

**REGULAR MEETING OF CITY COUNCIL
MAY 15, 2007**

1:30 P.M.

PRESENT:	Jeff Brain Garrett Spradling Charles Loftis Leon DeWeese Marvin (Bubba) Dickson	Mayor Mayor Pro-tem Out-Going Council Member Council Member Newly Elected Council Member
ABSENT:	Charles Gillingham	Council Member
STAFF:	Wanda Klause Eddie Edwards Glynn Carlock Bob Watson Larry Mullenix Bruce Roberts Jim Harder Kathie Harber Danny Richards Henry Veach Jim Wolfe	City Manager Assistant City Manager Director of Finance Asst. Fire Chief Director, Planning & Zoning Police Captain Director of Utilities Administrative Assistant EOC Coordinator Director of Public Works Fire Marshall
VISITORS:	Dan Redd Raymond Loftis	BEDC
NEWS MEDIA:	Michelle Berry Don Rice	Borger News Herald

MONTHLY DEPARTMENTAL REPORTS APPROVED: Monthly departmental reports for the month of April were submitted for the review of the Council. Following discussion, motion was made by Council Member Loftis, seconded by Mayor Pro-tem Spradling, to approve the reports. The motion carried by the following vote:

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

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of April 17, 2007, motion was made by Council Member DeWeese, seconded by Council Member Loftis, 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: The expenditures for the first half of May were submitted for the consideration of the Council. Following review of the expenditures,

motion was made by Mayor Pro-tem Spradling, seconded by Council Member Loftis, to approve payment of the expenditures for the first half of May as submitted. The motion carried by the following vote:

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

RETURNS OF CITY OFFICER’S ELECTION CANVASSED - RESOLUTION NO. R-009-07 APPROVED:

Mayor Brain and the City Council canvassed the returns of a City Officer’s election on May 12, 2007, for Place 4 and Place 5. Mayor Brain said that Marvin “Bubba” Dickson, a candidate for office in Place 4 received the greatest number of votes in his race, and Charles Gillingham, the incumbent in Place 5 received the greatest number of votes in his race. Resolution No. R-009-07 was submitted for the consideration of the Council. The resolution reads as follows:

RESOLUTION NO. R-009-07

A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING RESULTS OF A CITY OFFICERS' ELECTION TO FILL A VACANCY IN PLACE 4 AND PLACE 5 ON THE BORGER CITY COUNCIL

WHEREAS, on the 12th day of May, 2007, a General Election was held for the purpose of electing one (1) Council Member to Place 4, and one (1) Council Member to Place 5 of the City Council of the City of Borger to serve three year terms, and such election having been called, notice given, and held, as is required under the Charter of the City of Borger and the laws of the State of Texas; and

WHEREAS, the City Council of the City of Borger in a regular meeting for the purpose of canvassing the returns of the above mentioned election, due notice having been given to the members of said City Council of said meeting, and after having canvassed said returns from said elections find that there were cast at said election 872 valid and legal votes; and, that the following candidates received the following votes:

CITY COUNCIL MEMBER, PLACE 4, THREE YEAR TERM

	<u>Paul Belton Early Learning</u>	<u>Borger Middle School</u>	<u>Fairlanes Baptist Church</u>	<u>Early Voting</u>	<u>Total</u>
Garry Hannon	98	59	41	156	354
Marvin “Bubba” Dickson	108	75	87	187	457

CITY COUNCIL MEMBER, PLACE 5, THREE YEAR TERM

	<u>Paul Belton Early Learning</u>	<u>Borger Middle School</u>	<u>Fairlanes Baptist Church</u>	<u>Early Voting</u>	<u>Total</u>
Rickey Davis	90	41	41	93	265
Charles Gillingham	72	72	60	172	376
David Brown	56	36	37	98	227

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

THAT the election held on the 12th day of May, 2007, for the purpose of electing one (1) Council Member to Place 4, and one (1) Council Member to Place 5 for three (3) year terms, was duly and legally called and held in compliance with the Charter of the City of Borger and the laws of the State of Texas, that the successful candidate in Place 4 was Marvin “Bubba” Dickson,; and, that the successful candidate in Place 5 was Charles Gillingham, and that the election held on the 12th day of May, 2007, was duly called and held in compliance with the Charter of the City of Borger and the laws of the State of Texas, and as authorized to be submitted to the voters under the Order passed on the 6th day of February, 2007, were duly resolved at said election.

Following canvassing of the election, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve Resolution No. R-009-07 canvassing the votes and declaring the successful candidates in the General Election for Officers conducted on May 12, 2007. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

CHARLES “PETE” LOFTIS HONORED FOR HIS SERVICE ON THE CITY

COUNCIL: Mayor Jeff Brain and City Council members honored Mr. Loftis with a reception and a certificate of service commemorating his thirteen years of service to the City of Borger as a member of the Borger City Council.

