

**REGULAR MEETING OF CITY COUNCIL
MAY 17, 2011 - 1:30 P.M.**

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

ABSENT: Leon DeWeese Council Member

STAFF: Eddie Edwards City Manager
Danny Richards E.O.C. Director
Stella E. Sauls City Secretary
Scott Radach Director of Finance
Rhonda Partain Finance/IT Specialist
Jimmy Adams Police Chief
Bruce Roberts Captain, Police Department
Ted Dodd Director, Public Works
Ralph Earles Assistant Director, Public Works
Ivonne Mendoza Clerk, Public Works
Jim Harder Director of Utilities

VISITORS: Les Sharp Pastor Faith Covenant Church
Judy Mihm
Glendon Jett
Marty Vinyard
Kent Satterwhite
Lisa Vinyard
Rob Vinyard
Raymond Loftis
Harvey Hathaway

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.

No comments heard.

MINUTES APPROVED: Following review of the minutes of the regular meeting of May 3, 2011, motion 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 first half of May were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Vinyard, 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 – RESOLUTON R-005-11 APPROVED: Mayor Brain and the City Council canvassed the election returns of the May 14, 2011 City Officer's Election for Place 2 and Place 3. Mayor Brain stated that in Place 2, incumbent Robert Vinyard received 394 votes, John Ray received 60 votes, and Brandy Callahan received 321 votes; and in Place 3 unopposed incumbent Jeff Brain received 629 votes. Following canvassing of the election returns, Resolution R-005-2011 canvassing the votes and declaring the successfully candidates in the City Officer's Election conducted on May 14, 2011 was submitted for the consideration of the Council, motion was made by Council Member Vinyard, seconded by Council Member Gillingham, to approve Resolution R-005-11 as submitted. The motion carried by the following vote:

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

The resolution reads as follows:

RESOLUTION R-005-11

**A RESOLUTION AND ORDER CANVASSING THE RETURNS
AND DECLARING RESULTS OF A CITY OFFICER'S ELECTION
TO FILL A VACANCY IN PLACE 2 AND PLACE 3 ON THE
BORGER CITY COUNCIL**

WHEREAS, on the 14th day of May, 2011, a General Election was held for the purpose of electing one (1) Council Member to Place 2, and one (1) Council Member to Place 3 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 following candidates received the following votes:

CITY COUNCIL MEMBER, PLACE 2, THREE YEAR TERM

	PAUL BELTON ELEMENTARY SCHOOL	BORGER MIDDLE SCHOOL	FAIRLANES CHURCH	EARLY VOTING	TOTAL VOTES
Robert Vinyard	71	78	62	183	394
John Ray	10	11	11	28	60
Brandy Callahan	42	39	38	202	321

CITY COUNCIL MEMBER, PLACE 3, THREE YEAR TERM

	PAUL BELTON ELEMENTARY SCHOOL	BORGER MIDDLE SCHOOL	FAIRLANES CHURCH	EARLY VOTING	TOTAL VOTES
Jeff Brain	97	107	80	345	629

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

THAT the election held on the 14th day of May, 2011, for the purpose of electing one (1) Council Member to Place 2, and one (1) Council Member to Place 3 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 2 was Robert Vinyard; and, that the successful candidate in Place 3 was Jeff Brain, and that the election held on the 14th day of May, 2011, was duly called and held in compliance in 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 1st day of February, 2011, were duly resolved at said election.

PASSED, APPROVED, AND ADOPTED, on this the 17th day of May, 2011, 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.

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED COUNCIL MEMBERS:

City Secretary Stella E. Sauls administered the Oath of Office and Statement of Elected Officer to Robert Vinyard and Jeff Brain. Mayor Brain presented Mr. Vinyard with a Certificate of Election and Mayor Pro-Tem Vinyard presented Mr. Brain with a Certificate of Election, as well.

NOTICE OF INTENTION TO ISSUE CANADIAN RIVER MUNICIPAL WATER AUTHORITY SUBORDINATE LIEN CONTRACT REVENUE BONDS, SERIES 2011

RECEIVED: City Manager Eddie Edwards and Ken Satterwhite, representing CRMWA, explained the intent of CRMWA to issue revenue bonds to increase their well field capacity for the future. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to receive the Notice of Intention to Issue Canadian River Municipal Water Authority Subordinate Contract Revenue Bonds, Series 2011; and if all cities also agree, the City of Borger agrees to the issuance of Subordinate Lien Contract Revenue Bonds with a total par amount not to exceed \$94,275,000 inclusive of financing. The motion carried by the following vote:

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

City Manager Eddie Edwards explained to the Council that there were several ways to participate in funding this project. Following further discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, for the City of Borger to participate at its current level of participation and assume any additional amount that becomes available; and the City of Borger will fund its portion of the project costs solely through participation in the Authority's revenue bonds, and elects to use a 20 year level debt service. The motion carried by the following vote:

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

SANITARY SEWER DEDICATION AGREEMENT APPROVED: Director of Utilities Jim Harder explained that this Agreement between Harvey's Tire, Riddle's Welding, and the City of Borger pertained to the extension of the City's Sanitary Sewer System to Service each of these existing business's. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the Sanitary Sewer Dedication Agreement between Harvey Tire, Riddle's Welding and the City of Borger. 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