

**REGULAR MEETING OF CITY COUNCIL
FEBRUARY 6, 2007**

1:30 P.M.

PRESENT:	Garrett Spradling Charles "Pete" Loftis Leon DeWeese	Mayor Pro-tem Council Member Council Member
ABSENT:	Jeff Brain Charles Gillingham	Mayor Council Member
STAFF:	Wanda Klause Eddie Edwards Larry Mullenix Jimmy Adams Gayland Darnell Glynn Carlock Henry Veach Danny Richards	City Manager Asst. City Manager Director, Planning & Zoning Police Chief Fire Chief Director of Finance Director of Public Works EOC Coordinator
VISITORS:	Judy Mihm Brandy Callahan Norma Luginbyhl Dwight Reese Jackie Cannady Guy Rowh Raymond Loftis Billie Miller Robert Fitzroy	Downtown Merchants HC3 Texas Gas Co. HC Sheriff
NEWS MEDIA:	Michelle Berry	Borger News Herald

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of January 16, 2007, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the minutes as written. The motion carried by the following vote:

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

PAYMENT OF EXPENDITURES APPROVED: Following review, motion was made by Council Member Loftis, seconded by Council Member DeWeese, 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.

ORDINANCE NO. 0-001-07 APPROVED: Ordinance No. O-001-07 amending Chapter 3, Building Regulations, Article 3.02, Building Code, Section 3.02.001, Adopted, and in Sections 3.02.002, amendments to the Code of Ordinances was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve Ordinance No. O-001-07 amending Chapter 3 of the Building Code as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.02, BUILDING CODE, SECTION 3.02.001, ADOPTED, AND IN SECTION 3.02.002, AMENDMENTS, OF THE CODE OF ORDINANCES, CITY OF BORGER, TEXAS

ORDINANCE NO. 0-002-07 APPROVED: Ordinance No. O-002-07 amending Chapter 8, Offenses and Nuisances, Article 8.07, Abandoned and Junk Motor Vehicles, Division 3, Junked Vehicles, Section 8.07.062, Offenses, Penalty was submitted for the final consideration of the Council. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve Ordinance No. O-002-07 amending Chapter 8, Offenses and Nuisances, as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The captioned ordinance reads as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES IN CHAPTER 8, OFFENSES AND NUISANCES, ARTICLE 8.07, ABANDONED AND JUNK MOTOR VEHICLES, DIVISION 3, JUNKED VEHICLES, SECTION 8.07.062, OFFENSES

PURCHASE OF CodeRED® EMERGENCY NOTICIATION SYSTEM APPROVED:

Danny Richards, Emergency Management Coordinator, and Jimmy Adams, Chief of Police, explained the benefits and limitations of the CodeRED® System. Chief Adams said that funding for this system is in the form of a grant from the Panhandle Regional Planning Commission. The Commission suggested that the monies from the grant be used to purchase a CodeRed® System. The cost for implementation and the first year of service is \$10,000. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Loftis, to approve the purchase of a CodeRed® System. The motion called by the following vote:

Ayes: All members present voted aye.

Nays: None.

CITY AUCTION AUTHORIZED: Henry Veach, Director of Public Works, requested authorization to contract with Assister & Associates of Amarillo to conduct an auction for the City sometime in April 2007. Mr. Veach also requested that he be authorized to act as agent for the City of Borger in matters pertaining to the auction. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to authorize the Director of Public Works Henry Veach to contract with Assister & Associates of Amarillo for the conduct of the City auction, and authorize Mr. Veach to act as agent for the City in matters pertaining to the auction. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

DEMOLITION OF PROPERTY LOCATED AT 1127 VALLEY DRIVE DELAYED:

Larry Mullenix, Director of Planning & Zoning, submitted information concerning property owned by Jackie Cannady located at 1127 Valley Drive, Lot 18, Block 10, Phillips Addition. The Building Standards Commission recommended this property for demolition; however, Mr. Cannady appeared before the Council and appealed the recommendation of the Building Standards Commission and asked for a forty-five (45) day extension in order to bring the structure up to Code. The Council approved his request.

