

REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF DUMAS, TEXAS

APRIL 7, 2008

6:30 P.M.

BE IT REMEMBERED THAT THERE CAME AND WAS HELD A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF DUMAS, TEXAS IN THE CITY HALL OF SAID CITY:

Members Present:

Mayor Mike Milligan
Mayor Pro Tem Pat L. Sims
Commissioner John D. Harris
Commissioner Mike Salim
Commissioner James Mahaffey
City Manager Vince DiPiazza
City Attorney Tom Moore

Others Present: Kim Rehkopf, Greg Tanner, Tommy Raper, Dolores Montoya, Travis Bousquet, Frank Keplar, Carla Carbajal, Isidoro Carbajal, Maria Carbajal, Joel Carbajal, Melanie Keplar, Paul J. Jenkins, Luis Trujillo, Kayte Cook, Dottie Williams, and Dale Alwan.

Mayor Milligan called the meeting to order.

Commissioner Mahaffey asked Fire Chief Paul J. Jenkins to explain bills from Municipal Emergency Services concerning Kangaroo gauntlet gloves for \$63 a pair, totaling \$899.45. Chief Jenkins said they are structural fire fighting gloves and they budget for the gloves annually. Chief Jenkins said they keep approximately twenty pair of gloves in stock but the gloves could be ruined by glass and metal. Chief Jenkins said other glove quotes received were \$75 to \$80 a pair. Commissioner Mahaffey asked Public Works Director Tommy Raper to explain the bill from Utility Equipment Repair for \$10,974.89 for the street department. Mr. Raper said the cables in the boom on the bucket truck broke and turned the bucket loose on the stabilizer. Mr. Raper said Utility Equipment Repair is the only vendor in Amarillo that works on bucket trucks. Mr. Raper said the bearings and hydraulic hoses had to be replaced. Mayor Milligan asked if any employees were in the bucket when it broke. Mr. Raper said yes, two employees, but they were tied in. The stabilizer keeps the bucket up-right and when it broke, it tilted, but didn't turn over. Mr. Raper said it did scare the employees but there were no injuries. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the March 17, 2008 Regular City Commission meeting minutes and paying the bills.

A motion was made by Commissioner Mahaffey, seconded by Commissioner Salim, and passed unanimously to approve a proclamation declaring April 14-20, 2008 as "Hug a Child" week.

Carla Carbajal said that her family owns a snow cone stand, located at 301 S. Dumas Avenue. Ms. Carbajal asked the Commission to make an exception to the city solicitation ordinance to allow them to keep their building at the current location. Ms. Carbajal said they have a health permit and they pay utilities. The amended solicitation ordinance was passed in January 2008 and it states that temporary structures must be removed after three months. City Inspector Greg Tanner said the building does not meet the zoning code because it does not have a foundation. Mr. Tanner said the plumbing is temporarily connected and there is no hot water. Mr. Tanner said a permanent building must meet type construction and meet fire restrictions on the construction. Mr. Tanner said vendors are getting around the building code. City Manager Vince DiPiazza said the Carbajal's building has never been a permanent structure and the city is enforcing the new permit provisions that are in the ordinance that was recently approved. Mr. DiPiazza said the Carbajal family feels that ninety days is not enough time to conduct their business. Mayor Milligan asked why they would need more than 90 days to operate because June, July, and August should be their busiest months to sell snow cones. Ms. Carbajal asked if they could open their business from April until September for this year and they would move their building at the end of September. Mayor Milligan said they could only open 90 days according to the city ordinance. Mr. Tanner said that they are also required to have a certificate of occupancy and that is to confirm the building was built by city code. Mr. Tanner said as a temporary business they aren't required to have a certificate of occupancy. Mayor Pro Tem Sims asked the Carbajal's if they understood that anyone could set a building on any lot in town, and if there are not wheels underneath, they could say it is permanent when actually it isn't. Commissioner Harris asked how long they have owned the business and Ms. Carbajal said three years. Mayor Pro Tem Sims said the Commission must also be fair to permanent businesses and property owners. Commissioner Harris said if the Commission allows an exception for them, they would set precedence, and it would not be fair to other vendors. Mayor Milligan recommended allowing the Carbajal's a solicitation permit for three months beginning June 1, 2008 or any date they would like to open their business. Ms. Carbajal said they would like to open tomorrow and operate the next three months. There was no action taken.

The Commission reviewed the lease/purchase agreement on city property located at 6149 Hood Road. Currently the property is leased to Thad and Melanie Lasater. Mayor Milligan said Mr. Lasater is requesting an exclusive right to purchase the property. City Manager Vince DiPiazza said the city went through the bid process before the property was leased. City Attorney Tom Moore said the agreement does state that Mr. Lasater can exercise the right to purchase the property within the initial twelve month period. Mr. Moore said the agreement also states the purchase option will not be offered in a renewal of the lease agreement. Mr. DiPiazza said the Commission could lease it to Mr. Lasater again by amending the current lease agreement. Commissioner Salim suggested extending the agreement for twelve months. A motion was made by

Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to extend the lease agreement for twelve months, with the same terms as the current agreement, to Thad and Melanie Lasater

City Manager Vince DiPiazza presented an ordinance concerning annexation on property south of Dumas. Mr. DiPiazza said this item was on the last agenda which was incorrect because the time period did not comply with the state law. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Harris, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1035 annexing property South of Dumas, West of Highway 287, further described as a 337.09 acre tract of land out of Sections 195 and 226, Block 44, H.T. & C.R.R. Co. Survey, Moore County, Texas.

Frank Keplar requested the Commission allow him to his firework stand south of town for the upcoming July 4, 2008 season. Mr. Keplar said he understands that the property he sits on is now in the ETJ area. Mr. Keplar said he has purchased his fireworks and they have already been shipped from overseas. Mr. Keplar has also confirmed his lease on the location south of town. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to allow Mr. Keplar to sell fireworks in the city's ETJ area for the July 4, 2008 season only.

City Attorney Tom Moore presented an ordinance concerning the assessment of street improvements for 14th Street. Mr. Moore said this ordinance is to initiate the paving assessment project. Mr. Moore said he did send courtesy notices to property owners and he has had contact with the attorney representing the Powell property. Mr. Moore said property owners do have the right to come to the public hearing and have experts testify on their behalf that the paving would or would not improve the value of their property in an amount sufficient to off-set the cost. Mr. Moore said a resolution must also be passed to approve the plans, specifications, and setting a date to receive the bids. Mr. Moore said once the bids are received the city must include the legal and engineering costs with the bid cost. That cost is divided on a front foot basis and notices are mailed to the property owners stating what their costs will be. Mr. Moore said a date needs to be set to hold a public hearing. Mr. Moore said the city must publish notice fourteen days before bids are opened. City Manager Vince DiPiazza suggested thirty days be allowed for the bid process on this type of project. The Commission agreed to have a public hearing and review bids at the May 19, 2008 regular commission meeting. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Second and Final Reading of Ordinance No. 1036 initiating the process for assessment of 14th Street improvements and approve Resolution No. 08-04, plans, specifications, and documents concerning bids.

City Inspector Greg Tanner presented an ordinance to rezone property located on 19th Street. Mr. Tanner said Travis Bousquet is requesting the zoning be changed from agriculture to retail. Travis Bousquet told the Commission he plans to build a strip mall and he has confirmed leases from the Dollar Tree and Cato. Mayor Pro Tem Sims asked how many businesses would be located at the strip mall. Mr. Bousquet said the project would be phased, with the first phase having five tenants then three smaller units would

be built. Mr. Bousquet said other buildings would be built according to need. Commissioner Salim asked if 19th Street would need curb and gutter. Mr. Bousquet said there is curbing along 19th Street at their location. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1037 rezoning a 4.242 acre tract of land out of Lots 6 & 7, Block 1, Tri-Canyon Subdivision of surveys 195 and 226, located in the 300 block of E. 19th St. from "Ag", Agriculture, to "H", Retail.

Fire Chief Paul J. Jenkins presented an ordinance concerning public nuisances, abandoned, and junk vehicles. Chief Jenkins said he is requesting minor changes. I., Definitions, B.1.a....license plate; add "**and**". B.1.b....certificate; add "**or**". III., Junked Vehicles, B.1. personally delivered...add "**posted on the vehicle**". H.1.b.3. ...public view by a "**six (6) foot fence**". Mayor Milligan asked if the city fines the owner or picks up a junk/abandoned vehicle. City Attorney Tom Moore said the city can fine the owner or pick up the vehicle, declare it a nuisance, and have the person ordered by a court to remove the vehicle. City Manager Vince DiPiazza said in the past the city usually has a junk vehicle towed. Mayor Milligan asked where the vehicles were towed and Chief Jenkins said the wrecker service tows the vehicles and secures them. Commissioner Salim suggested the fence not be transparent. Mr. DiPiazza recommended using the word "opaque." Chief Jenkins said Luis Trujillo, Code Enforcement, has problems concerning rental property. The property owner tells the renter if they would like to have a fence, they could build it, but the tenant does not want to invest money in property they don't own. Mayor Pro Tem Sims asked who receives the citation and Chief Jenkins said the tenant. Commissioner Harris asked Mr. Trujillo if there were other changes that should be addressed. Mr. Trujillo said he receives complaints concerning off-road vehicles because they do not have to be registered. Mayor Milligan asked Mr. Trujillo to contact other cities to see if they enforced "off-road vehicles". A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1038 amending public nuisances, abandoned, and junk vehicles with the above recommended changes and add *opaque* six foot fence.

