

**MEETING OF CITY COUNCIL**  
**June 6, 2023 – 6:30 PM**

<b>PRESENT:</b>	Karen Felker	Mayor
	Milton R. Ooley	Mayor Pro Tem
	Kim Perez	Council Member
	Charles Loftis	Council Member
	Robert L. Lawrence	Council Member

<b>STAFF:</b>	Garrett Spradling	City Manager
	Brandon Strope	Assistant City Manager
	Stella E. Sauls	City Secretary
	Deidra Thomas	Public Engagement Coordinator
	Jason Whisler	Emergency Management Officer
	Donnie Davis	Chief, Police Department
	Jason Anderson	Director, Public Works

<b>VISITORS:</b>	Judy Flanders	Tina Briscoe
	Leslie Ford	Neal Stephen
	Scott Radach	Trish Burris

**MEDIA:** NONE

**THE PLEDGE OF ALLEGIANCE:** All present recited the Pledge of Allegiance.

**INVOCATION:** The invocation was delivered by Council Member Felker.

**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 were heard.

**OATH OF OFFICE ADMINISTERED AND CERTIFICATES PRESENTED TO THE NEWLY ELECTED COUNCIL MEMBERS:** Public Engagement Officer/Notary Public Deidra Thomas administered the Oath of Office to Mrs. Karen Felker and Mrs. Kim Perez.

**ELECTION OF MAYOR FOR ELECTION YEAR 2023-2024:** The Council conducted an election for Mayor for the election year 2023-2024. Mrs. Felker won by a unanimous vote.

**MAYOR PRO-TEM APPOINTED FOR THE ELECTION YEAR 2023-2024:** Council Member Milton Ooley was nominated for Mayor Pro-tem by Council Member Loftis. The motion carried by the following vote:

Ayes: Council Members Felker, Perez, Loftis, Ooley

Nays: None.

Abstained: Council Member Lawrence.

**MINUTES APPROVED:** Following review of the minutes for the regular meeting of May 16, 2023, motion was made by Council Member Lawrence, seconded by Council Member Perez, to approve the minutes of the regular meeting of March 16, 2023. 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 May 2023 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Lawrence, seconded by Council Member Perez, to approve payment of the expenditures for the first half of May 2023, as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**YEAR-TO-DATE FINANCIALS RECEIVED BY THE COUNCIL.**

**BID AWARD FOR THE TRANSFER STATION ROOF REPLACEMENT APPROVED:**

City Manager Garrett Spradling stated that the roof on the Transfer Station dates back to its construction in 1992. The roof is in disrepair and was budgeted for replacement in the FY 2023 Budget. Several bids were received in excess of \$100,000, requiring a competitive bidding process. Following discussion, motion was made by Council Member Lawrence, seconded by Council Member Perez, to award the bid for the Transfer Station Roof Replacement Project to the highest-scored bidder, Mesa Roofing, in the amount of \$108,635.

Ayes: All members present voted aye.

Nays: None.

**ORDINANCE O-005-23 ADDING ARTICLE 4.12 "COMMERCIAL FILMING REGULATIONS" TO MAKE BORGER A MORE FILM-FRIENDLY DESTINATION**

**APPROVED:** Motion was made by Council Member Lawrence, seconded by Council Member Perez, to approve, on final reading, Ordinance O-005-23, adding Article 4.12" Commercial Filming Regulations" to make Borger a more film-friendly destination. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Caption of Ordinance O-005-23 reads as follows:

**ORDINANCE O-005-23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, AMENDING CHAPTER 4, "BUSINESS REGULATIONS," BY ADDING ARTICLES 4.12, "COMMERCIAL FILMING REGULATIONS," TO THE CODE OF ORDINANCES, CITY OF BORGER TEXAS, ADOPTING CERTAIN FEES AND PROCEDURES TO MAKE BORGER A MORE FILM FRIENDLY DESTINATION AND OFFER ENHANCED OPPORTUNITIES TO FILMMAKERS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

