

**REGULAR MEETING OF CITY COUNCIL  
FEBRUARY 2, 2010**

**1:30 P.M.**

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

**STAFF:** Wanda Klause City Manager  
Eddie Edwards Asst. City Manager  
Stella E. Sauls City Secretary  
Larry Mullenix Planning & Zoning Director  
Jimmy Adams Chief, Police Department  
Bruce Roberts Captain, Police Department  
Jeff Schiller Officer, Police Department  
Danny Richards Director EOC  
Ted Dodd Director of Public Works  
Scott Radach Finance Director

**VISITORS:** Minister Bill Sisemore First United Methodist Church  
Judy Mihm  
Carie Richards  
Mike Barter  
Odis McClellan  
Pat Rendon

**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.

Mr. Odis McClellan advised the Council of his concern about the current fire inspection process. He also had a concern about who determines how properties are classified (*small, medium, large*). Mr. McClellan feels the Fire Department should use better common sense and courtesy.

Mr. McClellan was advised by Council Member Robert Vinyard and Mayor Jeff Brain that the Fire Department was working on a more favorable plan that would be feasible to all entities and will ultimately be beneficial to all businesses.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of January 19, 2010, motion was made by Council Member Dickson, seconded by Council Member DeWeese, to approve 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 Gillingham, seconded by Council Member Dickson, 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.

**AMENDMENT OF WATER PRICING AGREEMENT:** Assistant City Manager Eddie Edwards explained the amendment to the Water Pricing Agreement would not affect the water rates, but would extend the termination date of the agreements, for Agrium U.S. Inc., Amendment #2, Sid Richardson, Amendment #5, and Degussa Engineered Carbons, L.P., Amendment #1, to December 31, 2010. Following discussion, motion was made by Council Member DeWeese, and seconded by Council Member Vinyard, to approve the amendments as submitted. 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 8, 2010 was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the order and notice for a general election May 8, 2010, 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 District, and the Hutchinson County Hospital District to share expenses at the election scheduled for May 8, 2010, was submitted for the consideration of the Council. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve the joint election order. The motion carried by the following vote:

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

**RESOLUTION R-001-10 ORDERING A REGULAR CITY ELECTION FOR MAY 8, 2010:** The following resolution was submitted for the consideration of the Council:

**RESOLUTION NO. R-001-10**

**A RESOLUTION OF THE CITY OF BORGER, TEXAS, ORDERING A REGULAR CITY GENERAL ELECTION TO BE HELD ON THE 8th DAY OF MAY, 2010 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 8th day of May, 2010, 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 Gail Clough, Presiding Judge, and Nellie Villasenor, 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 Phyllis Harmony, 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 Secretary 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 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 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:**

Wanda Klause is hereby appointed Presiding Judge for early voting; the appointment of a 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 3, 2010 and Tuesday, May 4, 2010.

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 therefore, 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 2nd day of February, 2010.

Following discussion, motion was made by Council Member Vinyard, seconded by Council Member DeWeese, to approve Resolution No. R-001-10 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 structures(s) located on the following property:

1. 1108 Madison Street, Lots 13-14, Block 1, Westover Hills Addition

Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, to approve demolition of the structures as requested. The motion carried by the following vote:

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

**EXECUTIVE SESSION:** Mayor 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.

- a. Discuss the City Manager selection process.

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the City Manager selection process. No decision was made and no action was taken.

**MEETING ADJOURNED:** There being no further business, motion was made by Council Member Vinyard, seconded by Council Member Gillingham. 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