

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 20, 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 Stella E. Sauls Larry Byrd Bruce Roberts Jason Anderson Winston P. Sauls	City Manager Assistant City Manager City Secretary Director, Planning and Development Chief, Police Department Director, Public Works Assistant Director, Public Works
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VISITORS:	Kim Perez Kim Kenimer	Bobby Kenimer Jesse Shuffield
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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 October 6, 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 October 6, 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 first half of October 2020, motion was made by Council Member Marrs, seconded by Council Members Loftis, to approve payment of the expenditures for the first half of October 2020. The motion carried by the following vote:

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

ORDINANCE O-012-20 GRANTING TEXAS GAS SERVICE COMPANY A FRANCHISE: City Manager Eddie Edwards explained that this would be the final reading of this Ordinance. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to approve on final reading, Ordinance O-012-20 granting Texas Gas Service Company a 20-year Franchise for the use of the City's public ways.

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

Caption of Ordinance O-012-20 reads as follows:

ORDINANCE O-012-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, GRANTING TO ONE GAS, INC., ACTING BY AND THROUGH ITS TEXAS GAS SERVICE COMPANY DIVISION, AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY (20) YEARS FROM APPROVAL AND ACCEPTANCE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC WAYS TO INSTALL, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC WAYS OF THE CITY OF BORGER, HUTCHINSON COUNTY, TEXAS FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CUSTOMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE OR LEASE OF THE FRANCHISE; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY COMPANY AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; PROVIDING FOR USE AND REPAIR OF THE PUBLIC WAYS; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH AND PLACEMENT OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR PLATS AND ANNEXATIONS; REQUIRING COMPANY TO PAY A FRANCHISE FEE; PROVIDING THAT THE CITY MAY ENACT AN ORDINANCE CHARGING PERSONS TRANSPORTING GAS THROUGH COMPANY'S DISTRIBUTION SYSTEM A FEE ON THE CALCULATED VALUE OF SUCH TRANSPORTED GAS; PROVIDING FOR INSPECTION OF COMPANY'S RECORDS; PROVIDING FOR INDEMNIFICATION OF THE CITY OF BORGER; PROVIDING FOR COMPANY'S RULES AND REGULATIONS; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR VENUE; REPEALING ALL

OTHER ORDINANCES DIRECTLY IN CONFLICT HEREWITH; AND PROVIDING PUBLICATION REQUIREMENTS

ORDINANCE O-013-20 CREATING ARTICLE 1.08 ECONOMIC DEVELOPMENT INCENTIVES ADOPTED:

Assistant City Manager Garrett Spradling explained that this ordinance replaces the Economic Program previously adopted by resolution. This ordinance modifies and adds the program to the Code of Ordinances. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Marrs, to adopt on final reading, Ordinance O-013-20 creating Article 1.08 Economic Development Incentives within the Borger Code of Ordinances. The motion carried by the following vote:

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

Caption of Ordinance O-013-20 reads as follows:

ORDINANCE O-013-20

AN ORDINANCE BY THE CITY OF BORGER, TEXAS ESTABLISHING AND PROVIDING FOR THE ADMINISTRATION OF ECONOMIC DEVELOPMENT PROGRAMS PURSUANT TO CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE BY CREATING ARTICLE 1.08, ECONOMIC DEVELOPMENT INCENTIVES; 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-014-20 AMENDIG THE ZONING DISTRICT MAP INTRODUCED ON FIRST READING:

Director of Planning and Development Larry Byrd explained that the Planning and Zoning Commission held a public hearing on September 8, 2020 regarding a request to rezone 500 Gravel Pit Road (Lot 1, Block 1, Mesquite Hills Unit Two Addition) from an Estate Agricultural zoning district to a Light Industrial zoning district and was approved. Following discussion, motion was made by Council Member Marrs, seconded by Council Member Loftis, to introduce on first reading, Ordinance O-014-20, amending the zoning map of the City of Borger by rezoning Lot 1, Block 1, Mesquite Hills Unit Two from Estate Agriculture to Light Industrial. The motion carried by the following vote:

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

Caption of Ordinance O-014-20 reads as follows:

ORDINANCE O-014-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS AMENDING CHAPTER 14, ZONING, SECTION 14.02.002, ZONING DISTRICT MAP OF THE CITY OF BORGER, TEXAS, BY REZONING THE FOLLOWING PROPERTIES: LOT 1, BLOCK 1, MESQUITE HILLS UNIT TWO FROM ESTATE AGRICULTURE TO LIGHT INDUSTRIAL; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

RESOLUTION R-036-20 UPDATING THE CITY OF BORGER EMPLOYEE MANUAL –

REVISION 2020 ADOPTED: Assistant City Manager Garrett Spradling introduced Director of Human Resource Byron Swafford who explained the process taken to update the City of Borger Employee Manual that was last updated in 2008. Following discussion, motion was made by Council Member Loftis, seconded by Council Member Ooley, to adopt Resolution R-036-20 approving the City of Borger Employee Manual, Revision 2020. The motion carried by the following vote:

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

Resolution R-036-20 reads as follows:

RESOLUTION R-036-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, REPEALING THE EXISTING CITY OF BORGER EMPLOYEE MANUAL, REVISION 2008 AND ADOPTING A REVISED CITY OF BORGER EMPLOYEE MANUAL, REVISION 2020 FOR THE CITY OF BORGER, TEXAS

WHEREAS, the City Council (the “Council”) of the City of Borger, Texas is committed to providing fair and consistent policies and procedures for the purpose of managing an effective and efficient workforce; and,

WHEREAS, it is in the best interest of the City of Borger, Texas to review its personnel policies and procedures from time to time, to make revisions as appropriate, and to publish those changes so employees and appointed/elected officials are made aware of new personnel policies and procedures; and,

WHEREAS, the existing City of Borger Employee Manual, Revision 2008 no longer meets all applicable State and Federal employment requirements and guidelines; and,

WHEREAS, the Council has reviewed the personnel policies and procedures in the proposed City of Borger Employee Manual, Revision 2020 and has determined them to be reasonable and equitable for current and future employees of the City of Borger, Texas; and,

WHEREAS, the Council hereby finds and determines that the adoption of this Resolution is in the best interests of the citizens and employees of the City of Borger, Texas.

