

**REGULAR MEETING OF CITY COUNCIL  
MAY 20, 2014 – 1:30 P.M.**

<b>PRESENT:</b>	Jeff Brain	Mayor
	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Brandy Callahan	Council Member
	Karen Felker	Council Member
	Charles Gillingham	Council Member

<b>STAFF:</b>	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Danny Richards	EOC Coordinator
	Scott Radach	Director, Finance
	Byron Swafford	Director, Human Resources
	Larry Byrd	Code Enforcement Officer
	Bruce Roberts	Chief, Police Department
	Anthony “Bud” Griffin	Captain, Police Department
	James Harder	Director, Utilities
	Rhonda Miller	I/T Specialist

<b>VISITORS:</b>	Donald Ward	Pastor, Wesley United Methodist Church
	Robin Frary	Linda Frary
	Judy Flanders	Andrew Friedman
	Janet Huffine	Jeff Maxwell
	Gary Pitner	Pat Lemery
	Veretta Dale	Jesse Shuffield
	Marty Vinyard	Rob Vinyard
	Lisa Vinyard	Odis McClellan
	Faye Blanks	Carie Richards
	Dennis OBryant	Meryl Barnett

**NEWS MEDIA:** Nathan Blankenship

**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. Jeff Maxwell complained about the condition of the Agnes Howe Little League Baseball Field after the girls softball team plays.

**MINUTES APPROVED:** Following review of the minutes of the regular meeting of May 6, 2014, motion was made by Council Member Dickson, seconded by Council Member's Gillingham, to approve the minutes for the regular meeting of May 6, 2014 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 2014 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve payment of the expenditures for the first half of May 2014 as submitted. The motion carried by the following vote:

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

**ORDINANCE O-004-14, REGULATING THE PURCHASE, SALE, POSSESSION, OR USE OF ELECTRONIC CIGARETTES APPROVED:** City Manager Eddie Edwards explained to the Council that this was the final reading of the Ordinance, to prevent under age usage of electronic cigarettes, prepared by the Borger Youth Advisory Council. Following discussion, motion was made by Council Member Callahan, seconded by Council Member Vinyard, to approve Ordinance O-004-14 regulating the purchase, sale, possession, or use of e-cigarettes by minors. The motion carried by the following vote:

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

The caption of Ordinance O-004-14 reads as follows:

**ORDINANCE O-004-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, REGULATING THE PURCHASE, SALE, POSSESSION, AND/OR INGESTION OF ANY ELECTRONIC CIGARETTE OR ELECTRONIC CIGARETTE RELATED SMOKING PRODUCT TO OR BY ANY MINOR; PROVIDING FOR ENFORCEMENT; PENALTY; SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; AND AN EFFECTIVE DATE**

\*\*\*\*\*

**ORDINANCE O-005-14 RELATED TO THE ISSUANCE OF "CITY OF BORGER, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM SURPLUS REVENUE**

**CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2014” APPROVED:** City Manager Eddie Edwards introduced Mr. Andrew Friedman with Southwest Securities who addressed the Council and explained the steps in the issuance of the Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Callahan, to approve Ordinance O-005-14 related to the issuance and sale of City of Borger, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Taxable Series 2014 and the execution of any necessary engagement agreements with the City’s Bond Counsel and/or financial advisors. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-005-14 reads as follows:

**ORDINANCE O-005-14**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF BORGER, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2014”; 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 A PLEDGE OF THE NET REVENUES FROM THE OPERATION OF THE CITY’S WATERWORKS AND SEWER SYSTEM; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT AND THE APPROVAL AND DISTRIBUTION AND 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**

\*\*\*\*\*

**RETURNS OF CITY OFFICER’S ELECTION CANVASSED – RESOLUTION R-010-14**

**APPROVED:** Mayor Brain and the City Council canvassed the election returns of the May 10, 2014 City Officer’s Election for Place 2 and Place 3. Mayor Brain stated that in Place 2 unopposed incumbent Robert Vinyard received 193 votes; and in Place 3 Karen Felker received 123 votes and Brad Carpenter received 115 votes. Following review of election returns, Resolution R-010-14 canvassing the votes and declaring the successful candidate in the City Officer’s Election conducted on May 10, 2014 was submitted for the consideration of the Council, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve Resolution R-010-14 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 as submitted. The motion carried by the following vote:

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

Resolution R-010-14 reads as follows:

**RESOLUTION R-010-14**

**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 10<sup>th</sup> day of May, 2014, 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**

	<b>PAUL BELTON ELEMENTARY SCHOOL</b>	<b>BORGER MIDDLE SCHOOL</b>	<b>FAIRLANES CHURCH</b>	<b>EARLY VOTING</b>	<b>TOTAL VOTES</b>
Robert Vinyard	32	21	24	116	193

**CITY COUNCIL MEMBER, PLACE 3, THREE YEAR TERM**

	<b>PAUL BELTON ELEMENTARY SCHOOL</b>	<b>BORGER MIDDLE SCHOOL</b>	<b>FAIRLANES CHURCH</b>	<b>EARLY VOTING</b>	<b>TOTAL VOTES</b>
Karen Felker	27	10	13	73	123
Brad Carpenter	10	14	14	77	115

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

**THAT** the election held on the 10<sup>th</sup> day of May, 2014, 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 Karen Felker, and that the election held on the 10<sup>th</sup> day of May, 2014, 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 4<sup>th</sup> day of February, 2010, were duly resolved at said election.

**PASSED, APPROVED, AND ADOPTED**, on this the 20<sup>th</sup> day of May, 2014, 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 to Robert Vinyard and Karen Felker. Mayor Brain presented Mr. Vinyard and Mrs. Felker with their Certificate of Election.

**PRESENTATION TO MAYOR BRAIN:** City Manager Eddie Edwards presented Mayor Brain with a special gift from the Council and Administrative Staff to show appreciation for his many years of dedicated service.

**ELECTION OF THE MAYOR FOR THE ELECTION YEAR 2014-2015:** The Council conducted an election for Mayor for the election year 2014-2015. Mr. Vinyard won with a three - two vote.

**MAYOR PRO-TEM ELECTED FOR ELECTION YEAR 2014-2015:** Council Member Dickson was nominated for Mayor Pro-Tem by Council Member Gillingham. The nomination carried by the following vote:

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

**TOURISM SERVICES REPORT FOR FY 2013-2014 FROM THE TRI-CITY COMMUNITY CONCERT ASSOCIATION AND FRIENDS OF THE HUTCHINSON COUNTY HISTORICAL MUSEUM RECEIVED AND TOURISM SERVICES AGREEMENTS FOR FY 2014-2015 APPROVED:** Ms. Judy Flanders, President, Tri-City Community Concert Association, and Treasurer of Friends of the Hutchinson County Historical Museum, submitted the FY 2013-2014 annual tourism service report for both organizations. Ms. Flanders gave a brief overview of each Association's tourism activities, events, advertising and plans for the year.

Following discussion, motion was made by Council Member Dickson, seconded by Council Member Callahan, to:

- a. Receive the FY 2013-2014 Annual Report and approve the FY 2014-2015 Tourism Agreement between the Tri-City Community Concert Association and the City of Borger as submitted.
- b. Receive the FY 2013-2014 Annual Report and approve the FY 2014-2015 Tourism Agreement between the Friends of the Hutchinson County Historical Museum and the City of Borger as submitted.

The motion carried by the following vote:

Ayes: Council Members Vinyard, Dickson, Callahan, Felker.

Nays: None.

Abstained: Council Member Gillingham.

**ONE (1) OPERATION FACELIFT CONTRACT APPROVED:** Code Enforcement Officer Larry Byrd explained to the Council that the property owner has signed an Operation Facelift Contract and paid \$50.00 of the predetermined charges of \$750.00. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the Operation Facelift Contract between Ms. Speegle and the City of Borger for the removal of the garage at 306 E. Adams (Lot 6, Block 2, Isom Addition). The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**REQUEST FOR VARIANCE APPROVED:** Code Enforcement Officer Larry Byrd explained to the Council that the Planning and Zoning Commission heard a request for a variance from Mr. Gerald Urban for a Recreation Vehicle Park. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Callahan, to approve the request from Mr. Gerald Urban for variances to the public showers, toilets, lavatories, and laundry facilities requirements for a Recreation Vehicle Park to be located at 201 Elise Street (East Side of Block 2 and all of Block 3, North Hills Addition). 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 Callahan, 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