

**REGULAR MEETING OF CITY COUNCIL  
JANUARY 19, 2016 - 1:30 P.M.**

<b>PRESENT:</b>	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Karen Felker	Council Member
	Odis McClellan	Council Member
	Charles Gillingham	Council Member

<b>STAFF:</b>	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Bob Watson	Chief, Fire Department
	Byron Swafford	Director, Human Resources
	Anthony Griffin	Judge, Municipal Court
	Kenneth Petr	Director, Planning and Zoning
	Larry Byrd	Combination Building Inspector
	John Montoya	Code Enforcement Officer
	Brandon Strobe	Lieutenant, Police Department
	Ted B. Dodd	Director, Public Works
	Ralph Earles	Director, Parks and Recreation
	Rhonda Miller	IT Specialist

<b>VISITORS:</b>	Rev. Charles Griffin	Pastor, Valley View Baptist Church
	Jesse Shuffield	Marty Vinyard
	Nellie Villasenor	David Fulks
	A. L. Hannon	Meryl Barnett
	Garry Hannon	

**NEWS MEDIA:**

**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.

**MINUTES APPROVED:** Following review of the minutes of the work session and regular meeting of January 5, 2016, motion was made by Council Member Dickson, seconded by

Council Member Gillingham, to approve the minutes of the work session and regular meeting of January 5, 2016. The motion carried by the following vote:

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

**PAYMENT OF EXPENDITURES APPROVED:** The expenditures for the first half of January 2016 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Dickson, to approve payment of the expenditures of the first half of January 2016 as submitted. The motion carried by the following vote:

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

**INTERLOCAL AGREEMENT BETWEEN THE BORGER INDEPENDENT SCHOOL DISTRICT, THE BORGER JUNIOR COLLEGE DISTRICT, THE HUTCHINSON COUNTY HOSPITAL DISTRICT, HUTCHINSON COUNTY AND THE CITY OF BORGER APPROVED:**

City Manager Eddie Edwards explained that this is one of the steps necessary in the process to get demolition proceedings started on the Black Hotel. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the Interlocal Agreement for Demolition of Entity Owned Property between the Borger Independent School District, the Borger Junior College District, the Hutchinson County Hospital District Hutchinson County, and the City of Borger. The motion carried by the following vote:

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

**THREE (3) CONSTRUCTION CHANGE ORDERS FROM PLAINS BUILDERS FOR THE POLICE DEPARTMENT APPROVED:**

City Manager Eddie Edwards explained that there were unforeseen issues with the building that had to be addressed. Following discussion, motion was made by Council Member Felker, seconded by Council Member Gillingham, to approve CCR#1, CCR#2 and CCR#4 changing the total amount of the Original Contract with Plains Builders for Police Station Remodel from \$366,769 to \$377,750. The motion carried by the following vote:

Ayes: Mayor Vinyard, Council Members Felker, Dickson and Gillingham.  
Opposed: Council Member McClellan.

**TWO (2) CONSTRUCTION CHANGE ORDERS FROM PLAINS BUILDERS FOR THE FIRE DEPARTMENT APPROVED:**

City Manager Eddie Edwards explained that there were

unforeseen issues with the building and property that had to be addressed. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Felker, to approve CCR#2 and CCR#3 changing the total amount of the Original Contract with Plains Builders for Fire Station Remodel and Expansion from \$2,376,856 to \$2,436,985. The motion carried by the following vote:

Ayes: Mayor Vinyard, Council Members Felker, Dickson and Gillingham.

Opposed: Council Member McClellan.

**MASTER SERVICES AGREEMENT BETWEEN PHILLIPS 66 AND THE CITY OF BORGER APPROVED:** City Manager Eddie Edwards and Fire Chief Bob Watson explained to the Council that Phillips wants to pay the City for the Fire Mitigation done on their property. Following discussion motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the Master Services Agreement between Phillips 66 and the City of Borger. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**REMOVAL OF APPEAL FOR 312 VETA STREET FROM TABLE:** During the regular meeting of January 5, 2016, the appeal for 312 Veta Street was tabled. Motion was made by Council Member Gillingham, seconded by Council Member Dickson, to remove item from the table. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**APPEAL FOR DEMOLITION AT 312 VETA STREET MODIFIED:** Mr. A. L. Hannon gave the Council an update on the work taking place at 312 Veta Street. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve Order CCO-001-16 granting an additional 90 days and specifying specific terms and conditions for Mr. Hannon to bring the structures located at 312 Veta Street (Lot 7, Block B, North Hills Addition) into compliance with minimum standards as required by the City of Borger Code of Ordinances. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ORDER OF ELECTION, RESOLUTION R-001-16 ORDERING REGULAR GENERAL CITY ELECTION, NOTICE OF ELECTION FOR OFFICERS TO BE HELD ON MAY 7, 2016 AND JOINT ELECTION AGREEMENT BETWEEN THE CITY OF BORGER, BORGER INDEPENDENT SCHOOL DISTRICT, FRANK PHILLIPS COLLEGE**

**DISTRICT, AND THE HUTCHINSON COUNTY HOSPITAL DISTRICT APPROVED:**

City Secretary Stella E. Sauls submitted the following items for consideration by the Council:

- a. An order to call a Regular General City Election.
- b. Resolution R-001-16 ordering a Regular General City Election to be held on the 7<sup>th</sup> day of May 2016, providing details for the holding of an election for two (2) members of the Borger City Council.
- c. A notice of Election to be conducted on May 7, 2016.
- d. A Joint Election Agreement between the City of Borger, Borger Independent School District, Frank Phillips College District, and the Hutchinson County Hospital District.

Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Felker and Dickson, to approve the Order and Notice, Resolution R-001-16 calling the 2016 General City Election; and the Joint Election Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-001-16 reads as follows:

**RESOLUTION R-001-16**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 7<sup>TH</sup> DAY OF MAY, 2016; 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 7<sup>th</sup> day of May, 2016, 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, 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 here by authorized and directed to provide a copy of the Resolution of 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 the 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 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 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 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; in 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 2, 2016 and Tuesday May 3, 2016.

Said judge and clerk 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. 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 here by 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 the 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 19<sup>th</sup> day of January 2016.

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**EXECUTIVE SESSION:** Mayor Vinyard stated that in compliance with Chapter 551, Texas Govt. Code, (Open Meetings Law), the Council would retire into executive session relative the Texas Govt. Code, Section 551.071 Consultation with Attorney.

- a. Discuss condemnation proceedings against the Burgess herring Ranch Company, LLC, to acquire: rights-of-way, sanitary control easements, fee simple interests and overhead powerline easements, for property located in the Eucebio Almaguei Survey and the William Cole Survey, both in Hutchinson County, Texas, for the production of water from wells owned by the City.

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Mayor Vinyard reconvened the regular meeting and announced that the Council discussed items relative the Texas Govt. Code, Section 551.071 Consultation with Attorney.

Following discussion, motion was made by Council Member Felker, seconded by Council Member Gillingham, to authorize staff through legal representation to continue negotiating with Burgess Herring Ranch Company, LLC, to reach an amicable agreement; and authorize staff through legal representation to proceed with condemnation proceedings for property located in the Eucebio Almaguei Survey and the William Cole Survey, both in Hutchinson County, Texas, to obtain the rights necessary for the City to produce water from the wells it owns, including: rights-of-way, sanitary control easements, fee simple interests and overhead powerline easements. 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.

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Mayor

**ATTEST:**

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City Secretary