

**REGULAR MEETING OF CITY COUNCIL
SEPTEMBER 15, 2020 – 1:30 P.M.**

PRESENT:	Karen Felker James Marrs II Charles Loftis Milton Ooley	Acting Mayor Council Member Council Member Council Member
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ABSENT:	Marvin Dickson	Council Member
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STAFF:	Eddie Edwards Garrett Spradling Kathie Doyle Scott Radach Larry Byrd Brandon Strope Jason Anderson Winston P. Sauls	City Manager Assistant City Manager Deputy City Secretary Director of Finance Director, Planning and Development Assistant Chief, Police Department Director, Public Works Assistant Director, Public Works
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VISITORS:	Kim Perez Bobby Kenimer Matthew O'Rourke Shawn Scott	Joe Shelton Kode Glover Robert Archer Steven Saied
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NEWS MEDIA:

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 work session and regular meeting of September 1, 2020 motion was made by Council Member Marrs, seconded by Council Member Loftis, to approve the minutes of the work session and regular meeting of September 1, 2020. The motion carried by the following vote:

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:

ORDINANCE O-008-20

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

ORDINANCE O-009-20 ESTABLISHING A TRANSPORTATION FUND AND CREATING A TRANSPORTATION USER FEE ADOPTED: Assistant City Manager Garrett Spradling stated this is to increase transportation and street improvements. Mr. Spradling explained that this is a dedicated fund and monies generated by this fund can only be used for transportation and street improvements such as maintenance and increased expansions. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Loftis, to adopt on final reading Ordinance O-009-20 establishing a Transportation User Fund and imposing a Transportation User Fee. 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:

ORDINANCE O-009-20

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**

ORDINANCE O-010-20 AMENDING CHAPTER 1, ARTICLE 1.07, USER FEES

ADOPTED: City Manager Eddie Edwards explained to the Council that this adopts the service charges in support of the FY 2020-2021 Budget and adds the new fee listing for the Transportation User Fee to the Master Schedule of Charges and Fees. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to adopt on final reading Ordinance O-010-20 amending the Master Schedule of Charges and Fees. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Caption of Ordinance O-010-20 reads as follows:

ORDINANCE O-010-20

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

PRESENTATION FOR COMPREHENSIVE PLAN “BOOMTOWN 2040” AND PUBLIC

HEARING CONDUCTED: Assistant City Manager Garrett Spradling, introduced Mr. Matthew O’Rourke of Kendig Keast who presented the City of Borger Comprehensive Plan “Boomtown 2040.” After the presentation acting Mayor Felker opened a public hearing and asked if there were any comments. There being no comments the acting Mayor closed the public hearing.

INTRODUCTION OF ORDINANCE O-011-20:

City Manager Eddie Edward explain that the Comprehensive Plan “Boomtown 2040” has to be adopted by ordinance and stated that it will be presented two (2) times. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Ooley, to introduce on first reading Ordinance O-011-20 adopting the City of Borger “Boomtown 2040” Comprehensive Plan. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption for Ordinance O-011-20 reads as follows:

ORDINANCE O-011-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, ADOPTING A COMPREHENSIVE PLAN FOR THE CITY OF BORGER, TEXAS, PURSUANT TO CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING THE RELATIONSHIP OF THE LAND USE PLAN AND THE DEVELOPMENT REGULATIONS; PROVIDING FOR THE AMENDMENT OF ANY EXISTING LAND USE PLANS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING SEVERABILITY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

PUBLIC HEARING CONDUCTED – SPECIFIC USE PERMIT APPROVED: Director of Planning and Development Larry Byrd presented a recommendation from the Planning and Zoning Commission on a request from Mr. Robert Archer for a Specific Use Permit to place a manufactured home at 1006 Jackson (Lot 9 & E/20’ of Lot 10, Block 58, Isom Addition). Acting Mayor Felker opened a public hearing and asked if there were any comments. There being no comments, acting Mayor Felker closed the public hearing. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to approve the request to place a manufactured home on the general residence zoned property located 1006 Jackson, described as Lot 9 and the East 20’ of Lot 10, Block 58, Isom Addition. The motion carried by the following vote:

