

**REGULAR MEETING OF CITY COUNCIL  
NOVEMBER 1, 2011 – 7:00 P.M.**

**PRESENT:** Jeff Brain Mayor  
Leon DeWeese Council Member  
Robert Vinyard Council Member  
Marvin Dickson Council Member  
Charles Gillingham Council Member

**STAFF:** Eddie Edwards City Manager  
Danny Richards E.O.C. Director  
Stella E. Sauls City Secretary  
Jimmy Adams Chief, Police Department  
Bruce Roberts Captain, Police Department  
Betsy Parks Animal Control Supervisor

**VISITORS:** Danny Courtney First Baptist Church - Stinnett  
Rhonda Roberts Rodney Purswell  
Brad Carpenter Marty Vinyard/Haley  
Ray & Vicky Ramsey Darrell Milum  
Polly Gillingham Gail DeWeese  
Judy Mihm Carie Richards  
Pam York Collin Jordan  
J. C. Cambron Robert Hamadi  
Earl Fliger William Bright  
Robert Vinyard, Jr. Robert Anders  
Amy Anders Lily Anders  
Joe Kitchens Ceasar Garay  
Arlie Washer Cathy Jones  
Leroy Jones Debbie Krum  
LeighAnn Snyder E. C. Huffine  
Janet Huffine Harvey Hathaway  
Michael Hatahway Margarita Harshman  
Lochelle Matteri William A. Smith  
LaNell R. Smith Danny Park  
Sonny Botsford Jackie Schaffler  
Don L. Wright

**NEWS MEDIA:** Michelle Berry

**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 of October 18, 2011, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PAYMENT OF EXPENDITURES APPROVED:** The expenditures for the last half of October were submitted for the consideration of the Council. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to approve payment of the expenditures for the last half of October as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**PUBLIC HEARING CONDUCTED – ORDINANCE O-004-11 INTRODUCED:** City Manager Eddie Edwards explained the purpose of Ordinance O-004-11. Mayor Brain opened the public hearing and asked if any one wished to comment. There being no comments Mayor Brain closed the public hearing. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Gillingham, to introduce Ordinance O-004-11 providing for the continued taxation of “Goods-in-Transit”. The motion carried by the following vote:

Ayes: Council Members DeWeese, Dickson and Gillingham.

Nays: Council Member Vinyard.

The caption of the Ordinance reads as follows:

#### **ORDINANCE O-004-11**

**AN ORDINANCE OF THE CITY OF BORGER PROVIDING FOR THE TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, § 11.253; 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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**AUDIT ENGAGEMENT LETTER RECEIVED:** City Manager Eddie Edwards explained to the council this letter is for information only and no action is required.

**RESOLUTION R-013-11 APPROVED:** Diana’ Hooks, Chief Appraiser of Hutchinson County Appraisal District, submitted a letter requesting the City Council cast their votes, by resolution, for a candidate to serve as the City of Borger’s representative on the Hutchinson County Appraisal District Board of Directors. Following discussion, motion was made by Council Member Vinyard, seconded by Council Member Dickson, to approve Resolution R-013-11 casting the City’s 376 votes for Todd Harris. The motion carried by the following vote:

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

The Resolution reads as follows:

**RESOLUTION R-013-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, CASTING VOTES FOR CANDIDATES FOR POSITIONS ON THE HUTCHINSON COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, the Texas Property Tax Code requires the creation and election of a Board of Directors of a Central Tax Appraisal District for each county in the State; and,

**WHEREAS**, Section 6.03 of the Texas Property Tax Code contains the “voting instructions” for casting the votes; and,

**WHEREAS**, Diana’ Hicks, Chief Appraiser of Hutchinson County, has requested a resolution from the City of Borger designating for which nominee the City of Borger's votes will be cast.

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

That, three hundred seventy six (376) votes allocated to the City of Borger for the term 2012-2013 be cast for Todd Harris.

**PASSED, APPROVED, AND ADOPTED**, on this the 1<sup>st</sup> day of November, 2011, 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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**PUBLIC HEARING CONDUCTED ON PROPOSED ANIMAL CONTROL**

**ORDINANCE 0-005-11**: Mayor Brain stated that the proposed ordinance is a work in progress and is not in final form. Prior to the public hearing City Manager Eddie Edwards addressed the Council and those citizens present about the proposed ordinance. Mr. Edwards described the major sections of the ordinance and referenced multiple chapters in State law which relate to municipal control of animals. Mr. Edwards further addressed issues from a list that has been circulating in the community, as well as proposed changes to the ordinance in response to some of those issues. Mayor Brain then opened the public hearing and asked if any one present wished to comment. Numerous citizens voiced their concerns both for and against the ordinance or parts thereof. Following the citizens comments, Mayor Brain closed the public hearing and thanked the citizens for their comments.

**MEETING ADJOURNED**: There being no further business, motion was made by Council Member Dickson, seconded by Council Member Gillingham, 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