

MEETING OF CITY COUNCIL
March 16, 2021 – 1:30 PM

PRESENT:	Karen Felker	Mayor
	Milton Ooley	Mayor Pro Tem
	Kim Perez	Council Member
	Charles Loftis	Council Member

ABSENT:	Marvin Dickson	Council Member
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STAFF:	Eddie Edwards	City Manager
	Garrett Spradling	Assistant City Manager
	Stella E. Sauls	City Secretary
	Jason Pender	Fire Marshal
	Scott Radach	Director, Finance
	Winston P. Sauls	Assistant Director, Public Works

VISITORS:	Amarillo CASA
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MEDIA:	NONE
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PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all present.

INVOCATION: The invocation was given by Council Member Ooley.

PROCLAMATION PRESENTED: Mayor Karen Felker read and presented a Proclamation declaring the month of April "Borger Child Abuse Prevention and Awareness Month" to Amarillo Area CASA.

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 for the regular meeting of March 2, 2021 and the special meeting of March 8, 2021, motion was made by Council Member Perez, seconded by Council Member Loftis, to approve the minutes of the regular meeting of March 2, 2021 and the special meeting of March 8, 2021. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES: The expenditures for the first half of March 2021 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Perez, seconded by Council Member Loftis, to approve payment of the expenditures for the first half of March 2021, as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

FISCAL YEAR-TO-DATE FINANCIAL STATEMENT RECEIVED: The Council received the fiscal year-to-date financial statement.

MONTHLY REPORTS: The Council received the monthly departmental reports.

ORDINANCED O-003-21 INTRODUCED ON FIRST READING: City Manager Eddie Edwards explained to the Council that this Ordinance indicates that all requirements for the issuance of debt in the form of Combination Tax and Limited Pledge Revenue Certificates of Obligation have now been met. Mr. Edwards introduced Andrew Friedman with Samco who explained that the Certificates will be sold as "buyers premium". Following discussion motion was made by Council Member Loftis, seconded by Council Member Perez, to adopt Ordinance O-003-21 authorizing the issuance of City of Borger, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2021. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Caption for Ordinance O-003-21 reads as follows:

ORDINANCE NO. O-003-21

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BORGER, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A PLEDGE OF A PORTION OF THE REVENUES COLLECTED FROM THE CITY'S MUNICIPAL HOTEL OCCUPANCY TAX; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND SALE DOCUMENTATION; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENT WITH THE CITY'S FINANCIAL ADVISORS; AND PROVIDING AN EFFECTIVE DATE

EMERGENCY BID AWARD: City Manager Eddie Edwards explained to the Council that the sewer line in the east alley of the 500 Block of North Main Street has collapsed. Mr. Edwards stated that L.A. Fuller and Sons was the successful bidder of the replacement water and sewer line in the 400 Block of North Main, and this being declared an emergency project staff asked Fuller to submit a bid to extend the replacement of the water and sewer lines an additional block. Following discussion motion was made by Council Member Ooley, seconded by Council Member Loftis, to approve a bid of \$232,158 from L.A. Fuller for the replacement of the water and sewer lines in the east alley of the 500 Block of North Main Street. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-011-21 AN INTERLOCAL AGREEMENT FOR SUBSCRIBER ACCESS TO THE AMARILLO POTTER RANDALL REGIONAL RADIO SYSTEM ADOPTED: City Manager Eddie Edwards explained that the Council approved purchase of a new trunked public safety radio system last year. He stated that construction is now underway and once completed the new system will also significantly increase the geographical footprint of where our radios will operate to include all of Hutchinson County, Potter and Randall counties as well. The system requires access to the APRRRS to coordinate the regional system and this no cost agreement covers the systems interconnection. Following discussion

motion was made by Council Member Loftis, seconded by Council Member Ooley, to adopt Resolution R-011-21 approving an Interlocal Agreement with the City of Amarillo, and Randall County for subscriber access to the Amarillo-Potter-Randall Regional Radio System and authorize the City Manager to execute the Agreement. The motion carried by the following vote:

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

Resolution R-011-21 reads as follows:

RESOLUTION R-011-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, APPROVING AN INTERLOCAL AGREEMENT FOR SUBSCRIBER ACCESS TO THE AMARILLO POTTER RANDALL REGIONAL RADIO SYSTEM BETWEEN THE CITY OF AMARILLO, RANDALL COUNTY AND THE CITY OF BORGER; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Sections 791.001-791.029, Texas Government Code provides for local governments to contract with one another and/or with other agencies of the State to increase efficiency and effectiveness of local governments to the greatest extent possible; and,

WHEREAS, the governing bodies of the City of Amarillo and Randall County have determined it beneficial to offer other regional public safety agencies subscriber access to the Amarillo Potter Randall Regional Radio System (APRRRS) to grow the geographical footprint of the System; and,

WHEREAS, the governing body of the City of Borger has determined it beneficial to subscribe to the APRRRS thus expanding the geographical footprint in which all current subscribers of mobile and portable radios will effectively operate; and,

WHEREAS, the Interlocal Agreement for Subscriber Access to the APRRRS attached hereto as Exhibit "A" is hereby approved; and,

WHEREAS, the City Manager is hereby authorized to execute said Agreement on behalf of the City of Borger.

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

1. The City Council has reviewed and approved the Interlocal Agreement for Subscriber Access to the Amarillo Potter Randall Regional Radio System and authorizes the City Manager to execute and finalize the Agreement.

PASSED, APPROVED, AND ADOPTED, on this the 16th day of March, 2021, 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, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

RESOLUTION R-012-21 ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR PRIOR LAWFUL EXPENDITURES OF FUNDS RELATED TO THE ACQUISITION OF A FIRE APPARATUS FROM THE PROCEEDS OF A FUTURE ISSUANCE OF CERTIFICATES OF OBLIGATION ADOPTED: City Manager Eddie Edwards stated that in January of 2020 Council approved \$729,736 for the purchase of Seagraves Fire Engine/Pumper to replace a 1996 Fire Engine/Pumper that has reached the end of its service life. He

stated that the delivery is expected to occur either late in the 2nd quarter or in the 3rd quarter of the calendar year prior to the City issuing debt for the purchase. This resolution will allow the Engine/Pumper to be purchased with reserves and then allow those reserves to be reimbursed from a future debt issuance. Following discussion, motion was made by Council Member Perez, seconded by Council Members Loftis and Ooley, to adopt Resolution R-012-21 stating the City's intent to reimburse itself for all prior legal expenditures for the acquisition of fire apparatus from proceeds of the future issuance of certificates of obligation. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution Resolution R-012-21 reads as follows:

RESOLUTION R-012-21

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO THE PURCHASE OF FIRE APPARATUS AND ASSOCIATED EQUIPMENT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *Governing Body*) of the City of Borger, Texas (the *Issuer*) has entered into or will enter into various contracts pertaining to the expenditure of lawfully available funds of the Issuer to finance the costs associated with (1) the acquisition, construction, and financing of fire apparatus and described generally as a single unit fire suppression vehicle equipped with a fire pump, water tank, hose, and equipment designed for sustained pumping operations during firefighting and supporting associated fire department operations; (2) the purchase of materials, supplies, equipment, and/or tools for authorized needs and purposes relating to the aforementioned fire apparatus (the *Associated Costs*), and (3) the payment of various administrative costs, including the fees of bond counsel, financial advisor, other professionals, and bond printer (the *Administrative Costs*); and,

WHEREAS, the provisions of Section 1201.042, as amended, Texas Government Code (*Section 1201.042*) provide that the proceeds from the sale of obligations issued to finance the acquisition, construction, equipping, or furnishing of any project or facilities, such as the Project, may be used to reimburse the Issuer for costs attributable to such project or facilities paid or incurred before the date of issuance of such obligations; and,

WHEREAS, the United States Department of Treasury (the *Department*) released Regulation Section 1.150-2 (the *Regulations*) which establishes when the proceeds of obligations are spent and therefore are no longer subject to various federal income tax restrictions contained in the Internal Revenue Code of 1986, as amended (the *Code*); and,