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

FINAL PLAT RECEIVED – PUBLIC HEARING SCHEDULED: Director of Planning and Development Larry Byrd explained to the Council that this is a 2-acre tract of land located to the south of the Xcel building. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Marrs, to receive the plat for a 2.066 tract of land in the NW corner of Section 15, Block “Y”, M & C Survey, to be known as the Mesquite Hills, Unit Two Addition to the City of Borger and schedule a public hearing for October 6th, 2020 at 6:30 p.m. to receive public comment on the same. The motion carried by the following vote:

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

DISPATCHING SERVICES INTERLOCAL AGREEMENT APPROVED: Assistant City Manager Garrett Spradling explained that the staff has been working on a new Public Safety Radio System and has been working with Hutchinson County to come up with a joint county-wide system

with state approval and contribution and will eventually link with the Potter/Randall systems as well. The modified dispatch agreement includes Hutchinson County into the new system. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Ooley, to approve the Interlocal Agreement between the City of Borger and Hutchinson County for Dispatch Services. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

AWARD BID – RESOLUTION R-031-20 AUTHORIZE MUNICIPAL LEASE

APPROVED: Assistant City Manager Garrett Spradling explained that at this point, two (2) actions must be taken. He stated that the Public Safety Radio System was bid on a cooperative purchasing program through H-GAC and after the bid is awarded, a Municipal Lease must be authorized. The purchase was included and approved in the FY 2020-2021 Budget. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, as follows:

- a. Award the bid for the new Public Safety Radio System to Motorola Solutions, Inc. in the amount of \$3,652,623.00 as bid through the H-GAC Cooperative Purchasing Program.
- b. Approve Resolution R-031-20 authorizing a Municipal Lease with Motorola Solutions Credit Company, LLC in the amount of \$2,735,140.00 for the financing of the new Public Safety Radio System.

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-031-20 reads as follows:

RESOLUTION R-031-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, DETERMINING A NEED FOR PUBLIC SAFETY COMMUNICATIONS EQUIPMENT; FINDING THAT A LEASE IS THE MOST ECONOMICAL FINANCING OPTION, AND AUTHORIZING REPRESENTATIVES TO ACT IN ALL MATTERS RELATED

WHEREAS, for health, welfare, and safety of citizens and first responders alike, the need exists for the acquisition and professional services installation of state-of-the-art public safety communications equipment to provide a system for safe, secure, and reliable public safety communications; and,

WHEREAS, the City Council finds that a lease is the most economical and financially responsible method for the acquisition of such equipment and professional installation services; and,

WHEREAS, the City Council authorizes and designates representatives to act in all matters related to the acquisition of, and financial instruments related to, the leasing of public safety communications equipment and professional services.

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

SECTION 1.

That, the City Council of the City of Borger, Texas has determined that a true and very real need for the acquisition of equipment and professional installation services described in the Lease between the City of Borger (Lessee) and Motorola Solutions, Inc. (Lessor) exists.

SECTION 2.

That, the City Council of the City of Borger, Texas that a Lease substantially in the form as presented in this meeting (and attached hereto as Exhibit "A"), is in the best interests of the Lessee to finance the acquisition of public safety communications equipment and related professional installation services.

SECTION 3.

That, the City Council of the City of Borger, Texas hereby approves the entering into of the Lease by the Lessee and designates and authorizes City Manager Eddie Edwards and/or Assistant City Manager Garrett Spradling to execute and deliver the Lease on behalf of the City of Borger with such changes thereto as deemed appropriate within their normal scope and authority, any other necessary and related documents, and any required escrow agreements necessary to the consummation of the transactions contemplated by the Lease.

PASSED, APPROVED, AND ADOPTED, on this the 15th 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, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

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

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

Karen Felker
Acting Mayor

ATTEST:

Stella Esauz
City Secretary