

**SPECIAL MEETING OF CITY COUNCIL
MAY 10, 2016 - 1:30 P.M.**

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| PRESENT: | Robert Vinyard | Mayor |
| | Marvin Dickson | Mayor Pro-Tem |
| | Karen Felker | Council Member |
| | Odis McClellan | Council Member |
| | Charles Gillingham | Council Member |
| | Milton R. Ooley | Council Member |

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| STAFF: | Eddie Edwards | City Manager |
| | Stella E. Sauls | City Secretary |
| | Danny Richards | Director, Emergency Management |
| | Jason Whisler | Emergency Management Coordinator |
| | Bob Watson | Chief, Fire Department |
| | Jason Pender | Fire Marshal |
| | Scott Radach | Director, Finance |
| | Kristie Powell | Data Processing Tech |
| | Byron Swafford | Director, Human Resources |
| | Anthony Griffin | Judge, Municipal Court |
| | Nicole Riggle | Deputy Municipal Court Clerk |
| | Ralph Earles | Director, Parks and Recreation |
| | Larry Byrd | Combination Building Inspector |
| | John Montoya | Code Enforcement Officer |
| | Bruce Roberts | Chief, Police Department |
| | Brandon Strobe | Lieutenant, Police Department |
| | David Watson | Sergeant, Police Department |
| | Ted B. Dodd | Director, Public Works |
| | Rhonda Miller | I/T Specialist |

NEWS MEDIA: April Davis

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| VISITORS: | Polly Gillingham | Rob Vinyard |
| | Lisa Vinyard | Marty Vinyard |
| | Joe Castagnetta | Shirley Castagnetta |
| | Elda Newman | Kandee L. Ooley |
| | Shane Orr | David Teakell |
| | Ricky Horton | Jesse Shuffield |
| | Norma Luginbyghl | Carie Richards |
| | Malysa Pemberton | R. D. Edmiaston |
| | Sara Bumgarner | Paula Griffin |
| | Nellie Villasenor | Harold Bumgarner |
| | Danny Courtney | Dwight Rice |
| | T. Rice | James Baker |
| | Jeremy Bumgarner | Ben Ooley |

Jeff Brain
Faye Blanks
Tom Hinde

Steven Burney
Charlie Davis

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. Garry Hannon commented on the election and congratulated Mr. Milton Ooley for running a clean campaign. Stated there were discrepancies on the City side that should have remained neutral. Mr. Hannon asked the City Manager if he knew his Administrative Assistant made phone calls from city offices regarding the election to try and sway voters from City Hall.

Mrs. Norma Luginbyhl, Director of the Hutchinson County Crisis Center, welcomed Mr. Milton Ooley and said goodbye to Charles Gillingham. Mrs. Luginbyhl thanked the Council for their service to the community.

Mr. Dwight Rice first thanked the Council for their service to the community. He continued by commenting on the city taking over the golf course, purchasing golf carts, the 9-11 Memorial, paved alleys not being repaired after the city doing work in the alley, and state that the Certificate of Obligation debt should be tabled until other problems have been addressed.

The Mayor addressed the concerns and explained that the 3.9 million dollars was designated to other projects within the city such as:

2.7 million dollars for the Fire Station actual cost
575,000 dollars for the Municipal Building estimated cost
275,000 dollars for the Roosevelt Street light project

Mr. Garry Hannon addressed the Council again in reference to the Issuance of debt audit and the Standard and Poors statement referencing the City's economy as weak.

ORDINANCE O-003-16 "GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016" AND ORDINANCE O-004-16 "TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED KPLEDGE) REVNUUE CERTIFICATES OF OBLIGATION, SERIES 2016" APPROVED: City Manager Eddie Edwards introduced Mr. Andrew Friedman with SAMCO who addressed the Council and explained the interest rates, qualifications and requirements the City had to meet in order to qualify for the issuance of debt. Following discussion, motions were made by Council Member Felker, seconded by Council Member Gillingham, on the following:

- a. to approve Ordinance O-003-16 related to the issuance and sale of City of Borger,

Texas General Obligation Refunding Bonds, Series 2016, in addition approve the execution of any and all necessary engagement agreements of documents related to the issuance with the City's Bond Counsel, Underwriters, and/or Financial Advisors.

Motion carried by the following vote:

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

Opposed: Council Member McClellan.

- b. to approve Ordinance O-004-16 related to the issuance and sale of City of Borger, Texas Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation Series 2016, and in addition approve the execution of any and all necessary engagement agreements or documents related to the issuance with the City's Bond Counsel, Underwriters, and/or Financial Advisors.

Motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Caption of Ordinance O-003-16 reads as follows:

ORDINANCE O-003-16

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BORGER, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016"; SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE REDEMPTION OF THE OBLIGATIONS BEING REFUNDED; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A BOND PURCHASE AGREEMENT AND ESCROW AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE.

