

**REGULAR MEETING OF CITY COUNCIL  
JUNE 4, 2013 – 1:30 P.M.**

**PRESENT:** Jeff Brain Mayor  
Robert Vinyard Mayor Pro-Tem  
Brandy Callahan Council Member

**ABSENT:** Marvin Dickson Council Member  
Charles Gillingham Council Member

**STAFF:** Stella E. Sauls City Secretary  
Scott Radach Director, Finance Department  
Kenneth Petr Director, Planning & Zoning  
Bruce Roberts Captain, Police Department  
Anthony “Bud” Griffin Lieutenant, Police Department  
Ted B. Dodd Director, Public Works  
Doug Tipton Supervisor, Street Department  
Rhonda Miller I/T Specialist  
Candice Hurst Clerk, Public Works

**VISITORS:** Kenneth Benton Church of the Nazarene, Stinnett  
Tony McCarthy  
Harvey Hathaway

**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 21, 2013 motion was made by Council Member Vinyard, seconded by Council Member Callahan, 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 last half of May 2013 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve payment of the expenditures for the last half of May 2013 as submitted. The motion carried by the following vote:

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

**PUBLIC HEARING CONDUCTED - ORDINANCE O-008-13 CONTINUING THE JUVENILE CURFEW ORDINANCE INTRODUCED:** Lieutenant Anthony Griffin explained that by statute this Ordinance has to be reviewed by the Council every 36 months or it automatically repeals itself. Mayor Brain opened the public hearing and asked if there were any comments. Comments were heard from Mayor Brain and Council Member 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 introduce Ordinance O-008-13 continuing the Juvenile Curfew Ordinance. The motion carried by the following vote:

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

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

**ORDINANCE O-008-13**

**AN ORDINANCE AMENDING CHAPTER 8, OFFENSES AND NUISANCES, OF THE CODE OF ORDINANCES OF THE CITY OF BORGER, TEXAS CONTINUING AND RENEWING THE CURFEW ORDINANCE; PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE; AND PROVIDING THAT ALL PRIOR ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT**

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**ADVANCE FUNDING AGREEMENT BETWEEN WAL-MART AND THE CITY OF BORGER APPROVED:** Director of Planning and Zoning Kenneth Petr explained that Wal-Mart was unable to enter into the original agreement with the City of Borger and the Texas Department of Transportation. He stated that upon signing this Agreement, Wal-Mart would reimburse the City of Borger \$246,173.00 which will be the additional estimated construction cost plus the additional engineering fees. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve the Advance Funding

Agreement between Wal-Mart and the City of Borger for reimbursement of additional road work to the Roosevelt Street Project. 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 owner has signed an Operation Facelift Contract and paid a \$120 down payment of the \$1,200 estimated cost and will pay the balance upon completion. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve the Operation Facelift Contract between Mr. Litterell and the City of Borger the removal of the structures at 112 Coble (Lots 15-16, Block 66, Original Townsite Addition). The motion carried by the following vote:

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

**RESOLUTION R-006-13 APPOINTING/RE-APPOINTING BOARD MEMBERS TO THE ZONING BOARD OF ADJUSTMENT APPROVED:** Director of Planning and Zoning Kenneth Petr submitted a recommendation for the Zoning Board of Adjustment regarding the appointment and re-appoint to regular and alternate member status to the same. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve Resolution R-006-13, re-appointing Dean Cooke to a regular term, appointing alternate member Brad Carpenter to regular member status, and appointing Jeremiah Anthony McCarthy as an alternate member of the Zoning Board of Adjustment. Each with terms to expire June 30, 2016. The motion carried by the following vote:

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

Resolution R-006-13 reads as follows:

**RESOLUTION R – 006-13**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS REAPPOINTING ONE REGULAR MEMBER, APPOINT ONE ALTERNATE MEMBER TO REGULAR MEMBER STATUS AND, APPOINT ONE ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, due to the expiration of terms, two vacancies have occurred on the Zoning Board of Adjustment; and,

**WHEREAS**, pursuant to the provisions of Chapter 14, Zoning, Section 14.07.001 of the Code of Ordinances of the City of Borger, Texas, the City Council desires to re-appoint one regular member, appoint one alternate member to regular member status and appoint one alternate member to the Zoning Board of Adjustment, to perform the duties and responsibilities as provided by said Chapter 14.

