

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

FEBRUARY 19, 2008

6:30 P.M.

BE IT REMEMBERED THAT THERE CAME AND WAS HELD A SPECIAL 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

Members Absent:

City Attorney Tom Moore

Others Present: Kim Rehkopf, Dottie Williams, David Rehkopf, Dolores Montoya, Tommy Raper, Ralph Bynum, Paul Woolley, Amber Jones, Kurt Jones, Sam Cartwright, David Bonner, Greg Willis, Justin Willis, Matt Rehkopf, Tim Rehkopf, Ray Eller, Damon Admire, Ben Maples, Bob Brinkman, Rick Russwurm, and Dale Alwan.

A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the Consent Agenda which consists of the February 4, 2008 Regular City Commission meeting minutes and paying the bills.

Ray Eller, General Manager for Panhandle Productions, asked the Commission to consider allowing a temporary bandstand to be constructed and barbeque grills to be placed on the grass around the pavilion in McDade Park. Mr. Eller stated that Panhandle Productions would like to help Panhandle Children's Foundation with their annual fundraiser, Hogs in the Park, June 21, 2008. Mr. Eller said Panhandle Productions would like to provide an outdoor concert and they hope to have twenty teams participating in a chili cook-off. Mr. Eller said Panhandle Children's Foundation would like to expand the activities to generate interest other than motorcycle enthusiasts. Commissioner Salim asked if Panhandle Children's Foundation would clean-up the park after the event and Mr. Eller, said yes, they are responsible for the clean-up. Commissioner Salim said he was concerned about damages and Mr. Eller said they don't anticipate any damages but he does understand. Commissioner Harris said Panhandle Children's Foundation is indemnified and this is their fifth year to hold the event at McDade Park. Commissioner Harris said if it rains that the grills would need to be placed on the sidewalk instead of the grass. City Manager Vince DiPiazza said the city usually does not allow trailers or vehicles on the grass. A motion was made by Commissioner Salim, seconded by Mayor

Pro Tem Sims, and passed unanimously to approve the request from Panhandle Productions to erect a temporary bandstand and place barbeque grills on the grass at McDade Park.

Dumas Noon Lions Club President Bob Brinkman presented a proposal to work with the city to build permanent fairground buildings at McDade Park for Dogie Days celebrations and other community events. Mr. Brinkman said Lions Club would donate \$40,000 for the project and asked the city to contribute \$40,000. Quotes received were \$81,700 from Willis Construction and \$95,600 from Bice Construction. Mr. Brinkman said this project is only beneficial to Lions Club two weeks annually and the community would benefit because the buildings could be used for all events such as the July Fourth celebration and Cinco de Mayo. Commissioner Salim asked if other organizations had been contacted and Mr. Brinkman said no. Mr. Brinkman said Lions Club spends \$1,000 to \$5,000 each year to put up the temporary stands and last year they blew down. Mr. Brinkman said the proposal is for two buildings, eighty feet wide by twenty feet deep, with four metal doors in the back with seven openings in the front of each building. Mr. Brinkman said Lions Club is proposing a cinder block building, concrete flooring, metal roofing, with the city providing all electrical work. Mayor Milligan asked if Moore County would help financially with this project. Mr. Brinkman said Lions Club would furnish the metal for the roof and stated that there is a possibility that Moore County would donate ditching services to dig the foundation footing. Mr. Brinkman said Lions Club is proposing the buildings be built on Durrett Avenue, which is east of McDade Parks' east parking area. Durrett Street would be closed if the project is approved. Commissioner Salim asked who would provide maintenance for the buildings. Mr. Brinkman said Lions Club does not want authority over the buildings, they would belong to the city and they should provide maintenance, but maintenance should be minimal. Commissioner Harris said he was concerned about using cinder blocks to construct the buildings because cinder block could be vandalized and damaged. Dr. David Bonner, Dumas Noon Lions Club Head Wrangler, said they would like the buildings constructed by May 1, 2008. City Manager Vince DiPiazza recommended, if the proposed project is approved, that it be paid with hotel/motel tax. Mayor Milligan suggested Lions Club borrow the funds for the project instead of the city contributing \$40,000. Dr. Bonner said there is a \$1,000 increase because Lions Club requested windows be installed on each end of the buildings for air circulation. Commissioner Mahaffey asked what it would cost to install the electrical and Public Works Director Tommy Raper said approximately \$5,000. Mayor Milligan said he does not want the city to contribute \$40,000 without getting some of the money back. Dr. Bonner said a provision could be implemented stating \$40,000 be paid to the city if Lions Club receives money from other organizations or entities. Dr. Bonner said they have applied for a grant through D.E.D.C. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve funding, including electrical power, not to exceed \$25,000.

