

**REGULAR MEETING OF CITY COUNCIL
FEBRUARY 5, 2008**

1:30 P.M.

PRESENT:	Jeff Brain Garrett Spradling Charles Gillingham Leon DeWeese Marvin Dickson	Mayor Council Member Council Member Council Member Council Member
STAFF:	Wanda Klause Eddie Edwards Larry Mullenix Jimmy Adams Bob Watson Henry Veach Danny Richards	City Manager Asst. City Manager Director, Planning & Zoning Police Chief Fire Chief Director of Public Works EOC Coordinator
VISITORS:	Brandy Callahan Robert Vinyard Michael Mittelstet Lee Roberts Jesse Shuffield	Downtown Merchants
NEWS MEDIA:	Michelle Berry	Borger News Herald

MINUTES APPROVED: Following review of the minutes of the regular meeting of January 15, 2008, motion was made by Council Member Gillingham, seconded by Council Member Dickson, 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 DeWeese, seconded by Council Member Spradling, 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 DOWNTOWN MERCHANT'S APPROVED: Brandy Callahan, President, Downtown Merchant's Association, requested permission to block the 500 and 600 blocks of Main Street on May 3, 2008 for a community wide garage sale. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve the request to block the 500 and 600 blocks of Main Street as requested. 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 the following pertaining to the annual Beach Bash:

1. Permission to block off the 500 block of North Main on Friday, June 6, 2008 between the hours of 7:00 p.m. through 11:00 p.m.
2. Permission to block off the 500, 600 and 700 blocks of North Main on Saturday, June 7, 2008 between the hours of 7:00 a.m. through 6:00 p.m.
3. Request the City to provide sand to be placed in the 500 block of North Main.
4. Request the City to provide and place bleachers and barricades to the event.

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to grant permission and provide materials as requested by the Downtown Merchant's pertaining to the Beach Bash on June 6-7, 2008. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

NO ACTION TAKEN ON A REQUEST TO CONSTRUCT A DISC GOLF COURSE IN AND AROUND THE CITY'S NATURE TRAIL: Michael Mittelstet addressed the Council concerning permission to construct a Disc Golf Course in and around the City's Nature Trail, plus requested financial assistance to aid in the construction of such a course in the amount of approximately \$6,200. The Council advised Mr. Mittelstet that in order for the City to enter into a contract for funds, there must be a club or organization involved. Mr. Mittelstet was referred to the staff for assistance. No action was taken.

RECOMMENDATION FROM PLANNING & ZONING APPROVED: Larry Mullenix, Director of Planning & Zoning, requested permission to demolish property located at 601 E. 11th Street, Lots 12-13, Block 6, North Side Addition. Mr. Mullenix said that according to the records of the Hutchinson County Appraisal District the property belongs to the City of Borger. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve the demolition of structures located at 601 E. 11th Street as requested. 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:

1. 1209 Baker, Lot 5, Block 29, Coronado 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.

RECOMMENDATION FROM BUILDING STANDARDS COMMISSION APPROVED:

After proper notice and hearings the Building Standards Commission submitted a letter to the Council recommending the demolition of the following properties:

- (a) 703 Hobby, Lot 5, Block 2, Thompson Addition
- (b) 1209 Baker, Lot 5, Block 29, Coronado Addition
- (c) 1008 Jim Hall, Lot 2, Block 7, North Side Addition
- (d) 512 Green, E/2 of Lots 13-14, Block 5, North Side Addition
- (e) 218 S. Harvey, S/42' of Lots 42-44, Block 5, Isom Addition

Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve demolition and cleanup of the recommended properties. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PRELIMINARY AND FINAL PLAT OF A 19.381 ACRE TRACT IN THE SW/4 OF SECTION 31, AND THE SE/4 OF SECTION 34 RECEIVED - PUBLIC HEARING

SCHEDULED: Jeff Whittington submitted a preliminary and final plat of a 19.381 acre tract in the SW/4 of Section 31, and the SE/4 of Section 34 and requested the Council's consideration. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to receive the plat and schedule a public hearing for 1:30 p.m., February 19, 2008 to allow for public comment. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REQUEST TO REZONE LOTS 5-8, BLOCKS 2 & 3, NORTH HILLS ADDITION RECEIVED - PUBLIC HEARING SCHEDULED:

Mike Blommaert submitted a request to allow the rezoning of Lots 5-8, Blocks 2 & 3, North Hills Addition from a General Residence Zoned District to a Commercial Zoned District, and requested the Council's consideration of same. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Spradling, to receive the request for rezoning and schedule a public hearing for 1:30 p.m., March 4, 2008 to allow for public comment. The motion carried by the following

vote:

Ayes: All members present voted aye.

Nays: None.