Mr. Mullenix informed the Council that Mr. Cannady's time has expired; he submitted pictures of the work that has been done, advising the Council of Mr. Cannady's progress. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, that Mr. Cannady be granted an additional ninety (90) day extension. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REQUEST FROM DOWNTOWN MERCHANT'S APPROVED: Brandy Callahan, President, Downtown Merchant's Association, requested permission to block Main Street from Fifth to Seventh on June 2, 2007 for the Beach Bash Celebration. Henry Veach, Director of Public Works, said the city would continue to furnish sand for this event. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the request to block Main Street from 5th to 7th Streets as requested. 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 29th 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 29th through the end of the baseball season. Following discussion, motion was made by Council Member DeWeese, seconded by Mayor Pro-tem Spradling, to approve the request. The motion carried by the following vote:

Ayes: Garrett Spradling and Leon DeWeese.

Nays: None.

Abstain: Charles "Pete" Loftis (conflict of interest as an employee of BISD).

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 29th and extending through the end of the season. As in the past, BISD will assume the responsibility for maintenance of the field beginning January 29th through the end of the softball season. Following discussion, motion was made by Council Member DeWeese, seconded by Mayor Pro-tem Spradling, to approve the request. The motion carried by the following vote:

Ayes: Garrett Spradling and Leon DeWeese.

Nays: None.

Abstain: Charles "Pete" Loftis (conflict of interest as an employee of BISD).

RESOLUTION NO. R-002-07 ORDERING A REGULAR CITY ELECTION FOR MAY 12, 2007: The following resolution was submitted for the consideration of the Council:

RESOLUTION NO. R-002-07

A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 12TH DAY OF MAY, 2007; 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 12th day of May, 2007, at which election the following officers shall be elected by the qualified voters of the City:

One (1) Council Member, at large, Place Four (4)

and
One (1) Council Member, at large, Place Five (5)

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 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.

County voting precincts 14 & 23 (City Polling Place No. 3) shall vote at the Fairlanes Baptist Church, 3000 Fairlanes Boulevard, 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.

The City Manager 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 compensation 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 Manager is hereby appointed clerk for early voting; the appointment of a deputy or clerks for early voting by the City Manager 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 7, 2007 and Tuesday, May 8, 2007.

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 AccuVote-TX or TSX Ballot Stations, 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 AccuVote-TX or TSX Ballot Stations, DRE Voting System. The City Council hereby adopts for use in early and election day voting the AccuVote-TX or TSX Ballot Stations, 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 Manager 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 Manager 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 Council Member Loftis, seconded by Council Member DeWeese, to approve Resolution No. R-002-07 as written. 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 12, 2007 was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to approve the order and notice for a general election of officers, May 12, 2007, 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, and the Hutchinson County Hospital District to share expenses at the election scheduled for May 12, 2007, was submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Loftis, to approve the joint election order. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION NO. R-003-07 REJECTED: Resolution No. R-003-07 authorizing the participation in a joint coalition of cities known as the Alliance of Gas Municipalities comprised of cities served by Atmos Energy Corporation, Centerpoint Energy Entex, and Texas Gas Services to work on legislative issues of common concern affecting ratepayers; providing for the employment of legal experts was submitted for the consideration of the Council.

Mayor Pro-tem Spradling said he thought the Council should deny participation in this coalition because the Texas Municipal Legal provides lobbying and legal experts to member cities at no cost. Following discussion, motion was made by Council Member Loftis, seconded by Council Member DeWeese, to reject the resolution. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

QUESTIONS AND COMMENTS FROM CITIZENS: No comments were heard.

EXECUTIVE SESSION: Mayor Pro-tem Spradling stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.072 Deliberations about Real Property and Section 551.076 Deliberations about Security Devices as follows.

- (a) Discuss the sale of City owned property in Block 17, Thompson Addition.
- (b) Discuss City Hall security locks and video monitoring.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Pro-tem Spradling reconvened the regular meeting and stated that the Council discussed the sale of city owned property and the security of City Hall. No decisions were made and no action was taken.

INVITATION TO BID FOR SALE OF CITY OWNED AUTHORIZED: Motion was made by Council Member Loftis, seconded by Council Member DeWeese, to authorize the staff to invite bids on the sale of Block 17, Thompson Addition for a minimum bid of \$14,000. The motion carried by the following vote:

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

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

WORK SESSION CONDUCTED: The Mayor Pro-tem stated that the work session was open; however, no official action could be taken. Council and staff discussed the Johnson Park Youth Center Project, industrial district contracts, proposed sexual offender safety zone ordinance, angle parking on 5th, 6th, & 7th streets, council/staff retreat and annexation. No decisions were made.

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

Mayor

ATTEST:

City Manager