Fire Chief Paul J. Jenkins presented a proclamation concerning severe weather awareness week. Chief Jenkins said Emergency Management Coordinator Tommy Brooks was teaching a class and could not be present. Mayor Milligan read the proclamation. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro

Tem Sims, and passed unanimously to approve a proclamation declaring February 24, 2008 through March 1, 2008 as Severe Weather Awareness Week.

Amber Jones presented a resolution concerning the TRiO celebration. Ms. Jones said TRiO was enacted in 1965 by U.S. Congress as part of "War on Poverty." Ms. Jones said TRiO is a program to help students whose parents do not have a four year college degree gain access to higher education. Also, TRiO helps high school students, middle school students, and dropouts to develop college-level skills so they can be successful in college. There are area programs at West Texas A&M, Amarillo College, Frank Phillips, South Plains, Texas Tech and Amarillo College Moore County Campus. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve Resolution No. 08-02 declaring February 28, 2008 as National TRiO Day.

Moore Lewis & Russwurm Attorney Rick Russwurm presented a resolution ordering and appointing election judges for a special bond election for May 10, 2008. Mayor Milligan said changes have been made to the ballot language, which is adding spray ground, walking tracks, and other municipal park improvements. Mayor Milligan said the city received a valid petition that stopped the issuance of certificates of obligation and requires the city to have a bond election to build a new swimming pool, spray ground, walking tracks, and other park improvements. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve Resolution No. 08-03 ordering a special election to be held May 10, 2008 and appointing Becky Rivera as election judge and Shawn Frische as alternate election judge.

City Manager Vince DiPiazza presented an ordinance that would require a guarantee on public improvements in a subdivision. Damon Admire said he wasn't aware of this ordinance and asked that it be explained. Mr. DiPiazza said this is a requirement, upon city acceptance of public improvements in a subdivision, the developer put up a bond or other similar financial security guaranteeing twenty-five percent of the cost for two years. Mr. Admire said no one requires a two-year guarantee. Commissioner Harris said the Commission reviewed several other cities ordinances and most of them have the same guidelines as the proposed ordinance. Mayor Milligan told Mr. Admire that some subdivisions have had things occur that has caused the Commission some concerns. Commissioner Harris said that a developer, not Mr. Admire, has started a subdivision, ran out of money, and has let it sit for three to four years. Mr. Admire said the consumer would actually pay for any increase in fees required by the city, not the developer or contractor. A motion was made by Commissioner Harris, seconded by Commissioner Salim, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1034 amending the subdivision ordinance to require a developer or contractor provide a warranty period of two years after final plat approval and acceptance by the city of public improvements, for all maintenance costs and for any repairs necessitated by faulty materials or construction and the warranty shall be secured by the developer or contractor by cash escrow deposit, maintenance bond, letter of credit, or other means acceptable to the city in an amount of twenty-five percent of the estimated construction cost of the improvements.

Police Chief Dale Alwan presented bids for three police package vehicles and one unmarked vehicle from Dallas Dodge, Dodge Charger, for \$119,787; McKinney Dodge, Dodge Charger, for \$117,200; Legacy Ridge Autoplex, Ford Crown Victoria, for \$122,241.36; and Philpott "HGAC" Ford Crown Victoria, for \$119,491.52. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the bid from McKinney Dodge for three fully equipped patrol units and one unmarked unit for \$117,200.