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

**TEXAS:**

1. **THAT** Dean Cooke is hereby re-appointed to serve as a regular member of the Zoning Board of Adjustment to a term which will expire on June 30, 2016;  
and,
2. **THAT** Brad Carpenter is hereby appointed to serve as a regular member of the Zoning Board of Adjustment to a term which will expire on June 30, 2016;  
and,
3. **THAT** Jeremiah McCarthy is hereby appointed to serve as an alternate member of the Zoning Board of Adjustment to a term which will expire on June 30, 2016;  
and,
4. **THAT** this resolution shall be recorded in the minutes of the City Council and filed for permanent recorded in the office of the City Secretary.

**PASSED, APPROVED, AND ADOPTED**, this the 4<sup>th</sup> day of June, 2013, 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.

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**RESOLUTION R-007-13 BEGIN PROCESS OF ESTABLISHING A YOUTH ADVISORY COUNCIL:**

Mayor Jeff Brain explained that this was an idea from a previous work session and feels that now is the time to get the Youth Advisory Council started. Mayor Brain stated this is a way to engage the youth in the community and make a partnership between the youth in our school and the City. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve Resolution R-007-13 beginning the process of establishing a Youth Advisory Council. The motion carried by the following vote:

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

Resolution R-007-13 reads as follows:

**RESOLUTION R-007-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, BEGINNING THE PROCESS OF ESTABLISHING A YOUTH ADVISORY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council is desirous of encouraging citizens of all ages in the community to participate in and serve on City advisory committees; and,

**WHEREAS**, the youth of our community are one of our greatest assets; and,

**WHEREAS**, the City Council recognizes the unique perspective and the importance of involving youth as equal partners in the community; and,

**WHEREAS**, our youth have not had a viable forum or venue to express their ideas, insights and opinions to the leaders of our City;

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

**SECTION 1.** In recognition of this valuable asset, the City Council of Borger will begin the process of establishing a Youth Advisory Council (YAC).

**SECTION 2.** The goal of the YAC will be two-fold:

- To develop a group of youth leaders who are committed to learning about local government and the roles youth can have in it.
- To be a valuable source of information for the City Council about the issues and needs facing our youth.

**SECTION 3.** In order to initially establish the YAC the Borger City Council will appoint the members of the YAC and charge them with preparing their by-laws, guidelines, requirements for membership, and their goals as an organization.

**SECTION 4.** Subsequent members will be appointed by the City Council from those who apply for membership and who meet the membership guidelines as established by the YAC and the Borger City Council.

**SECTION 5.** Due to the unique make-up of our community, and with the desire not to exclude qualified members, the YAC will be open to students who reside within the boundaries of the Borger Independent School District.

**SECTION 6.** It is our desire that this organization will become a source of information and advice for the City Council, as well as to provide an opportunity for young people to become the city leaders of the future.

**SECTION 7.** This Resolution shall become effective immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED**, on this the 4<sup>th</sup> day of June, 2013, 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.

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**2013 GROUP SEALCOAT BID APPROVED:** Director of Public Works Ted Dodd explained to the Council that the Coronado Addition and the drive areas at Frank Phillips College, which are dedicated streets, will be seal coated this year. Following discussion motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve the low bidder, Ronald Wagner & Company of Lubbock, Texas for \$1.87 a square yard for an approximate total of \$180,213.40. 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 Vinyard, seconded by Council Member Callahan, to adjourn the meeting. The motion

carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

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Mayor

**ATTEST:**

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City Secretary