Caption of Ordinance O-004-16 reads as follows:

ORDINANCE O-004-16

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BORGER, TEXAS TAX AND WATERWORKS AND SEWER SYSTEM (LIMITED PLEDGE) REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016"; SPECIFYING THE TERMS AND FEATURES OF SAID CERTIFICATES; PROVIDING FOR THE PAYMENT OF SAID

CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND LIMITED PLEDGE OF THE NET REVENUES FROM THE OPERATION OF THE CITY'S COMBINED WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, SALE, PAYMENT, SECURITY AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AND A PURCHASE AGREEMENT, THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISOR AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE.

RETURNS OF CITY OFFICER'S ELECTION CANVASSED – RESOLUTION R-007-16

APPROVED: Mayor Vinyard and the City Council canvassed the election returns of the May 7, 2016 City Officer's Election for Place 4 and Place 5. Mayor Vinyard stated that in Place 4 Marvin "Bubba" Dickson received 447 votes and Bruce E. Lemery received 327 votes and in Place 5 Milton R. Ooley received 402 votes and Garry Hannon received 385 votes. Following review of election returns, Resolution R-007-16 canvassing the votes and declaring the successful candidates in the City Officer's Election conducted May 7, 2016 was submitted for the consideration of the Council, motion was made by Council Member McClellan, seconded by Council Member Felker, to approve the Resolution R-007-16 canvassing the returns and declaring results of a City Officer's Election to fill a vacancy in Place 4 and Place 5 on the Borger City Council as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-007-16 reads as follows:

RESOLUTION R-007-16

A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING RESULTS OF A CITY OFFICER'S ELECTION TO FILL TWO VACANCY ONE IN PLACE 4 AND ONE IN PLACE 5 FOR THE BORGER CITY COUNCIL

WHEREAS, on the 7th day of May, 2016, a General Election was held for the purpose of electing one (1) Council Member in Place 4 and one (1) Council Member in Place 5 of the City Council of the City of Borger to serve a three year term, 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 special 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 election the candidates received the following votes:

CITY COUNCIL MEMBER, PLACE 4, THREE YEAR TERM

| | PAUL BELTON SCHOOL | BORGER MIDDLE SCHOOL | FAIR- LANES CHURCH | MAIL BALLOTS | EARLY VOTING | TOTAL VOTES |
|-----------------|-----------------------------------|-------------------------------------|-----------------------------------|-------------------------|-------------------------|------------------------|
| Marvin Dickson | 37 | 60 | 49 | 37 | 264 | 447 |
| Bruce E. Lemery | 46 | 38 | 35 | 23 | 185 | 327 |

CITY COUNCIL MEMBER, PLACE 5, THREE YEAR TERM

| | PAUL BELTON SCHOOL | BORGER MIDDLE SCHOOL | FAIR- LANES CHURCH | MAIL BALLOTS | EARLY VOTING | TOTAL VOTES |
|-----------------|-----------------------------------|-------------------------------------|-----------------------------------|-------------------------|-------------------------|------------------------|
| Milton R. Ooley | 34 | 58 | 46 | 29 | 235 | 402 |
| Garry Hannon | 53 | 39 | 39 | 31 | 223 | 385 |

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

THAT the election held on the 7th day of May, 2016, for the purpose of electing one (1) Council Member to Place 4 and one (1) Council Member to Place 5, for a three (3) year term each, 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 candidates are in Place 4, Marvin “Bubba” Dickson, and in Place 5, Milton R. Ooley, and as authorized to be submitted to the voters under the Order passed on the 19th day of January, 2016, were duly resolved at said election.

PASSED, APPROVED, AND ADOPTED, on this the 10th day of May, 2016, at a special 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 THE NEWLY ELECTED COUNCIL MEMBERS: City Secretary Stella E. Sauls administered the Oath of Office to Marvin “Bubba” Dickson and Milton R. Ooley.

PRESENTATION OF CERTIFICATE OF ELECTION TO THE NEWLY ELECTION COUNCIL MEMBERS: Mayor Vinyard presented Certificates of Election to Mr. Dickson and Mr. Ooley.

RECOGNITION OF COUNCIL MEMBER CHARLES GILLINGHAM: Mayor Vinyard thanked Mr. Gillingham for his 15 years of service and presented him with a gift.

ELECTION OF THE MAYOR FOR THE ELECTION YEAR 2016-2017: The Council conducted an election for Mayor for the election year 2016-2017. Mr. Vinyard won with a unanimous vote.

MAYOR PRO-TEM APPOINTED FOR ELECTION YEAR 2016-2017: Council Member Dickson was nominated for Mayor Pro-Tem by Council Member Felker, seconded by Council Member McClellan. The nomination carried by the following vote:

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

AGREEMENT BETWEEN ADVANCED DESIGNES CORPORATION AND THE CITY OF BORGER FOR REPAIR OF DOPPLER RADAR APPROVED:

Emergency Management Coordinator Jason Whisler explained to the Council the urgency in getting the City of Borger's Doppler Weather Radar repaired. Following discussion motion was made by Council Member Dickson, seconded by Council Member Felker, to approve the Agreement between ADC and the City of Borger in the amount of \$63,364.50 for emergency repairs to the City's Doppler Weather Radar. 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 Ooley, seconded by Council Member Felker, to adjourn the meeting. The motion carried by the following vote:

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

Mayor

ATTEST:

City Secretary