Mayor Milligan opened Work Session.

Mayor Milligan said the Boar's Nest Restaurant is a city facility and the Commission has discussed selling the restaurant, which would be bid to the public. David Rehkopf leases the restaurant and said he would be interested in owning the facility so he could make improvements. City Manager Vince DiPiazza said the city has painted the restrooms. Mayor Milligan said the city receives complaints about the smoking situation and the chairs. Mr. Rehkopf said he would like to move a wall and create smoking and non-smoking sections, take out all of the carpet, repair the leaking roof, and move the bar. Mr. Rehkopf said the sewer system is a major problem and should be replaced. Mr. Rehkopf said he could not do major improvements because he won't put a lot of money into the restaurant facility that he doesn't own. Mr. Rehkopf said four people have come to look through the restaurant because they were told it was for sale. The Commission is in the process of having the facility appraised. Mr. Rehkopf asked if the building was going to be appraised as an empty building or as a business with the equipment and contents. Mr. Rehkopf asked if all of the building was going to be bid, which includes the golf pro shop or just the building. Commissioner Salim asked Mr. Rehkopf who owned the contents and Mr. Rehkopf said he owned the contents and equipment. Mayor Milligan said it would be to Mr. Rehkopf's advantage if the city owned part of the building because the city would take care of the parking area and other improvements. Mr. Rehkopf felt that if part of the building is sold there would still be a situation concerning one gas meter for the golf pro shop and restaurant. Mr. Rehkopf said he pays for the gas that the golf pro shop uses. Mr. Rehkopf asked if hotel/motel tax funds could be used for the golf course. Chamber of Commerce Director Sam Cartwright did not think so and stated there is specific language concerning how the funds could be distributed. The Commission will put this item on another agenda when they receive the appraisal.

City Manager Vince DiPiazza said the city has discussed the 14th Street paving assessment for some time and has tried to obtain a right-of-way easement. The city can not begin the paving assessment process until the easement is obtained. Mr. DiPiazza said the city has discovered that they own the easement, which was conveyed in 1965 and filed in 1979. Mr. DiPiazza said 14th Street would be extended to the existing lift station including curb and gutter. The city's minimum contribution is ten percent with property owners paying the remainder. Mr. DiPiazza said there is a legal assessment process that the city must go through. Moore, Lewis & Russwurm Attorney Rick Russwurm said the assessment is a lengthy process including approving ordinances, mailing notices, and

holding public hearings. Mr. Russwurm said the property owners on the north side pay half of the cost as does the property owners on the south side. Damon Admire said Eastland would contribute more than half because at the section line there is more right-of-way on the north side than on the south side. Mr. Admire said Eastland is committed to pay for the assessment, not the property owners. Mr. DiPiazza said legally the city must assess the property owners and that Mr. Admire would need to work with the property owners to reimburse them funds. Commissioner Harris said this issue has been discussed for four years and the city must move forward with the 14th Street paving assessment. The Commission agreed to proceed with the 14th Street paving assessment and improvements.

Fire Chief Paul J. Jenkins said that the Insurance Service Office (ISO) recently evaluated the fire department. Chief Jenkins stated that ISO analyzes the information and assigns Public Protection Classification (PPC), which is a number from one to ten. Class one is exemplary fire protection and class ten indicates that the fire-suppression program does not meet ISO's minimum criteria. Chief Jenkins said prior to this evaluation the classification was four for the city and nine for the county and after the evaluation the city is classified as a three and the county is classified as an eight.

Commissioner Harris said he would like to go back to attending citizens and their business. Commissioner Harris said that Ralph Bynum would like to address the Commission. Mr. Bynum told the Commission and the public that the Specific-Purpose Committee, Campaign for City of Dumas Swimming Pool would have a meeting concerning the May 10, 2008 special bond election to build a new swimming pool, walking tracks, and park improvements on February 21, 2008 at 6:30 p.m. at Amarillo College. The committee's slogan is P4P, People For the Pool. Commissioner Harris said more citizens possibly would be able to attend an evening meeting.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager