

**RESOLUTION NO. R-2021-55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AUTHORIZING THE CITY MANAGER OR DESIGNEE(S) TO EXECUTE AND TAKE ALL ACTIONS NECESSARY TO EXECUTE AND CARRY OUT A PURCHASING/FINANCING AGREEMENT/LEASE WITH REGIONS EQUIPMENT FINANCE CORPORATION FOR THE PURCHASE OF PUBLIC SAFETY RADIO EQUIPMENT FROM MOTOROLA SOLUTIONS, INC. AND H-GAC (HOUSTON – GALVESTON AREA COUNCIL) IN THE AMOUNT OF \$2,036,236.08; AUTHORIZING THE CITY MANAGER OR DESIGNEE(S) TO TAKE ALL APPROPRIATE ACTIONS ASSOCIATED WITH THE LEASE; RATIFYING AND CONFIRMING ALL ACTIONS HERETOFORE TAKEN BY CITY EMPLOYEES IN CONNECTION WITH THE ACQUISITION OF THE RADIO EQUIPMENT AND NEGOTIATION OF THE LEASE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to promote the public health, safety and welfare; and

**WHEREAS**, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

**WHEREAS**, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether expressed or implied, shall be exercised and enforced, in the manner prescribed by the Charter, or when not prescribed in the Charter, in such manner as shall be provided by ordinances or resolutions of the City Council; and

**WHEREAS**, the governing body of CITY OF TYLER, TEXAS (the “Lessee”) has determined that in order for the Lessee to better accomplish its public purposes, the Lessee needs to acquire the use of the Equipment described in the schedule attached to or set forth in the Equipment Lease-Purchase Agreement (the “Lease”) attached hereto and incorporated herein; and

**WHEREAS**, the Lessee has determined that the most economical and efficient means of acquiring the use of said Equipment is pursuant to a lease-purchase of the Equipment pursuant to the Lease; and

**WHEREAS**, a copy of the Lease has been presented to, considered and approved by the governing body of the Lessee; and

**WHEREAS**, it is hereby deemed necessary and advisable that this Resolution be adopted to carry out the above described public purposes;

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

**PART 1.** The City of Tyler (Lessee) is hereby authorized to enter into the Lease between the Lessee and **Regions Equipment Finance Corporation**, as Lessor, with all riders, certificates, schedules, and amendments thereto, substantially in the form attached hereto, and the execution and delivery of the Lease is hereby approved, authorized, ratified and confirmed.

**PART 2.** That the City Manager or designee(s) is hereby authorized to take all actions necessary to execute and carry out a purchasing/financing agreement/lease with **Regions Equipment Finance Corporation** for the purchase of public safety radio equipment from Motorola Solutions, Inc. and HGAC- (Houston – Galveston Area Council) in the amount of \$2,036,236.08; and

**PART 3.** The City Manager, any designee(s) thereof, and each and any of them without the others is hereby authorized to execute and deliver the Lease on behalf of the Lessee in substantially the form presented to the governing body of Lessee at this meeting with such changes or additions thereto or deletions therefrom as the person executing the same shall approve, which approval shall be conclusively evidenced by his or her execution of the Lease. The City Manager, any designee(s) thereof, and each and any of them without the others is hereby authorized to execute and deliver on behalf of the Lessee such agreements, indemnities, purchase orders, leases, bills of sale, certificates or other instruments or obligations as they or any one of them may deem necessary or appropriate to the accomplishment of the Lease, and the execution and delivery of any such agreement, instrument or obligation prior to the date hereof by any such person is in all respects hereby confirmed, ratified and approved. The City Manager, any designee(s) thereof, is hereby authorized and directed to affix the corporate seal to such instruments and to attest the same.

**PART 4.** The City Manager and any designee(s) thereof are authorized and directed to do or cause to be done all such other acts and things, to make all payments, including rent payments, required pursuant to the Lease and related documents, and to execute all such documents, certificates and instruments as in his, her or their judgment may be necessary or advisable in order to carry out the foregoing Resolutions and the Lessee's obligations under the Lease, or any amended, renewed or supplemental lease; and all actions heretofore taken by the employees of the Lessee in connection with the acquisition of the Equipment and negotiation of the Lease are hereby approved, ratified and confirmed in all respects.

**PART 5.** The Lessee and any designee(s) thereof understand Section 15 of the Lease ("Insurance") and hereby agree to provide property and liability damage in accordance with the terms of the Lease.

**PART 6:** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by law.

**PART 7:** That this Resolution shall become effective immediately upon its adoption.

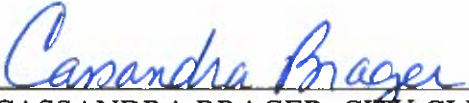
**PASSED AND APPROVED** on this the 27<sup>th</sup> day of October 27, 2021.



DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM  
CITY ATTORNEY