

**REGULAR MEETING OF CITY COUNCIL  
SEPTEMBER 1, 2020 – 6:30 P.M.**

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| <b>PRESENT:</b> | Karen Felker<br>James Marrs II<br>Charles Loftis<br>Milton Ooley | Acting Mayor<br>Council Member<br>Council Member<br>Council Member |
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| <b>ABSENT:</b> | Marvin Dickson | Council Member |
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| <b>STAFF:</b> | Eddie Edwards<br>Garrett Spradling<br>Kathie Doyle<br>Bruce Roberts<br>Jason Anderson<br>Winston P. Sauls<br>Larry K Byrd<br>Scott Radach<br>Brandon Brown<br>Roy Guzman<br>Joseph A. Rodella | City Manager<br>Assistant City Manager<br>Deputy City Secretary<br>Chief, Police Department<br>Director, Public Works<br>Assistant Director, Public Works<br>Director, Planning and Development<br>Director, Finance<br>Police Officer<br>Police Officer<br>City Marshal |
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| <b>VISITORS:</b> | Kim Perez<br>Marvin Spencer<br>Steve Ford<br>Kandee Ooley | Linda Spencer<br>Joe Shelton<br>Leslie Ford<br>Bobby Wilson |
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**NEWS MEDIA:** NONE

**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 of the regular meeting and work session of August 18, 2020, motion was made by Council Member Marrs, seconded by Council Member Loftis, to approve the minutes of the regular meeting and work session of August 18, 2020. The motion carried by the following vote:

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

**PAYMENT OF EXPENDITURES APPROVED:** Following review of the expenditures for the last half of August 2020, motion was made by Council Member Marrs, seconded by Council Members Loftis, to approve payment of the expenditures for the last half of August 2020. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PRESENTATION AND PUBLIC HEARING ON THE CITY OF BORGER FY 2020-2021 OPERATING BUDGET:** Assistant City Manager Garrett Spradling submitted the proposed operating budget for 2020-2021 and reviewed the projected revenues and expenditures. Acting Mayor Felker opened a public hearing on the proposed budget and asked if there were any comments. There being no comments, the Acting Mayor closed the public hearing.

**INTRODUCTION OF ORDINANCE O-007-20 ADOPTING THE CITY OF BORGER OPERATING BUDGET FOR FISCAL YEAR 2020 - 2021:** City Manager Eddie Edwards explained that this ordinance would adopt the Operating Budget as presented and discussed in the public hearing. After discussion, motion was made by Council Member Ooley, seconded by Council Member Marrs, to introduce on first reading Ordinance O-007-20, adopting the budget and making appropriations in support of the general operations of the City of Borger for the year beginning October 1, 2020 and ending September 30, 2021.

Ayes: All members present voted aye.

Nays: None.

The caption for Ordinance O-007-20 reads as follows:

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF BORGER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR THE APPROPRIATION OF AN INTEREST AND SINKING FUND TO PAY INTEREST AND PRINCIPAL ON THE CITY'S INDEBTEDNESS; PROVIDING FOR THE ADOPTION OF THE ANNUAL BUDGET OF THE CITY OF BORGER, TEXAS FOR THE 2019-2020 FISCAL YEAR; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AUTHORIZING SPECIFIC BUDGET ADJUSTMENT AUTHORITY TO THE CITY MANAGER; PROVIDING FOR THE RATIFICATION OF BUDGETED APPROPRIATION TRANSFERS IN THE 2019-2020 FISCAL YEAR; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

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**INTRODUCTION OF ORDINANCE O-008-20 SETTING THE AD VALOREM TAX RATE IN SUPPORT OF THE CITY OF BORGER OPERATING BUDGET FOR FISCAL YEAR 2020-2021:**

City Manager Eddie Edwards explained that the budget approved in the previous item proposes a combined tax rate of 0.837629¢/\$100 valuation for FY 2020 - 2021. At a 98% collection rate, this property tax rate would generate a total of \$3,654,899, including revenue from new property added to the tax roll this year. The proposed tax rate is 0.010000¢/\$100 valuation or 1.2% less than the No New Revenue Tax Rate and 0.025861¢/\$100 valuation less than the 2016, 2017, 2018, and 2019 combined tax rates. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley to introduce on first reading Ordinance O-008-20 setting the City of Borger's combined ad valorem tax rate at 0.837629¢/\$100 valuation. The motion carried by the following vote:

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

The caption for Ordinance O-008-20 reads as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, FIXING THE AD VALOREM TAX RATE AND PROVIDING FOR THE LEVYING OF AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF BORGER, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 AT THE RATE OF \$0.837629 PER ONE HUNDRED DOLLARS (\$100.00), AND FOR DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DUE AND DELINQUENT TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF**

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**INTRODUCTION OF ORDINANCE O-009-20 ESTABLISHING A TRANSPORTATION FUND AND CREATING A TRANSPORTATION USER FEE:**

Assistant City Manager Garrett Spradling explained that a Transportation User Fee is a method for increasing and dedicating funds for the maintenance of the transportation system, including streets. The TUF is anticipated to generate about \$540,000 per year. The first year, collections will not start until November, so 11 months will be collected instead of a typical 12 months, this is anticipated to generate \$485,000 during the first year of the TUF.

The fee for a residential water account will be \$6. Commercial rates will vary based on their trip generation factor, as established by the Institute of Transportation Engineers. This fee will be offset by a \$1 per month reduction in the vector control fee, a \$1 per month reduction in the sewer base rate and a \$0.10 reduction in the water consumption rate along with a tax rate below the No New Revenue Tax Rate, which will be a property tax reduction.

Total revenues City wide are reducing by 0.38%, even with the creation of the TUF. These changes re-allocate existing funding and shift how the funds are generated to provide a new restricted fund for transportation system maintenance and improvement. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Loftis, to introduce on first reading Ordinance O-009-20 establishing a Transportation User Fee and creating a Transportation Fund. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption for Ordinance O-009-20 reads as follows:

**AN ORDINANCE AMENDING THE CITY OF BORGER, CODE OF ORDINANCES, CHAPTER 13, UTILITIES, BY CREATING ARTICLE 13.07, TRANSPORTATION USER FEE, IN ORDER TO PROVIDE A PROPERLY MAINTAINED TRANSPORTATION SYSTEM; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF**

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**INTRODUCTION OF ORDINANCE O-010-20 AMENDING CHAPTER 1, ARTICLE 1.07, USER FEES IN SUPPORT OF THE CITY OF BORGER OPERATING BUDGET FOR THE FISCAL YEAR 2020-2021:**

Assistant City Manager Garrett Spradling explained a few years ago the Council created the Master Schedule of Charges and Fees which replaced references to various charges and fees throughout the entirety of the City of Borger Code of Ordinances. All charges and fees for associated permits, rates, fees, or charges for services of the City of Borger are now listed in Section 1.07 of the Code of Ordinances. The changes in City Fee's for FY 2020 – 2021 include reduction in the vector control fee, reduction in the sewer base rate, reduction in the water consumption rate, restructuring of plat fees, increases for business licenses (coin operated 8-liners) and the creation of the Transportation User Fee. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to introduce on first reading Ordinance O-010-20 amending the Master Schedule of Charges. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption for Ordinance O-010-20 reads as follows:

**AN ORDINANCE AMENDING THE CITY OF BORGER, CODE OF ORDINANCES, CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1.07, FEE SCHEDULE; PROVIDING FOR THE ADDITION, DELETION, AND AMENDMENT OF CERTAIN FEES AND CHARGES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

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**CONSIDER AND TAKE APPROPRIATE ACTION TO CAST VOTES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL'S BOARD**

**OF DIRECTORS:** City Manager Eddie Edwards recommend several candidates that he knew with experience remain and then recommended the incumbent in place 4 since he did not personally know any of the candidates, however, he told the Council they were welcome to cast their vote for any candidate they desired. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Loftis, to cast the City of Borger's votes for the TML-IRP Board of Trustees to Robert Herrera, Place 1; John Fullen, Place 2; Jeffery Snyder, Place 3; and Robert Hauk, Place 4. The motion carried by the following vote:

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

**CONSIDER AND TAKE APPROPRIATE ACTION ON A LEASE AGREEMENT BETWEEN THE PHILLIPS COUNTRY CLUB AND THE CITY OF BORGER:**

City Manager Eddie Edwards explained that the fifth term of the 2015 Lease is expiring, and staff has prepared a new lease for Council's consideration. The proposed Lease is identical to the 2015 Lease, as amended by the 2016 Addendum. The term of the Lease is one (1) year with four (4) one (1) year automatic extensions. Cancellation can occur on breach of lease or sixty (60) days prior to the renewal of any term. Following discussion, motion was made by Council Members Loftis, seconded by Council Member Ooley, to approve the Lease Agreement between the Phillips Golf Association and the City of Borger for the 145.5-acre Borger Municipal Golf Course. The motion carried by the following vote:

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

**EXECUTIVE SESSION:** Acting Mayor Felker stated that in compliance with Chapter 551, Texas Govt. Code, (opening Meetings Law), the Council would retire into executive session pursuant to Section 551.072, Real Property and Section 551.074, Personnel Matters to discuss the following issues:

- a. Discuss donation of real property located at 705 Coble, Lot(s) S/2 14, 15-16, Block 17, Original Townsite.
- b. Discussed action on Resolution R-030-20 re-appointing Charles Gillingham to the Board of Directors of the Canadian River Municipal Water Authority.

