

**REGULAR MEETING OF CITY COUNCIL  
NOVEMBER 6, 2012 – 1:30 P.M.**

**PRESENT:** Robert Vinyard Mayor Pro-Tem  
Brandy Callahan Council Member  
Charles Gillingham Council Member

**ABSENT:** Jeff Brain Mayor  
Marvin Dickson Council Member

**STAFF:** Eddie Edwards City Manager  
Danny Richards E.O.C. Director  
Stella E. Sauls City Secretary  
Kenneth Petr Director, Planning and Zoning  
Jimmy Adams Chief, Police Department  
Bruce Roberts Captain, Police Department  
Jeremy Hundley Sergeant, Police Department  
Ted B. Dodd Director, Public Works

**VISITORS:** Meryl Barnett  
Shawn Dunigan  
J. T. Conner  
Lane Myers  
Christian Marl  
Callie Galloway  
Jesse Shuffield  
Elizabeth Conner

**NEWS MEDIA:** Michelle Berry

**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.

J.T. Conner, president of the sophomore class at Borger High School, invited the City Council to

attend their No Texting and Driving Campaign on November 20, 2012 at 10:50 a.m. Mr. Conner informed the Council that there will be pledge cards to fill out; upon filling out a pledge card the person will receive a T-shirt. He indicated that there will be a dramatization and wrecked vehicles provided by Mr. Matt Armstrong.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of October 16, 2012 and the work session of October 30, 2012, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the minutes as submitted. The motion carried by the following:

Ayes: All members present voted aye.

Nays: None.

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

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION R-017-12, AUTHORIZING REFUNDING OF CANADIAN RIVER MUNICIPAL WATER AUTHORITY CONTRACT REVENUE BONDS, SERIES 2005 APPROVED:** City Manager Eddie Edwards explained to the Council that this transaction would save the City an estimated \$156,901 and is strictly for refinancing of existing bonds. Following discussion motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve Resolution R-017-12, authorizing refunding of Canadian River Municipal Water Authority Revenue Bonds, Series 2005. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The resolution reads as follows:

**RESOLUTION  
R-017-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BORGER, TEXAS, AUTHORIZING REFUNDING OF CANADIAN  
RIVER MUNICIPAL WATER AUTHORITY CONTRACT REVENUE  
BONDS, SERIES 2005 (CONJUNCTIVE USE GROUNDWATER SUPPLY  
PROJECT)**

**WHEREAS**, the City of Borger, Texas (the "City") has entered into that certain Agreement for the Purchase and Acquisition of Conjunctive Use Groundwater Supply (the "Agreement") entered into as of May 15, 1996, as amended, with the Canadian River Municipal Water Authority (the "Authority"); and,

**WHEREAS**, the Authority has entered similar agreements with each of the other cities that are members of the Authority (the “Member Cities”); and,

**WHEREAS**, the Authority issued and has outstanding its Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2005 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue Refunding Bonds, Series 2005 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2006 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2009 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Contract Revenue Refunding Bonds, Series 2010 (Conjunctive Use Groundwater Supply Project); and Canadian River Municipal Water Authority Contract Revenue Bonds, Series 2011 (Conjunctive Use Groundwater Supply Project); and,

**WHEREAS**, the Authority desires to issue refunding bonds in a principal amount not to exceed \$47,650,000 to refund all or part of the outstanding Series 2005 Bonds; and,

**WHEREAS**, the Agreement provides for certain notice requirements before the Authority may issue Additional Bonds, as defined in the Agreement; and,

**WHEREAS**, the refunding bonds are Additional Bonds under the Agreement; and,

**WHEREAS**, the timing constraints of getting the governing bodies of all Member Cities of the Authority to meet and approve refunding bonds may prevent the Authority from issuing refunding bonds in a timely manner to provide savings to the member Cities; and,

**WHEREAS**, it is in the best interest of the City to waive certain notice requirements under the Agreement and consent to the issuance of the Bonds if permit the Authority to refund all or part of the outstanding Series 2005 Bonds if present value savings of at least 5.90% can be achieved; and,

**WHEREAS**, the City agrees to the Authority’s issuance of the bonds as subordinate lien bonds to eliminate the need of a reserve fund.

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

**SECTION 1**

**THAT**, the City waives the notice requirements of Section 4.1(a) of the Agreement, and consents to the issuance of the Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Refunding Bonds, Series 2012 in a principal amount not to exceed \$47,650,000 to refund all or part of the outstanding Series 2005 Bonds, subject to the requirement that the refunding bonds provide present value debt service savings of at least 5.90%.

**SECTION 2**

**THAT**, the City Secretary be and is hereby authorized to deliver certified copies of this Resolution and the minutes pertaining to its adoption to the Authority in such numbers as may be requested for the Authority’s records and proceedings.

**PASSED, APPROVED, AND ADOPTED**, on this the 6<sup>th</sup> day of November, 2012, 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.

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**POLICE DEPARTMENT VEHICLE PURCHASE APPROVED:** Sergeant Jeremy Hundley of the Borger Police Department presented to the Council for approval, the bid information from Defender Supply, LLC on the purchase of three (3) Ford Police Interceptors for \$97,500 and one (1) Chevrolet Tahoe for \$27,205 with a trade-in of three (3) of the oldest Impala's for \$9,500. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve an expenditure of \$115,205 on a TxSmart Buy Contract for the purchase of three (3) Ford Police Interceptors and one (1) Police Package Chevrolet Tahoe with trade-in of three (3) of the Departments oldest Impala's to Defender Supply, LLC. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**FIRE DEPARTMENT VEHICLE PURCHASE APPROVED:** City Manager Eddie Edwards explained to the Council that the ¾ ton pickup would be replaced and the F-250 would be used to pull the command trailer. Following discussion motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the purchase of a ¾ ton pickup and a 5/4 ton cab & chassis for \$68,750 on Buy Board Contract #358-10 from Philpot Motors. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ONE (1) OPERATION FACELIFT CONTRACT APPROVED:** Director of Planning and Zoning Kenneth Petr submitted to the Council an Operation Facelift Contract paid in full of \$1200.00 from Ms. Michelle Johnson. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the Operation Facelift Contract between Ms. Johnson and the City of Borger for the removal of structure(s) at 613 Alabama (Lot 7, Block 1, East Side Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PURCHASE OF REFUSE DUMPSTERS APPROVED:** Director of Public Works Ted B. Dodd explained to the Council the immediate need for the dumpsters and stated that the City of Borger would like to tag on to the City of Odessa's bid of \$444 each. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Gillingham, to approve the purchase of dumpsters from Roll-Offs USA via the City of Odessa's bid of \$444 per dumpster FOB 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 Gillingham, seconded by Council Member Callahan to adjourn. 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