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**TOURISM SERVICES REPORT FOR FY 2023 FROM THE TRI-CITY COMMUNITY CONCERT ASSOCIATION AND FRIENDS OF THE HUTCHINSON COUNTY HISTORICAL MUSEUM RECEIVED AND TOURISM SERVICES AGREEMENTS FOR FY 2024 APPROVED:**

Ms. Judy Flanders submitted the FY 2022 annual tourism service reports 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 Loftis, seconded by Council Members Perez and Ooley, to approve the FY 2023 Annual Reports as submitted, and the FY 2024 Tourism Agreement between the Tri-City Concert Association, the Friends of the Hutchinson County Historical Museum, and the City of Borger. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**RESOLUTION R-014-23 RECEIVING THE 2023 MASTER DRAINAGE PLAN AND INCORPORATING THE PLAN:** City Manager Garrett Spradling informed the Council that

in 2020 the City of Borger was awarded a grant to create a Master Drainage Plan. He stated that it has now been completed and the final stage of the grant process is to officially adopt the Master Drainage Plan as part of our Hazard Mitigation Plan. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Loftis, to approve Resolution R-014-23 receiving the 2023 Master Drainage Plan and incorporating the plan into the Hutchinson County Hazard Mitigation Plan. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-014-23 reads as follows:

### **RESOLUTION R-014-23**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, ADOPTING THE MASTER DRAINAGE PLAN INTO THE HUTCHINSON COUNTY HAZARD MITIGATION PLAN**

**WHEREAS**, the City of Borger, Texas, was awarded Hazard Mitigation Grant #5233 through FEMA and managed by the Texas Department of Emergency Management for the purpose of creating a Master Drainage Plan; and,

**WHEREAS**, the Master Drainage Plan, as received and accepted by the City of Borger, will assist in assessing priorities in future flood mitigation projects within the community; and,

**WHEREAS**, the grant requires the Master Drainage Plan to be incorporated into the current Hutchinson County Hazard Mitigation Plan and the combined Plan submitted to the Texas Department of Emergency Management.

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

**SECTION 1.** The City hereby adopts the 2023 Master Drainage Plan, attached to this resolution as Exhibit "A," into the City's portion of the Hutchinson County Hazard Mitigation Plan.

**SECTION 2.** The City Emergency Management Coordinator is instructed to take action to ensure the adopted Hazard Mitigation Plan is submitted to the Texas Department of Emergency Management with any pertinent supporting documents to satisfy the requirements of Hazard Mitigation Grant #5233.

**PASSED AND APPROVED** on this the 6<sup>th</sup> day of June 2023, 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.

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Ayes: All members present voted aye.

Nays: None.

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**RESOLUTION R-015-23 APPROVING THE LEASE EXTENSION TERMS BETWEEN THE CITY OF BORGER AND AMERICAN TOWER:**

City Manager Garrett Spradling explained to the Council that this is for the land by the Southwest corner of the Transfer Station. This lease was originally signed in 2002 for a 30-year agreement. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Perez, to approve Resolution R-015-23 authorizing the lease extension terms between the City of Borger and American Tower and to authorize the City Manager to execute all necessary agreements on behalf of the City. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-015-23 reads as follows:

**R-015-23**

**AUTHORIZING THE TERMS FOR A LEASE EXTENSION BETWEEN THE CITY OF BORGER, TEXAS AND AMERICAN TOWER COMPANY OR ITS SUBSIDIARY; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY AGREEMENTS AND INSTRUMENTS FOR AND ON BEHALF OF SAID CITY COUNCIL OF THE CITY OF BORGER.**

**WHEREAS**, the City of Borger and WWC Texas RSA Limited Partnership entered into a Site Lease with Option Agreement on a 50 ft. x 50 ft. portion of land located in Section 13, Block “Y”, M & C Survey, Hutchinson County, Texas on May 15<sup>th</sup>, 2000; and,

**WHEREAS**, the original lease contained a 5-year initial term and five 5-year optional extensions leaving the agreement set to expire on May 14, 20230; American Tower Company, a successor company, desires to extend the lease agreement for the long-term benefit of American Tower and the City of Borger; and,

**WHEREAS**, it is the desire of this City Council of the City of Borger to authorize the terms under which a lease extension may be granted.