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED COUNCIL MEMBER:

Kathie Harber, administrative assistant, administered the Oath of Office and Statement of Elected Officer to Marvin “Bubba” Dickson. Mayor Brain presented Mr. Dickson with a Certificate of Election.

ELECTION OF MAYOR AND MAYOR PRO-TEM POSTPONED: Mayor Brain stated

that in compliance with the City Charter the election for Mayor and Mayor Pro-tem would be postponed until the entire council could be present.

RESOLUTION NO. R-007-07 APPROVED: Resolution No. R-007-07 pertaining to smoking in city facilities and in the operation of city equipment was submitted for the consideration of the Council. Following discussion, motion was made by Mayor Pro-tem Spradling, seconded by Council Member DeWeese, to approve the resolution. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution No. R-007-07 reads as follows:

RESOLUTION NO. R-007-07

A RESOLUTION PERTAINING TO SMOKING IN CITY FACILITIES AND EQUIPMENT OWNED OR UNDER THE CONTROL OF THE CITY OF BORGER, TEXAS

WHEREAS, the Surgeon General of the United States has reported that inhalation of tobacco smoke involuntarily can cause disease, including lung cancer, in healthy nonsmokers; and

WHEREAS, the City Council of the City of Borger believes that its citizens, employees, customers, and visitors should have their right to choose for themselves on an individual basis whether to smoke either actively or passively; and

WHEREAS, it is the desire of the City Council of the City of Borger to balance the interests of its citizens, employees, customers, and visitors who smoke against the potential hazard to its citizens, employees, customers, and visitors who are nonsmokers in a manner that will result in the minimum possible burden on those persons regulated while still meeting the duty to protect the health of its citizens, employees, customers, and visitors; therefore,

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

SECTION 1

That for the purpose of this Resolution, the following definitions shall apply:

1. **City Facility** means all of the enclosed area that is used by the City, its employees, and the general public that is now owned and/or operated by the City of Borger.

2. **City Equipment** means any and all equipment in which the operator is housed within an enclosed area that is owned, leased, operated, or otherwise used by City Employees in connection with City business.
3. **Public Area** means any area accessible to the general public or any other area that may require mandatory interaction with the general public, other employees, customers, or visitors in the transaction of City business.
4. **Smoke, smokes, or smoking** includes:
 - a. Carrying or holding a lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or device; or
 - b. The combustion of any cigar, cigarette, tobacco, or any similar article or any other combustible substance in any manner or in any form; or
 - c. Emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

SECTION 2

For the purpose of this Resolution, the following policy regarding smoking is hereby adopted:

1. Smoking shall not be allowed in any City Facility.
2. Smoking shall not be allowed in City Equipment.
3. Smoking shall not be allowed within 20 feet of any public entrance to any City Facility.
 - a. Smoking shall not otherwise be regulated in outdoor areas
4. Signs shall be visibly placed at each public entrance to City Facilities notifying persons entering the premises that smoking is prohibited.

SECTION 3

This Resolution voids and supersedes any previous resolutions regulating smoking in City Facilities and shall be recorded in the minutes of the City Council and filed for permanent record in the Office of the City Secretary.

LEASE BETWEEN TURNER ENERGY SWD LLC AND THE CITY OF BORGER

APPROVED: Turner Energy SWD LLP contacted the City concerning leasing a 3.4 acre tract of land located in Thompson Addition Unit Three at the NW corner of Lot 1, Block 18 and

continuing thereon. This piece of property was formerly leased to G.P. Guinn Trucking @ \$300.00 per year with no escalation clause. Guinn sold his trucking business to Turner and Turner has agreed to a five year lease @ \$500.00 per year with an option to renew. Following discussion, motion was made by Council Member DeWeese, seconded by Mayor Pro-tem Spradling, to approve the lease agreement as written. The motion carried by the following vote:

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

ONE (1) OPERATION FACELIFT CONTRACT APPROVED: One operation facelift contract was submitted for consideration of demolition and cleanup of structure(s) located on the following property:

b. 518 W. Grand, S 60' of Lot 12, Block 30, Isom Addition

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve demolition of the structure as requested. The motion carried by the following vote:

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

QUESTIONS AND COMMENTS FROM CITIZENS: No comments were heard.

MEETING ADJOURNED: There being no further business, Mayor Pro-tem Spradling moved that the meeting be adjourned. Council Member DeWeese seconded the motion. The motion carried by the following vote:

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

Mayor

ATTEST:

City Manager