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

1. **That**, the above recitals are true and correct in every respect.
2. **That**, the City of Borger Employee Manual, Revision 2020 in the form attached hereto as Exhibit "A" captioned the "City of Borger Employees Manual," revised 2020 is hereby adopted and approved; and the City Manager or his/her designee is hereby authorized to implement the City of Borger Employee Manual, Revision 2020.
3. **That**, the City of Borger Employee Manual, Revision 2008, all previous resolutions, parts of resolutions, or motions regarding personnel policies or procedures in conflict with this Resolution are repealed insofar as they conflict with the personnel policies and procedures as contained in the City of Borger Employee Manual, Revision 2020.

PASSED, APPROVED, AND ADOPTED, on this the 20th day of October, 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.

TEXAS COMMUNITIES GROUP PROPERTY BIDS ACCEPTED: Assistant City Manager Garrett Spradling explained to the Council that there have been 91 properties sold in the amount of \$95,031.00 so far through Texas Communities Group. Mr. Spradling stated that four (4) more entity owned properties have been purchase through Texas Communities Group, they are as follows:

- R4797 (1116 Hedgecoke) \$10,250.00 Alan Smith (Fritch, TX)
- R96949 (Fairlanes Blvd.) \$700.00 – Fedil Lavato (Fritch, TX)
- R17285 (400 W. Jefferson) \$2,270.27 – David Paul & Tammara Cass (Oroville, CA)
- R15498 (108 Timberlake) \$31,500.00 – Ali Huneti (Katy, TX)

Following discussion, motion was made by Council Member Marrs, seconded by Council Member Ooley, to accept all winning bids from the Texas Communities Group online bidding process for four (4) properties located in the City of Borger and to authorized the Mayor to sign and execute the Tax Deed for each property on behalf of the City. The motion carried by the following vote:

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

AGREEMENT TO PURCHASE APPROVED: Assistant City Manager Garrett Spradling explained to the Council that Ms. Maria Valdez, who lives at 812 Nonken, would like to purchase the property located at 810 Nonken. Mr. Spradling explained that this Agreement would allow Ms. Valdez to purchase the property for a \$50.00 deed and recording fee as long as the substandard structure is torn down according the City standards within 30 days. Following discussion, motion

was made by Council Member Loftis, seconded by Council Member Marrs, to approve the Agreement of Purchase between the City of Borger and Ms. Maria Valdez for the entity owned property located at 810 Nonken and authorized the Mayor to execute the Agreement. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-037-20 FOR JOB TRAINING INCENTIVE BETWEEN THE BORGER ECONOMIC DEVELOPMENT CORPORATION AND GOLDEN PLAINS COMMUNITY HOSPITAL APPROVED: B.E.D.C. Board Vice-President Jesse Shuffield explained to the Council that rural hospitals are in need of nurses. The Rural Nursing Education Consortium ("RNEC") was established by Panhandle Colleges and Hospitals to train and educate individuals to become LVNs and RNs in rural communities and provide new local employment opportunities. Following discussion, motion was made by Council Member Ooley, seconded by Council Member Loftis, to approve Resolution R-037-20 approving the Jobs Training Incentive between the Borger Economic Development Corporation and Golden Plains Community Hospital in support of the Rural Nursing Education Corporation. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Resolution R-037-20 reads as follows:

RESOLUTION R-037-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, APPROVING JOB TRAINING INCENTIVE AGREEMENT BETWEEN THE BORGER ECONOMIC DEVELOPMENT CORPORATION AND GOLDEN PLAINS COMMUNITY HOSPITAL IN SUPPORT OF THE RURAL NURSING EDUCATION CONSORTIUM

WHEREAS, the BEDC is a development corporation under Section 4A of the Development Corporation Act (the "Act"); and,

WHEREAS, BEDC's mission is to support economic development through job creation and business retention; and,

WHEREAS, the communities' healthcare impacts economic development and there exists a need to address a current nursing shortage to maintain quality healthcare in the community; and,

WHEREAS, Frank Phillips College, Amarillo College, Golden Plains Community Hospital, Moore County Hospital, Ochiltree General Hospital, Coon Memorial Hospital, and Hereford Regional Medical Center established the Rural Nursing Education Consortium to help address this problem; and,

WHEREAS, the BEDC Board has considered and recommended the Job Incentive Agreement's approval with Golden Plains Community Hospital to support the Rural Nursing Education Consortium's LVN, RN, and ADN programs.

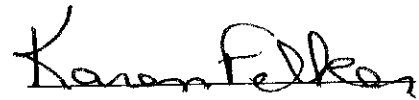
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, THAT:

1. The City Council has reviewed and approved Jobs Incentive Agreement between the Borger Economic Development Corporation and Golden Plains Community Hospital, as presented in Exhibit "A."

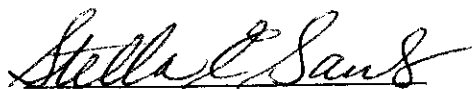
PASSED, APPROVED, AND ADOPTED, on this the 20th day of October 2020, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Texas Gov't Code, §551.001, et. seq. at which meeting a quorum was present and voting.

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.


Mayor

ATTEST:


City Secretary