

REGULAR MEETING OF CITY COUNCIL
MARCH 19, 2013 – 1:30 P.M.

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

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| STAFF: | Danny Richards | E.O.C. Director |
| | Rhonda Miller | I/T Specialist |
| | Stella E. Sauls | City Secretary |
| | Kathie Harber | Deputy City Secretary |
| | Annadon Keys | Director, Recreation |
| | Bruce Roberts | Captain, Police Department |
| | Anthony Griffin | Lieutenant, Police Department |
| | Brandon Strobe | Sergeant, Police Department |
| | Amy Hawthorne | Clerk, Police Department |
| | Ted B. Dodd | Director, Public Works |
| | Ralph Earles | Assistant Director, Public Works |
| | Candice Hurst | Clerk, Public Works |

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| VISITORS: | Les Sharp | Faith Covenant Church |
| | Judy Mihm | Jesse Shuffield |
| | John Ray | Debbie Ray |
| | Meryl Barnett | Ray Getman |
| | Denise Rhea | Brad Carpenter |
| | Robert Bradley | Rick Mendoza |
| | April Gibbs | Robert Gibbs |
| | Trisha McCown | Dara McCown |
| | Emery McCown1 | |

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 and work session of March 5, 2013 and special meeting of March 15, 2013 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 first half of March 2013 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve payment of the expenditures for the first half 2013 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-003-13 AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.06, PEDDLERS AND SOLICITORS, REGULATING PEDDLERS, SOLICITORS, ITINERANT MERCHANTS, AND CANVASSERS APPROVED:

Mayor Jeff Brain explained that this was the second reading of Ordinance O-003-13 and stated that a lot of work had gone into the final product. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve Ordinance O-003-13, amending Chapter 4, Article 4.06, Peddlers and Solicitors. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-003-13 reads as follows:

ORDINANCE O-003-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 4, ARTICLE 4.06, PEDDLERS AND SOLICITORS, REGULATING PEDDLERS, SOLICITORS, ITENERANT MERCHANTS, AND CANVASSERS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

ORDINANCE O-004-13 PERTAINING TO ILLICIT SYNTHETIC DRUGS APPROVED:

Mayor Jeff Brain commented on the interest from the citizens in reference to Ordinance O-004-13 and thanked April Gibbs and others who were present in support of the Ordinance. Mayor Brain acknowledged that this was the second and final reading of Ordinance O-004-13 and stated that it would take effect the first part of April. Following discussion, motion was made by Council Member Dickson, seconded by Council Member’s Gillingham and Callahan, to approve on final reading Ordinance O-004-13 pertaining to Illicit Synthetic Drugs. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-004-13 reads as follows:

ORDINANCE O-004-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CODE OF ORDINANCES, BY MAKING FINDINGS OF FACT; ADDING ARTICLE 8.10, ILLICIT SYNTHETIC DRUGS PROHIBITING THE SALE, PUBLIC DISPLAY FOR SALE, ATTEMPTED SALE, GIFT, BARTER, DELIVERY, POSSESSION, OR USE OF ILLICIT SYNTHETIC DRUGS AND MISBRANDED DRUGS INCLUDING “SPICE,” SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA, “BATH SALTS,” SYNTHETIC CATHINONES, SYNTHETIC STIMULANTS, OR OTHER MISBRANDED DRUGS; PROHIBITING THE USE OR POSSESSION OF ILLICIT SYNTHETIC OR MISBRANDED DRUG INGESTION DEVICE PARAPHERNALIA; PROHIBITING THE USE OR POSSESSION OF OTHER ILLICIT SYNTHETIC OR MISBRANDED DRUG PARAPHERNALIA; PROVIDING FOR EXCEPTIONS PROVIDING FOR A PENALTY; PROVIDING FOR ALTERNATIVE ENFORCEMENT BY CIVIL ACTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION BY CAPTION ONLY; AND PROVIDING AN EFFECTIVE DATE

MUNICIPAL EXPENDITURES RECLAMATION, LLC ALLOWED BILL FOR CITY OF BORGER FIRE DEPARTMENT HAZMAT SPILLS AND/OR ACCIDENTS:

Fire Chief Bob Watson submitted to the Council information explaining the need for help in collecting funds for services rendered after a hazmat accident and/or spill. The Chief also explained that the State of Texas allows Fire Departments to bill for hazmat spills and/or accidents and that he has been doing so; he stated that an agreement between Municipal Expenditures Reclamation would be an asset to him. Mr. Ray Getman of Municipal Expenditures Reclamation was present to help explain the services his company provides. Mr. Getman stated that the City is responsible for replacing supplies and equipment used after a hazmat accident and/or spill and the City should not be solely responsible for the cost of replacing all supplies and equipment when there is insurance coverage provided by the companies involved in such

accidents. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to allow Municipal Expenditures Reclamation to bill for and collect for Fire Department hazmat calls for one (1) year. The motion carried by the following vote:

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

ORDINANCE O-005-13 INTRODUCED ON FIRST READING: Deputy City Secretary Kathie Harber explained that this is the last step in a rezoning request approved by the Council on March 5, 2013. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to introduce Ordinance O-005-13, to authorize changes to the Zoning District Map. The motion carried by the following vote:

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

The caption of Ordinance O-005-13 reads as follows:

Ordinance # O-005 -13

**AN ORDINANCE AMENDING THE ZONING AND ZONING DISTRICT
MAP OF THE CITY OF BORGER, TEXAS**

MEETING ADJOURNED: There being no further business, motion was made by Council Member Vinyard, 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