

**REGULAR MEETING OF CITY COUNCIL
DECEMBER 16, 2014 – 1:30 P.M.**

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

ABSENT: Karen Felker Council Member

STAFF: Eddie Edwards City Manager
Stella E. Sauls City Secretary
Danny Richards Director, Emergency Management
Scott Radach Director, Finance
Jason Pender Fire Marshal
Kenneth Petr Director, Planning and Zoning
Bruce Roberts Chief, Police Department
Ted B. Dodd Director, Public works

VISITORS: Denny Sneed Pastor, Church of Christ
Carie Richards
Joyce Trigg
Jesse Shuffield
Tara Huff

NEWS MEDIA: Sharon Castleberry

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.

Mrs. Joyce Trigg spoke about her Specific Use Permit request to operate a Bed and Breakfast.

MINUTES APPROVED: Following review of the minutes of the regular meeting of December

2, 2014, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting of December 2, 2014 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 December 2014 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve payment of the expenditures of the first half of December 2014 as submitted. The motion carried by the following vote:

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

CONSTRUCTION CHANGE REQUEST FROM HYDRO RESOURCES APPROVED: City Manager Eddie Edwards explained to the Council the specifics of the construction change request from Hydro Resources. He also explained that this will help get the well construction back on track. Following discussion, motion was made by Council Member Dickson, seconded by Council Members Gillingham and Callahan, to approve the Construction change Request #1 from Hydro Resources in the amount of \$329,710.00 for the installation of Well #14. The motion carried by the following vote:

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

ORDINANCE O-011-14 AMENDING CHAPTER 14, ZONING, SECTION 14.02.002, DIRECTING CHANGES TO THE ZONING DISTRICTS, AND UPDATING THE ZONING DISTRICT MAP APPROVED: Director of Planning and Zoning Kenneth Petr explained that the property has previously been rezoned and this process is to change the zoning map. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve on final reading Ordinance O-011-14 amending Chapter 14, Zoning, Section 14.02.002, directing changes to the zoning districts, and updating the Zoning District Map. The motion carried by the following vote:

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

Caption of Ordinance O-011-14 reads as follows:

ORDINANCE O-011-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING CHAPTER 14, ZONING, SECTION 14.02.002, ZONING DISTRICT MAP OF THE CITY OF BORGER, TEXAS, BY REZONING THE FOLLOWING PROPERTIES: LOTS 8-15,

**BLOCK 11, AND LOT 8, BLOCK 5, ALL IN THE NORTH HILLS
ADDITION FROM GENERAL RESIDENCE TO COMMERCIAL;
PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER;
PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AND AN
EFFECTIVE DATE**

SPECIFIC USE PERMIT RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Zoning Kenneth Petr explained to the Council that the Planning and Zoning Commission held a public hearing on Monday, November 24, 2014, and voted to approve the Specific Use request from Mrs. Joyce Trigg. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to receive and consider the request from Mrs. Joyce Trigg for a Specific Use Permit to operate a Bed and Breakfast in a General Residence zoned district, located at 301 W. Ninth (Lot 1, Block 15, Original Townsite Addition) and schedule a public hearing for January 6, 2015. The motion carried by the following vote:

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

ORDINANCE O-012-14 ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AND THE 2012 EDITION OF CHAPTER 704 OF THE NATIONAL FIRE PREVENTION ASSOCIATION APPROVED: Fire Marshal Jason Pender submitted for the consideration of the Council on final reading Ordinance O-012-14 adopting the 2012 Edition of the International Fire Code. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve on final reading Ordinance O-12-14 adopting the 2012 Edition of the International Fire Code and Chapter 704 of the 2012 Edition of the National Fire Prevention Association pertaining to hazardous material identification for emergency responders. The motion carried by the following vote:

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

Caption of Ordinance O-012-14 reads as follows:

O-012-14

AN ORDINANCE AMENDING AN ORDINANCE

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF BORGER, TEXAS, CHAPTER 5, FIRE PREVENTION AND
PROTECTION, ARTICLE 5.04, FIRE CODE, ADOPTING THE 2012
EDITION OF THE INTERNATIONAL FIRE CODE AND APPENDICES,
AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL;
ADOPTING THE 2012 EDITION OF THE NATIONAL FIRE
PROTECTION ASSOCIATION 704 STANDARD FOR THE**

**IDENTIFICATION OF THE HAZARDS OF MATERIALS FOR
EMERGENCY RESPONSE; PROVIDING FOR LOCAL AMENDMENTS
TO THE 2012 INTERNATIONAL FIRE CODE; PROVIDING FOR
SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; AND AN
EFFECTIVE DATE**

EXECUTIVE SESSION: Mayor Vinyard stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.071, Consultations with Attorney and Section 551.072, Deliberations about Real Property:

- a. Discuss Easement Agreement between the Howe Family Trust and the City of Borger.
- b. Discuss authorizing the City Attorney to file a motion to dismiss Cause No. 41424; City of Borger vs. Eric Huddleston in the 84th Judicial District in and for Hutchinson County, Texas.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Vinyard reconvened the regular meeting and stated that the Council discussed Section 551.071, Consultations with Attorney and Section 551.072, Deliberations about Real Property:

- a. Discussed Easement Agreement between the Howe Family Trust and the City of Borger.

Motion was made by Council Member Callahan, seconded by Council Member Dickson, to approve the Easement Agreement between the Howe Family Trust and the City of Borger. The motion carried by the following vote:

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

- b. Discussed authorizing the City Attorney to file a motion to dismiss Cause No. 41424; City of Borger vs. Eric Huddleston in the 84th Judicial District in and for Hutchinson County, Texas.

Motion was made by Council Member Callahan, seconded by Council Member Dickson, to authorize the City Attorney to file a motion to dismiss Cause No. 41424; City of Borger vs. Eric Huddleston in the 84th Judicial District in an for Hutchinson County, Texas. 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 Dickson, seconded by Council Member Gillingham, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

Secretary