REQUEST FROM BORGER INDEPENDENT SCHOOL DISTRICT APPROVED: Tim Anuszkiewicz, Athletic Director, BISD, submitted a request for the use of Huber Baseball Park for both a practice field and for games, beginning January 21st 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 21st through the end of the baseball season. Following discussion, motion was made by Council Member Spradling, seconded by Council Member DeWeese, 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: Tim Anuszkiewicz, Athletic Director, BISD, submitted a request for the use of Agnes Howe Softball Park for both a practice field and for games, beginning January 21st and extending through the end of the season. As in the past, BISD will assume the responsibility for maintenance of the field beginning January 21st through the end of the softball season. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the request. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-001-08 APPROVED ON FINAL READING: Ordinance No. O-001-08 amending the Code of Ordinances of the City of Borger, Texas in Chapter 3, Building Regulations, Article 3.14, Signs was submitted for the Council's consideration on final reading. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Ordinance No. O-001-08 on final reading. 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 OF THE CITY OF BORGER, TEXAS IN CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.14, SIGNS; PROVIDING FOR A REPEALER; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

INTER-LOCAL AGREEMENT BETWEEN HUTCHINSON COUNTY AND CITY OF BORGER FOR THE TRADE OF SERVICES AND EQUIPMENT APPROVED: An inter-local agreement between Hutchinson County and the City of Borger providing that the City will provide free refuse service for certain areas in exchange of the City's use of certain County equipment was submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve the Inter-Local Agreement as written. The motion carried by the following vote:

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

PURCHASE OF PROPERTY APPROVED: Assistant City Manager Eddie Edwards submitted information concerning the purchase of Lots 25 and 26, Block 27, Original Townsite and requested authority to purchase the lots for \$7,000.00; stating that the intended use of the lots is to provide additional parking for police vehicles. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve purchase of Lots 25 and 26, Block 27, Original Townsite in the amount of \$7,000.00 as requested. The motion carried by the following vote:

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

ORDINANCE NO. O-002-08 GRANTING XCEL ENERGY A FRANCHISE TO OPERATE IN THE CITY OF BORGER INTRODUCED: Ordinance No. O-002-08 granting a franchise to Xcel Energy to conduct an electrical lighting and power business within the corporate limits of the City of Borger was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to approve introduction of Ordinance No. O-002-08 granting a franchise to Xcel Energy. The motion carried by the following vote:

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

RESOLUTION NO. R-001-08 REPEALING THE 2002 EMPLOYEE MANUAL AND ADOPTING THE 2008 EMPLOYEE MANUAL APPROVED: Assistant City Manager Eddie Edwards submitted Resolution No. R-001-08 repealing the current 2002 Employee Manual and adopting the revised 2008 Employee Manual and requested the Council approve Resolution No. R-001-08. The resolution reads as follows:

RESOLUTION NO. R-001-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, REPEALING THE EXISTING 2002 EMPLOYEE MANUAL AND ADOPTING A REVISED 2008

**EMPLOYEE MANUAL FOR THE CITY OF BORGER,
TEXAS.**

WHEREAS, the City of Borger is committed to providing fair and consistent policies and procedures for its employees for the purpose of having an effective and efficient workforce; and

WHEREAS, it is in the best interest of the City of Borger, Texas to review its policies and procedures from time to time, to make revisions as appropriate, and to publish those changes so employees are made aware of new policies and procedures; and,

WHEREAS, the existing 2002 Employee Manual no longer meets all applicable State and Federal employment requirements and guidelines; and,

WHEREAS, the City Council of the City of Borger, Texas has reviewed the proposed 2008 Employee Manual and has determined it to be reasonable and equitable.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, THAT, the 2008 Employee Manual attached hereto and made a part hereof as Exhibit "A," captioned the "City of Borger Employees Manual" and revised February 2008 is hereby adopted and approved; and the City Manager or his/her designated representative is hereby authorized to implement this Employee Manual and any other documents as may be necessary or appropriate.

BE IT FURTHER RESOLVED that all previous resolutions, parts of resolutions, or motions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED that this Resolution is passed under the Home Rule Authority of the City of Borger, Texas as provided for in the City of Borger Charter, Section 56, and State law.

PASSED, APPROVED AND ADOPTED on this the 5th day of February, 2008, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code §551.001. et. seq. at which meeting a quorum was present and voting.

Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to adopt Resolution No. R-001-08 repealing the current 2002 Employee Manual and adopting the revised 2008 Employee Manual. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION NO. R-002-08 ORDERING A REGULAR CITY ELECTION FOR MAY 10, 2008: The following resolution was submitted for the consideration of the Council:

RESOLUTION NO. R-002-08

A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 10TH DAY OF MAY, 2008; 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 10th day of May, 2008, at which election the following officers shall be elected by the qualified voters of the City:

One (1) Council Member, at large, Place Two (2)

and

One (1) Council Member, at large, Place Three (3)

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 Polly Gillingham, Presiding Judge, and B.R. Thomas, Alternate Judge, and said Presiding Judge shall appoint the necessary clerks to assist him/her which shall not exceed ten clerks.

County voting precinct 11 (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 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 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 5, 2008 and Tuesday, May 6, 2008.

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 Gillingham, seconded by Council Member Dickson, to approve Resolution No. R-002-08 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 10, 2008 was submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to approve the order and notice for a general election of officers, May 10, 2008, 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, and the Hutchinson County

Hospital District to share expenses at the election scheduled for May 10, 2008, was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to approve the joint election order. 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 Jeff Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.074 Personnel Matters as follows.

(a) Discuss the appointment of a Director of Public Works.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the appointment of a Director of Public Works. No decisions were made and no action was taken.

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

Mayor

ATTEST:

City Manager