of the expenditures for the first half of September as submitted. The motion carried by the following vote:

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

ORDINANCE O-009-12 MAKING APPROPRIATIONS IN SUPPORT OF THE 2012-2013 BUDGET APPROVED: Ordinance O-009-12 making appropriations in support of the general operation of the City of Borger Budget for the fiscal year beginning October 1, 2012 was submitted for final approval. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve Ordinance O-009-12, making appropriations in support of the general operation of the City of Borger beginning October 1, 2012 and ending September 30, 2013, on final reading. The motion carried by the following vote:

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

The caption of the Ordinance reads as follows:

ORDINANCE O-009-12

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR THE APPROPRIATION OF AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; PROVIDING FOR THE ADOPTION OF THE ANNUAL BUDGET OF THE CITY OF BORGER, TEXAS FOR THE 2012-2013 FISCAL YEAR; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AUTHORIZING SPECIFIC BUDGET ADJUSTMENT AUTHORITY TO THE CITY MANAGER; PROVIDING FOR THE RATIFICATION OF BUDGETED APPROPRIATION TRANSFERS IN THE 2011-2012 FISCAL YEAR; AMENDING CHAPTER 13, UTILITIES, SECTIONS 13.04.010, 13.05.002, AND

13.06.045; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

ORDINANCE O-010-12 SETTING THE CITY OF BORGER'S COMBINED AD VALOREM TAX RATE APPROVED: Ordinance O-010-12 setting the City of Borger's combined ad valorem tax rate at \$0.815490 per hundred dollar valuation for FY 2012-2013 was submitted for final consideration. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve Ordinance O-010-12, setting the tax rate at \$0.815490 per hundred dollar valuation for FY 2012-2013, on final reading. The motion carried by the following vote:

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

The caption of the Ordinance reads as follows:

ORDINANCE O-010-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES OF THE CITY OF BORGER, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013 AT THE RATE OF \$0.815490 PER ONE HUNDRED DOLLARS (\$100.00), AND FOR DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DUE AND DELINQUENT TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

RESOLUTION R-011-12 RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr submitted a Resolution for the temporary abeyance of Chapter 14 of the City of Borger Code of Ordinances. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to receive Resolution R-011-12, pertaining to a temporary abeyance for recreational vehicles and motor homes and schedule a public hearing for October 2, 2012 for same. The motion carried by the following vote:

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

SPECIFIC USE PERMIT RECEIVED – PUBLIC HEARING SCHEDULED: Planning and Zoning Director Kenneth Petr submitted a recommendation from the Planning and Zoning Commission requesting the Council receive and consider a request from Mr. Jerry Allen for a Specific Use Permit for an auto detail facility to be located at 102 Ozmer, (Lot 2, Block 14, Keeler Heights Addition). Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to receive the recommendation from the Planning and Zoning Commission on a request from Mr. Jerry Allen for Specific Use Permit, and schedule a public hearing for October 16, 2012, to hear citizen comment on same. The motion carried by the following vote:

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

SPECIFIC USE PERMIT RECEIVED – PUBLIC HEARING SCHEDULED: Planning and Zoning Director Kenneth Petr submitted a recommendation from the Planning and Zoning Commission requesting the Council receive and consider a request from Ms. Cassie Tarpley for a Specific Use Permit for a child care facility to be located at 111 Ozmer, (Lot 19, Block 13, Keller Heights Addition). Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to receive the recommendation from the Planning and zoning Commission on a request from Ms. Cassie Tarpley for a Specific Use Permit, and schedule a public hearing for October 16, 2012, to hear citizen comment on same. The motion carried by the following vote:

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

APPEAL RECEIVED – PUBLIC HEARING SCHEDULED: Code Enforcement Officer Larry Byrd submitted an appeal from Mr. Francisco Perez on the Building Standards Commission's order to demolish property located at 909 Nelson, (Lot 35, Block 17, Gateway Addition). Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to receive the appeal from Mr. Francisco Perez and schedule a public hearing for October 2, 2012 to hear citizen comment on same. Motion carried by the following vote:

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

APPEAL RECEIVED – PUBLIC HEARING SCHEDULED: Code Enforcement Officer Larry Byrd submitted an appeal from Mr. Francisco Perez on the Building Standards Commission's order to demolish property located at 401 N. Florida, (Lot 8, Block 12, East Side Addition). Following discussion, motion was made by Council Member Callahan, seconded by Council Member Dickson, to receive the appeal from Mr. Francisco Perez and schedule a public hearing for October 2, 2012 to hear citizen comment on same. 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 Callahan, to adjourn the meeting. The motion carried by the following vote:

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

Mayor

ATTEST:

City Secretary