WHEREAS, the Issuer intends to reimburse itself, within eighteen months from the later of the date of expenditure or the date the property financed is placed in service (but in no event more than three years after the original expenditures are paid), for the prior lawful capital expenditure of funds from the proceeds of one or more series of tax-exempt obligations (the *Obligations*) that the Issuer currently contemplates issuing in the principal amount of not to exceed \$5,000,000 to finance the costs of this Project and various other projects; and,

WHEREAS, under the *Regulations*, to fund such reimbursement with proceeds of the *Obligations*, the Issuer must declare its expectation ultimately to make such reimbursement before making the expenditures; and,

WHEREAS, the Issuer hereby finds and determines that the reimbursement for the prior expenditure of funds of the Issuer is not inconsistent with the Issuer's budgetary and financial circumstances; and,

WHEREAS, the *Governing Body* hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the Issuer.

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

SECTION 1. This Resolution is a declaration of intent to establish the Issuer's reasonable, official intent under section 1.150-2 of the *Regulations* and Section 1201.042 to reimburse itself from certain of the proceeds of the *Obligations* for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from the Issuer's General Fund or other lawfully available funds of the Issuer.

SECTION 2. The Issuer intends to issue the *Obligations* and allocate within 30 days after the date of issuance of the *Obligations* the proceeds therefrom to reimburse the Issuer for prior lawful expenditures with respect to the Project in a manner to

comply with the Regulations.

SECTION 3. The reimbursed expenditure will be a type properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles.

SECTION 4. The Issuer intends to otherwise comply, in addition to those matters addressed within this Resolution, with all the requirements contained in the Regulations.

SECTION 5. This Resolution may be relied upon by the appropriate officials at the Office of the Attorney General for the State of Texas and establishes compliance by the Issuer with the requirements of Texas law and the Regulations.

SECTION 6. With respect to the proceeds of the Obligations allocated to reimburse the Issuer for prior expenditures, the Issuer shall not employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of "replacement proceeds", as defined in Treasury Regulation Section 1.148-1, of the Obligations or another issue of tax-exempt obligations.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Governing Body.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Resolution shall be effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED, on this the 16th day of March, 2021, 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.

AGREEMENT TO PURCHASE APPROVED: Assistant City Manager Garrett Spradling addressed the Council about property located at 113B and 115 Turner Street. Texas Communities Group has been in contact with Yesenia Robles, who lives at 111 Turner, and would like to purchase these properties. The Agreement would allow Ms. Robles to purchase the properties for \$500 plus the \$50 deed and recording fees as long as the two substandard structures are torn down according to City standards within 90 days. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Perez, to approve the Agreement of Purchase between the City of Borger and Yesenia Robles for the entity owned property located at 113B and 115 Turner and authorize the Mayor to execute the Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-004-21 ADOPTING THE 2018 INTERNATIONAL FIRE

CODE: Assistant City Manager Garrett Spradling informed the Council that the City adopted previous versions of the I-Codes, and last year adopted all of the 2018 building codes except the Fire Code. He stated that the building and fire codes impact public safety and our insurance rates. ISO uses the adopted codes to help determine the insurance rates for a community. Following discussion, motion was made by Council Member Perez, seconded by Council Member Loftis, to introduce on first reading, Ordinance O-004-21 adopting the 2018 International Fire Code. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Caption for Ordinance O-004-21 reads as follows:

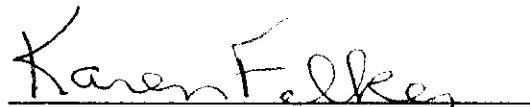
ORDINANCE O-004-21

AN ORDINANCE AMENDING THE CITY OF BORGER CODE OF ORDINANCES, CHAPTER 5, FIRE PREVENTION AND PROTECTION BY ADOPTING THE 2018 INTERNATIONAL FIRE CODE WITH AMENDMENTS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

MEETING ADJOURNED: There being no further business, motion was made by Council Member Ooley, seconded by Council Member Loftis, to adjourn meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.



Mayor

ATTEST:


City Secretary