Mayor Milligan said the resolution presented basically states that the West Texas area is blessed with a wind resource and that the city supports infrastructure that will allow this area to sell wind energy down state. This is a cost-effective production of electricity from wind. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve Resolution No. 08-05 concerning wind energy zones and infrastructure.

City Manager Vince DiPiazza presented a resolution to set the natural gas rate. Mr. DiPiazza said the April rate is \$8.94. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Harris, and passed unanimously to approve Resolution No. 08-06 setting the natural gas rate at \$8.94 plus the \$2.50 adder fee, which totals \$11.44.

Purchasing Agent Dolores Montoya presented the police department bids. There were two bids received on three police package vehicles. Philpott Motors for a 2008

Ford Crown Victoria, \$33,779.04, annual lease payment for three years. McKinney Dodge for three police package and one unmarked, 2008 Dodge Charger, \$33,969.04, annual lease payment for four years and also quoted \$43,386.91, annual lease payment for three years. Ms. Montoya received three bids on the unmarked police vehicle. McKinney Dodge included the unmarked vehicle in the above bids. Philpott Motors for a 2008 Ford Crown Victoria, \$7,278.35, three annual payments; and Edwards Chrysler for a 2007 Dodge Charger, \$737.28, annual lease payment for three years, \$574.39 for four years and \$477.06 for five years. Police Chief Dale Alwan said the police department is requesting the Commission consider purchasing the Dodge Chargers from McKinney Dodge, even though there would be approximately twenty-one hundred dollars difference, which is an increase. City Manager Vince DiPiazza asked Chief Alwan if there was a significant difference between the Ford and the Dodge. Chief Alwan said there is a difference for Sgt. Wilkins and Sgt. Jones. Commissioner Harris said there would not be much of a cost difference if the Commission approved the bid from McKinney Dodge because of the cost of their unmarked vehicle cost less, compared to Philpott Motors unmarked vehicle bid. The Commission asked Ms. Montoya to make sure bids submitted from Philpott Motors and McKinney Dodge are 2008 vehicles. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the bids from McKinney Dodge for three annual payments of \$43,386.91 for three police package vehicles and one unmarked vehicle for the police department.

Purchasing Agent Dolores Montoya presented the 25 yard side load compactor body bids. Two bids were received from Heil of Texas for \$56,000 each, totaling \$112,000 and Kann Manufacturing for \$84,991 each, totaling \$169,982. Ms. Montoya received financing quotes from Government Capital and Diversified Lenders. Ms. Montoya recommends Diversified Lending at four percent for twelve quarterly payments, the Commission agreed. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the bid from Heil of Texas for \$112,000 for two 25 yard side compactor bodies for the solid waste department.

Public Works Director Tommy Raper presented the fifteen foot rotary cutter bids. There were four bids received from Dalhart Ford New Holland for a Bush-Hog 2515 for \$9,235; Oglesby International for a Landpride Plainsman for \$9,741.94; Hansford Implement for a John Deere HX15 for \$11,776.01; Western International for a John Deere HX15 for \$10,550.21 and a John Deere CX15 for \$12,378.41. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Harris, and passed unanimously to approve the bid from Oglesby International for a fifteen foot rotary cutter for \$9,741.94 for the street department.

Public Works Director Tommy Raper presented bid specifications for the bulk water system. Mr. Raper said \$50,000 was budgeted for an automated bulk water station. City Manager Vince DiPiazza suggested the Commission increase the fee for bulk water, which currently is \$1.00 for six thousand gallons of water. Mayor Milligan asked Mr. Raper to contact other cities for their bulk water fees and bring those rates back before

the Commission as soon as possible. The consensus of the Commission agreed to the bulk water system bid specifications.

Mayor Milligan opened the Work Session.

Mayor Milligan recessed into executive session at 7:42 p.m. Mayor Milligan recessed the executive session at 7:52 p.m. and reopened the regular meeting. There were no votes or action taken.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager