

**REGULAR MEETING OF CITY COUNCIL  
FEBRUARY 7, 2006 1:30 P.M.**

**PRESENT:** Jeff Brain Mayor  
Judy Flanders Mayor Pro-tem  
Charles Gillingham Council Member  
Garrett Spradling Council Member

**ABSENT:** Charles "Pete" Loftis Council Member

**STAFF:** Wanda Klause City Manager  
Tom Edmonds City Attorney  
Larry Mullenix Director of Planning & Zoning  
Jimmy Adams Chief of Police  
Gayland Darnell Fire Chief  
John Webb Municipal Court Judge  
Glynn Carlock Director of Finance  
Eddie Edwards Assistant Director of Utilities

**VISITORS:** Judy Mihm  
Leon DeWeese  
Ricky Davis  
Mike Roberts  
Steve Bloomberg  
John Ray  
Wyndel Price  
Bill Warren  
E.C. Huffine  
Jeremy McClellan  
Gene Hawley

**NEWS MEDIA:** Michelle Hienz Borger News Herald

**MINUTES APPROVED:** Following review of the minutes of the Regular Meeting of January 17, 2006, motion was made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to approve the minutes as written. The motion carried by the following vote:

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

**EXPENDITURES APPROVED FOR PAYMENT:** Expenditures for the last half of January were submitted for consideration. Following review of the expenditures, motion was made by Mayor Pro-tem Flanders, seconded by Council Member Gillingham, to approve payment of the expenditures for the last half of January as submitted. The motion carried by the following vote:

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

**REQUEST FROM BORGER ECONOMIC DEVELOPMENT CORPORATION**

**CONCERNING APPROVAL OF AN INCENTIVE AGREEMENT:** Steve Bloomberg, Executive Director of the Borger Economic Development Corporation, submitted a request to the Council concerning the approval of an incentive agreement between the Borger Economic Development Corporation and Jetstar Energy Services, Inc., in the amount of \$126,488.00. Mr. Bloomberg said the agreement requires Jetstar to hire and maintain a work force of fifteen by the third year. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Spradling, to approve the incentive agreement between the Borger Economic Development Corporation and Jetstar Energy Services, Inc. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**REQUEST FROM FUZZY'S INDUSTRIAL MAINTENANCE & MANUFACTURING, L.P., TO TEMPORARILY CLOSE FIRST STREET FROM MAIN TO DEAHL**

**APPROVED:** Alyn Jones, owner, Fuzzy's Industrial Maintenance & Manufacturing, L.P., requested permission to close First Street to Deahl Street during construction of his new building. The construction process should be completed by June 1, 2006. Following discussion, motion was made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to approve the temporary closing of First Street to Deahl Street as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**INSTALLATION OF STOP SIGNS ON BROADMOOR AT THE INTERSECTIONS OF SALINA AND CONCORD DISCUSSED:**

Chief of Police Jimmy Adams requested that stop signs be placed at the intersections of Broadmoor and Salina and Broadmoor and Concord. The Chief said he had received numerous complaints from citizens facing Broadmoor concerning speeding motorists, and complaints in reference to out of control vehicles damaging their mailboxes. Larry Mullenix, Director of Planning & Zoning, also requested the Council's consideration of installation of the stop signs.

Following discussion, it was the consensus of the Council to allow the property owners in this neighborhood to address this matter; therefore, motion was made by Mayor Pro-tem Flanders, seconded by Council Member Gillingham, to set a public hearing for 1:30 p.m., February 21, 2006, to allow for citizen comments. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PLANNING AND ZONING COMMISSION MEMBER APPOINTED:** Director of Planning & Zoning Larry Mullenix submitted a letter of recommendation from the Planning and Zoning Commission requesting that the City Council consider appointing one individual to a three year term. The nominees were Laura Arrington, Conny Moore and Becky Garcia. Following discussion, motion was made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to appoint Laura Arrington to the Planning & Zoning Commission for a three year term. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ORDINANCE NO. O-001-06 INTRODUCED AND PUBLIC HEARING SCHEDULED:**

Ordinance No. O-001-06 amending the Code of Ordinances of the City of Borger, Texas, in Title VII, Traffic Zone, Chapter 72, Stopping, Standing and Parking; in Section 72.05, Parking for Certain Purposes; adding Paragraph 72.05.1; adding Paragraph 72.05.2; and in Section 72.10, Vehicles in Excess of Certain Length Prohibited from Parking was submitted for the consideration of the Council. Several questions were asked concerning the content of the ordinance and it was the consensus of the Council to solicit comments from residents. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to introduce the ordinance and set a public hearing for 1:30 p.m., February 21, 2006 to allow for citizen comments. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**REQUEST FROM BORGER INDEPENDENT SCHOOL DISTRICT APPROVED:** The Borger Independent School District submitted a request for the use of Huber Baseball Park for both a practice field and for games, beginning January 30<sup>th</sup> and extending through the end of the season. As in the past, BISD will assume the responsibility for maintenance of Huber Baseball Park beginning January 30<sup>th</sup> through the end of the baseball season. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to

approve the request. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**REQUEST FROM BORGER INDEPENDENT SCHOOL DISTRICT APPROVED:** The Borger Independent School District submitted a request for the use of Agnes Howe Softball Field for both a practice field and for games, beginning January 30<sup>th</sup> and extending through the end of the season. As in the past, BISD will assume the responsibility for maintenance of the field beginning January 30<sup>th</sup> through the end of the softball season. Following discussion, motion was made by Mayor Pro-tem Flanders, seconded by Council Member Spradling, to approve the request. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION NO. R-002-06 APPROVED:** The following resolution was submitted for the consideration of the Council.

#### **RESOLUTION NO. R-002-06**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 13<sup>TH</sup> DAY OF MAY, 2006; DESIGNATING THE POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR SUCH ELECTION; DIRECTING THE GIVING OF NOTICE TO SUCH ELECTION; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION**

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

#### **Section 1:**

It is hereby ordered that a Regular General Election be held in the City of Borger the second Saturday in May, the 13 day of May, 2006, at which election the following officer shall be elected by the qualified voters of the City:

One (1) Council Member, at large, Place One (1)

#### **Section 2:**

Certain county voting precincts shall be combined constituting three election voting places for the purposes of such election, together with election judges, shall be as follows:

County voting precincts 33 and 42 (City Polling Place No. 1) shall vote at the Paul Belton Early Childhood Center, 800 N. McGee, with B. R. Thomas, Presiding Judge, and Wilma Thomas, Alternate Judge, and said Presiding Judge shall appoint the necessary clerks to assist him/her which shall not exceed ten clerks.

County voting precincts 12, 34 and 43 (City Polling Place No. 2) shall vote at the Borger Middle School, 1200 S. Florida, with Harry Kuhrt, Presiding Judge, and Brenda Jackson, Alternate Judge, and said Presiding Judge shall appoint the necessary clerks to assist him/her which shall not exceed ten clerks.

County voting precincts 14 & 23 (City Polling Place No. 3) shall vote at the Fairlanes Baptist Church, 3000 Fairlanes Boulevard, with B. J. Grove, Presiding Judge, and R. C. Estes, Alternate Judge, and said Presiding Judge shall appoint the necessary clerks to assist him/her which shall not exceed ten clerks.

The City Secretary is hereby authorized and directed to provide a copy of the Resolution

to the judges as written notice of their appointment as required by Section 32.009 of the Texas Election Code.

The Presiding Judges shall have the authority to appoint no more than ten (10) clerks to assist in the holding of such election, but in no event shall the Presiding Judge appoint less than two clerks.

The Presiding Judges and Clerks shall be compensated at an hourly rate of \$10 as provided by Title 3, Section 32.091(a) of the State Election Code. The Presiding Judge shall be compensated in the amount of \$25 for the delivery of election equipment and supplies as provided by Title 3, Section 32.091(a) of the State Election Code.

### **Section 3:**

The City Secretary is hereby appointed clerk for early voting; the appointment of a deputy or clerks for early voting by the City Secretary shall be in accordance with Section 83.001 et seq. of the Texas Election Code. The place for early voting for such election is hereby designated as:

City Hall  
City of Borger  
600 North Main Street  
Borger, Texas 79007

Said clerks shall keep said office open during the hours that the City Hall is regularly open for business, that is, from eight o'clock (8:00) a.m. until five o'clock (5:00) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state holiday. As required under Section 85.005(d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Monday, May 8, 2006 and Tuesday, May 9, 2006.

Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

### **Section 4:**

All ballots shall be prepared in accordance with the Texas Election Code. Paper ballots shall be used for early voting by mail and Paper Ballots and ES&S iVotronic Direct Recording Electronic (DRE) Voting System shall be used for early voting by personal appearance and voting on election day, both of which are part of the ES&S iVotronic DRE Voting System. The City Council hereby adopts for use in early and election day voting the ES&S iVotronic Direct Recording Electronic (DRE) Voting System as approved by the Secretary of State. All city expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

### **Section 5:**

The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

### **Section 6:**

Notice of this election shall be given in accordance with the provisions of the Texas

Election Code and returns of such notice shall be made as provided for in said Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made the City Secretary after the closing of the polls.

#### **Section 7:**

Said election shall be held in accordance with Texas Election Code and Federal Voting Rights Act of 1965, as amended.

Following discussion, motion was made by Mayor Pro-tem Flanders, seconded by Council Member Spradling, to approve the resolution. The motion carried by the following vote:

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

**ORDER AND NOTICE FOR GENERAL ELECTION OF OFFICERS APPROVED:** An order and notice for the general election of officers to be conducted on May 13, 2006 was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve the order and notice for a general election of officers, May 13, 2006, as submitted. The motion carried by the following vote:

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

**JOINT ELECTION ORDER APPROVED:** A joint election order between the City of Borger, Borger Independent School District, Frank Phillips College District, and the Hutchinson County Hospital District to share expenses at the election scheduled for May 13, 2006, was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to approve the joint election order. The motion carried by the following vote:

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

**RRRR BOOT REPAIR AUTHORIZED TO INSTALL SIGN SUPPORT POST IN PUBLIC RIGHT OF WAY:** Mike Roberts, owner of RRRR Boot Repair, 530 North Main requested permission to install a sign support post in public right of way. Director of Planning and Zoning Larry Mullenix stated that he did not feel that the post constituted an obstruction, therefore, requested that the Council authorize his department to issue a sign permit to Mr. Roberts for this installation. Following discussion, motion was made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to authorize the issuance of a sign permit for the installation of the sign support post as recommended. The motion carried by the following vote:

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

**AMENDMENT NO. 3 TO AGREEMENT FOR THE PURCHASE AND ACQUISITION OF CONJUNCTIVE USE GROUNDWATER SUPPLY DISCUSSED:** Eddie Edwards, Assistant Director of Utilities, discussed Amendment No. 3 to the Agreement between the Canadian River Municipal Water Authority and the City of Borger amending that certain agreement for the purchase and acquisition of conjunctive use groundwater supply entered into as of May 15, 1996, as amended, between the Authority and the City. The Authority is proposing the issuance of an additional 50 million dollars in revenue bonds for the purchase of water rights and additional infrastructure. Mr. Edwards suggested either meeting with the Council on a one-on-one basis, or discussing the material in a work session. Following discussion, motion was made by Council Member Gillingham, seconded by Mayor Pro-tem Flanders, to schedule a work session to follow the next regular session scheduled for Tuesday, February 21, 2006 at 1:30 p.m., to discuss the material in detail. The motion carried by the following vote:

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

**EXECUTIVE SESSION CONDUCTED:** Mayor Brain stated that the Council was retiring to executive session in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated (Open Meetings Law), Section 551.071 Consultations with Attorney; Section 551.072 Real Property; Section 551.074 Personnel Matters, and Section 551.086 Economic Development Incentives. The City Council reserves the right to retire into executive session concerning any of the items listed on the Regular Meeting Agenda, whenever it is considered necessary and legally justified under the Open Meetings Law.

- A. Discuss and consider the appointment of an Assistant City Manager.
- B. Discuss and review contemplated litigation.

**RETURN TO OPEN SESSION:** Mayor Brain reconvened the regular meeting and stated that the appointment of an assistant city manager was discussed, however, no action was taken in executive session. Motion was then made by Council Member Spradling, seconded by Mayor Pro-tem Flanders, to appoint Eddie Edwards to the position of assistant city manager and authorize the city manager to set the salary. The motion carried by the following vote:

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

Mayor Brain stated that no action was necessary concerning the contemplated litigation discussed in executive session.

**QUESTIONS AND COMMENTS FROM CITIZENS:** No questions or comments were heard.

**MEETING ADJOURNED:** There being no further business, the meeting was adjourned.

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Mayor

**ATTEST:**

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City Secretary