

**REGULAR MEETING OF CITY COUNCIL
NOVEMBER 17, 2015 - 1:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Karen Felker	Council Member
	Charles Gillingham	Council Member

ABSENT:	Odis McClellan	Council Member
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STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance
	John Montoya	Code Enforcement
	Bruce Roberts	Chief, Police Department
	Anthony Griffin	Judge, Municipal Court
	Joseph Rodela	City Marshal
	Ralph Earls	Director, Parks and Recreation
	Kenneth Petr	Director, Planning and Zoning
	Ted Dodd	Director, Public Works
	Rhonda Miller	IT Specialist

VISITORS:	Rev. Charles Griffin
	Meryl Barnett
	Marty Vinyard
	Garry Hannon

NEWS MEDIA: Alex Mann

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 work session and regular meeting minutes

of November 3, 2015 motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the work session and regular meeting of November 3, 2015. 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 November 2015 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Dickson, to approve payment of the expenditures of the first half of November 2015 as submitted. The motion carried by the following vote:

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

ORDINANCE O-005-15 NOMINATING THE BORGER PHILLIPS 66 FACILITY TO THE OFFICE OF THE GOVERNOR ECONOMIC AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK APPROVED: City Manager Eddie Edwards explained the benefits of this ordinance. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve on final reading Ordinance O-005-15 nominating the Borger Phillips 66 Facility to the Office of the Governor Economic and Tourism through the Economic Development Bank. The motion carried by the following vote:

Ayes: Mayor Pro-Tem Dickson, Council Members Felker and Gillingham.
Nays: None.
Abstained: Mayor Vinyard.

Caption of Ordinance O-005-15 reads as follows:

ORDINANCE O-005-15

AN ORDINANCE AUTHORIZING THE CITY OF BORGER TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING TAX INCENTIVES; NOMINATING PHILLIPS 66 COMPANY (“P66”) TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK (THE “BANK”) FOR DESIGNATION AS AN ENTERPRISE PROJECT UNDER THE ACT; DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

TEMPORARY AMENDMENT TO THE WATER SUPPLY AGREEMENT BETWEEN AGRIMUM AND THE CITY OF BORGER APPROVED:

City Manager Eddie Edwards explained to the Council that Agrium agreed to alter previous Agreement to offset for the loss of anticipated consumption due to the extended construction delays of the Lone Star Project. Following discussion, motion was made by Council Member Dickson, seconded Council Member Gillingham, to approve the Temporary Amendment to the Water Supply Agreement between Agrium and the City of Borger. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-022-15 DECLARING THE CITY'S INTENT TO REIMBURSE FUNDS THAT HAVE BEEN OR WILL BE EXPENDED ON CAPITAL PROJECTS PRIOR TO THE ISSUANCE OF FUTURE DEBT APPROVED:

City Manager Eddie Edwards explained to the Council this Resolution declares the City's intent to reimburse itself for funds that already have or will be expended on capital projects prior to the issuance of future debt. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve Resolution R-022-15 declaring the City's intent under Treasury Regulation §1.150-2 to reimburse previously expended funds on capital projects from proceeds of future tax-exempt obligations. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-022-15 reads as follows:

RESOLUTION R-022-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT

WHEREAS, the City of Borger, Texas (the "Issuer") intends to issue debt for the construction of public works, to wit: (a) street improvements, including drainage, curbs, gutters, utility line relocations, street lighting, and/or the acquisition of land and rights-of-way therefore; (b) park and recreation improvements, (c) constructing, renovating, improving and equipping public safety facilities (police, fire, and municipal court), (d) constructing, renovating, improvement and equipping public works facilities (vehicle service center and solid waste transfer facility), (e) drainage improvements, including the acquisition of land and rights-of-way therefore, and (f) constructing and improving and equipping municipal facilities (events center and/or golf course) (collectively, the "Projects") and further intends to make certain capital expenditures with respect to the Projects and currently desires and expects to reimburse the capital expenditures with proceeds of such debt; and,

WHEREAS, under Treas. Reg. § 1.150-2 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations, the Issuer must declare its expectation to make such reimbursement; and,

WHEREAS, the Issuer desires to preserve its ability to reimburse the capital expenditures with proceeds of tax-exempt obligations.

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

THAT, the Issuer reasonably expects to reimburse capital expenditures with respect to the Projects with proceeds of debt hereafter to be incurred by the Issuer, and that this Resolution shall constitute a declaration of official intent under the Regulation. The maximum principal amount of obligations expected to be issued for the Projects is \$3,900,000.

PASSED, APPROVED, AND ADOPTED, on this the 17th day of November, 2015, 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.

RESOLUTION R-023-15 CASTING THE CITY'S ALLOCATED VOTES FOR THE HUTCHINSON COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

APPROVED: Joe Raper, Chief Appraiser of the Hutchinson County Appraisal District, submitted a letter requesting the City Council nominate candidates to fill the vacant positions on the Hutchinson County Appraisal District Board. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve Resolution R-023-15 casting the 462 votes for candidates of the Hutchinson County Appraisal District's Board of Directors. The motion carried by the following vote:

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

The Resolution R-023-15 reads as follows:

RESOLUTION R-023-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, CASTING VOTES FOR CANDIDATES FOR POSITIONS ON THE HUTCHINSON COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

WHEREAS, the Texas Property Tax Code requires the creation and election of a Board of Directors of a Central Tax Appraisal District for each county in the State; and,

WHEREAS, Section 6.03 of the Texas Property Tax Code contains the "voting instructions" for casting the votes; and,

WHEREAS, Joe Raper, Chief Appraiser of Hutchinson County, has requested a resolution from the City of Borger designating for which nominee(s) the City of Borger's votes will be cast.

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

That, four hundred sixty two (462) votes allocated to the City of Borger for the term 2016-2017 be cast for:

Rodney Franklin 93 votes Richard Hein 92 votes

Carrie Kimmell 93 votes Rodney Kimmell 92 votes
Leslie Sharpe 92 votes

PASSED, APPROVED, AND ADOPTED, on this the 17th day of November, 2015, 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.

SALE OF ENTITY OWNED PROPERTY APPROVED: City Manager Eddie Edwards presented a letter from Carrie Kimmell, Hutchinson County Tax Assessor/Collector, with a bid on property located at 803 Latimer (Lot 14, Block 1, Country Club Addition). Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to accept a bid of \$10,000.00 from Mr. Garry Hannon for property located at 803 Latimer (Lot 14, Block 1, Country Club 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 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