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

**SECTION 1**

The City Council of the City of Borger, Texas, authorizes the execution of an amendment to the existing Site Lease with Option with the following terms:

1. Addition of eight (8) additional five (5) year lease terms, commencing on May 15<sup>th</sup>, 2030;
2. Increase the monthly lease payment to \$1,250 per month within 30 days of the amendment's full execution;
3. Increase the term escalator to 12% for each renewal term;
4. Addition of a one-time payment of \$25,000, payable within 30 days fo the amendment's full execution;
5. Addition of an option for an addition 500 square feet of land, increase the monthly lease amount by \$250;
6. Addition of a waiver of consent provisions for new collocations and/or modifications of currently installed equipment; and,
7. Addition of a first right of refusal clause for cell phone tower competitors only.

**SECTION 2**

The duly appointed City Manager is hereby appointed as Agent of the City Council and of the City of Borger to execute all necessary Agreements and instruments for and on behalf of said City Council and the City of Bo

**PASSED, APPROVED, AND ADOPTED**, this the 6<sup>th</sup> day of June 2022, 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.

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**AMENDMENT TO ORDER TERMS BETWEEN THE CITY OF BORGER AND SEAGRAVE FIRE APPARATUS LLC APPROVED:** City Manager Garrett Spradling previously authorized the purchase of a Customer Pumper with a 105' tower ladder to Seagrave Fire Apparatus, LLC utilizing HGAC Cooperative Purchasing Program Contract #FS12-19 for the amount of \$1,579,186. Following cost overruns, Seagrave requested an amendment to add a commodity surcharge. Without the surcharge the order would be cancelled. Following discussion, motion was made by Council Member Perez, seconded by Council Members Loftis and Ooley, to approve the Amendment to Order Terms between the City of Borger and Seagrave Fire Apparatus, LLC, adding a \$217,178 surcharge and authorize the City Manager to execute the amendment. The motion carried by the following vote:

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

**INTERLOCAL AGREEMENT BETWEEN THE BORGER INDEPENDENT SCHOOL DISTRICT AND THE CITY OF BORGER FOR THE FISCAL YEAR 2024 SHCOOL RESOURCE OFFICER PROGRAM APPROVED:**

City Manager Garrett Spradling explained that the contract remains unchanged from FY 2023 after a fourth officer was added to provide for an SRO at all 4 campuses. The contract includes a planned 4% COLA and a 15% increase in medical benefit contributions. Mr. Spradling stated that the total cost for the FY 2024 SRO Program is approximately \$340,968.00 if approved. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Perez, to approve the Interlocal Agreement between the Borger Independent School District and the City of Borger for the Fiscal Year 2024 School Resource Officer Program. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**EXECUTIVE SESSION:** Mayor Karen Felker stated that in compliance with Chapter 551, Texas Govt. Code (Open Meetings Law) the Council would retire into executive session relative to Section 551.074 Personnel Matters:

- a. Discuss the appointment of an Associate Municipal Court Judge.

**RETURN TO OPEN SESSION:** Following the executive session, Mayor Felker reconvened the regular meeting and announced that the Council had discussed items relative to Texas Govt. Code 551.074 Personnel Matters:

- a. Discussed the appointment of an Associate Municipal Court Judge.

Following discussion, motion was made by Council Member Ooley, seconded by Council Member Loftis, to confirm the City Manager's appointment of Trish Burris as Associate Judge of the Borger Municipal Court. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

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

Ayes: All members present voted aye.

Nays: None.

Karen Felker  
Mayor

**ATTEST:**

Stella Sauls  
City Secretary