

**REGULAR MEETING OF CITY COUNCIL
FEBRUARY 1, 2011 - 1:30 P.M.**

PRESENT: Jeff Brain Mayor
Leon DeWeese Council Member
Robert Vinyard Council Member
Marvin Dickson Council Member
Charles Gillingham Council Member

STAFF: Eddie Edwards City Manager
Danny Richards E.O.C. Director
Stella E. Sauls City Secretary
Scott Radach Director, Finance
Rhonda Partain Finance, IT Specialist
Jimmy Adams Chief, Police Department
Larry Mullenix Director, Planning and Zoning
Ted Dodd Director, Public Works

VISITORS: Rev. Randy Bartley Keeler Baptist Church
Mark Mitchell
Deana Hubbard
Kenny Hubbard
Murt Hubbard
Odis McClellan
Le'Ann Mitchell

NEWS MEDIA: Michelle Berry Borger News Herald

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.

Mark Mitchell and Odis McClellan spoke in favor of the Borger Fire Department's current response area within the County.

MINUTES APPROVED: Following review of the minutes of the regular meeting of January 18, 2011 was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes 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 last half of January were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve payment of the expenditures for the first half of January as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

INTERLOCAL AGREEMENT FOR USE OF ATHLETIC FIELDS BETWEEN THE BORGER INDEPENDENT SCHOOL DISTRICT AND THE CITY OF BORGER APPROVED: City Manager Eddie Edwards explained to the Council the schools request each year for permission to use the City's athletic fields for baseball and softball. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve an Interlocal Agreement between the Borger Independent School District and the City of Borger for Athletic Field Use and Maintenance. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

INTERLOCAL AGREEMENT FOR USE OF JOHNSON PARK SOFTBALL FIELDS BETWEEN FRANK PHILLIPS COLLEGE AND THE CITY OF BORGER APPROVED: City Manager Eddie Edwards explained to the council the request made by Frank Phillips College for the use of the Johnson Park Softball Fields. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the Interlocal Agreement between Frank Phillips College and the City of Borger pertaining for the use of the Johnson Park Softball Fields. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDER AND NOTICE FOR GENERAL ELECTION OF OFFICER APPROVED: An order and notice for the general election of officers to be conducted on May 14, 2011 was submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded Council Member Dickson, to approve the order and notice for a general election May 14, 2011 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 and the Borger Independent School District to share expenses of the election scheduled for May

14, 2011 was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, 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.

RESOLUTION R-002-11 ORDERING A REGULAR CITY ELECTION FOR MAY 14, 2011 APPROVED: City Secretary Stella Sauls submitted resolution R-002-11 for the consideration of the Council. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve Resolution R-002-11 ordering a Regular City General Election to be held May 14, 2011. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION NO. R-002-11

A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 14th DAY OF MAY, 2011; DESIGNATING POLLING PLACES; 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 14th day of May, 2011, 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, and 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.

County voting precinct 11 (City Polling Place No. 2) shall vote at the Borger Middle School, 1200 S. Florida.

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

The City Secretary, upon selection of judges, 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 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 Judge appoint less than two clerks.

The Judges shall be compensated at an hourly rate of \$12, 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 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 appointment of a Judge and deputy or clerks for early voting shall be made by the City Secretary 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 judge and 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 9, 2011 and Tuesday, May 10, 2011.

Said judge and 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 clerks 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 Hart InterCivic eSlate Voting 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 Hart InterCivic eSlate Ballot Stations, DRE Voting System. The City Council hereby adopts for use in early and election day voting the Hart InterCivic eSlate 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, 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 to 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.

PASSED, APPROVED and RESOLVED this 1st day of February, 2011.

STREET LIGHTS APPROVED: Director of Planning and Zoning Larry Mullenix submitted a request for the installation of six (6) 250 watt HPS street lights along the south Right-of-Way of Roosevelt Street. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve the installation of six (6) 250 watt HPS street lights along the south Right-of-Way of Roosevelt Street from the west main entrance of Frank Phillips College to the west entrance of the new hospital. 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:

City Secretary