- c. Discussed action to confirm/deny the City Manager's appointment of Judge Leslie Ford as the Borger Municipal Court Presiding Judge.

**COUNCIL RETURNED TO OPEN SESSION:** Following the executive session, Acting Mayor Felker reconvened the regular meeting and announced that the Council took no action on items discussed relative to the Texas Govt. Code, Section 551.072 Real Property and Section 551.074 Personnel Matters.

**DONATION OF REAL PROPERTY ACCEPTED:** City Manager Eddie Edwards explained that in 2012, the City, through a CDBG grant, replaced a section of the open channel drainage system that runs on the S/2 of Lot 14, Block 17, Original Townsite. The Contractor at that time (David Cherryholmes) constructed the new drainage infrastructure partially onto Lot 15. To rectify the issue, Mr. Cherryholmes purchased the property. Mr. Cherryholmes then granted the City an easement along the north side of Lot 15 to cover the encroachment. Mr. Cherryholmes has approached the City about donating the land. Mr. Edwards stated that since the drainage infrastructure was partially on the property and there could be the likelihood of water overflow onto the property, staff would recommend accepting the donation of the property. Following discussion, motion was made by Council Member Ooley and seconded by Council Member Marrs to accept the donation of real property known as the southwest half of Lot 14 and all of lots 15 and 16, Block 17, Original Townsite (705 Coble). The motion carried by the following vote:

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

**RESOLUTION R-030-20 RE-APPOINTING CHARLES GILLINGHAM TO THE BOARD OF DIRECTORS OF THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY ADOPTED:** City Manager Eddie Edwards told the Council that Charles Gillingham's had been appointed to fill the unexpired term of Bill Carder on the Board and Charles has agreed to sever another term. Following discussion, motion was made by Council Member Marrs and seconded by Council Member Ooley to approve Resolution R-030-20 reappointing Mr. Charles Gillingham to the Board of Directors of the Canadian River Municipal Water Authority for a term beginning August 1, 2020 and ending July 31, 2022. The motion carried by the following vote:

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

Resolution R-030-20 reads as follows:

**RESOLUTION R-030-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS REAPPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY**

**ON THIS**, the 1<sup>st</sup> day of September 2020, the City Council of the City of Borger, Texas, met in regular session with a quorum of council members present, when among other business transacted, the following action was taken:

The Mayor introduced the following resolution:

**WHEREAS**, the City Council of this City heretofore appointed Mr. Charles Gillingham as a member of the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term ending July 31, 2020, pursuant to the provisions of Chapter 243 of the Laws passed by the Regular Session of the Texas Legislature in 1953, as amended; and,

**WHEREAS**, such office has now become vacant due to expiration of term; and,

**WHEREAS**, in the performance of its duty to do so under said Law, this City Council desires to officially appoint a person qualified to fill the vacancy occasioned as aforesaid, therefore,

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

1. That, Mr. Charles Gillingham, a qualified voter and a property owning taxpayer of the City of Borger who is not a member of the governing body or an employee of said City, be and is hereby reappointed to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** for the term beginning August 1<sup>st</sup>, 2020- and ending July 31<sup>st</sup>, 2022.
2. That, the Director appointed as aforesaid shall be certified to the Board of Directors of the **CANADIAN RIVER MUNICIPAL WATER AUTHORITY** by the Mayor of this City and shall otherwise qualify in the manner prescribed by the above-mentioned law relating to said Authority.

**PASSED, APPROVED, AND ADOPTED**, on this the 1<sup>st</sup> day of September, 2020, 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.



**CITY MANAGER'S APPOINTMENT OF LESLIE FORD AS BORGER MUNICIPAL COURT PRESIDING JUDGE CONFIRMED.** Following discussion, motion was made by Council Member Loftis and seconded by Council Member Ooley to confirm the appointment of Leslie Ford as the Borger Municipal Court Presiding Judge. The motion carried by the following vote:


Ayes: All members present voted aye.

Nays: None.

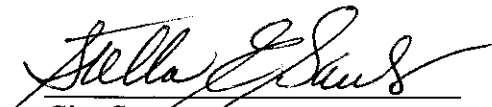
**MEETING ADJOURNED:** There being no further business, motion was made by Council Member Loftis, seconded by Council Member Marrs, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

  
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Mayor

**ATTEST:**

  
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City Secretary