

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

JANUARY 21, 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 Mike Salim  
Commissioner James Mahaffey  
City Manager Vince DiPiazza  
City Attorney Tom Moore

Members Absent:

Commissioner John D. Harris

Others Present: Kim Rehkopf, Tommy Raper, Paul J. Jenkins, Dolores Montoya, Dale Alwan, Kayte Cook, Jimmialene Johnston, Donna Sue Boles, Bill Owen, Rhonda McSpadden, Charles Pendleton, Betty Pendleton, Coy Barton, Luis Trujillo, Earlene Laminack, Troy Laminack, Mike Carroll, Steve Warrern, Joni Buchanan, Greg Tanner, Charles Stephens, and Dottie Williams.

Mayor Milligan called the meeting to order.

A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Consent Agenda which consists of the January 7, 2008 Regular City Commission meeting minutes, paying the bills and authorizing the city manager and finance director to sign for the issuance of a \$25,000 letter of credit to comply with Form P-5 of the Railroad Commission of Texas concerning the city gas wells.

Coy Barton with Keeney, Hembree & Company presented the 2006-2007 audit report. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the 2006-2007 audit report from Keeney, Hembree & Company.

Troy Laminack asked the Commission to consider a variance concerning the city's requirement for a twenty-five foot front yard set back. Mr. Laminack said he would like to build a bay window, which would extend sixteen inches, but would still be twenty feet from the curb. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Salim, and passed unanimously to approve a variance concerning the

city's requirement of a twenty-five foot front yard setback at 118 Chelsea for Troy & Earlene Laminack.

Public Works Director Tommy Raper told the Commission on July 1, 2002 they approved utilities outside the city limits for 914 Hooten Avenue for Charles & Betty Pendleton. Mr. Raper said the tap was never paid for or installed. Mr. Raper said he felt this should be presented to the Commission again because it had been six years. Mr. Raper said there would not be a problem installing the tap. Mayor Milligan asked if there was a septic system and Mr. Raper said no, but the Pendleton's plan on installing a septic system. Mr. Raper said the city would not install a water tap until the septic system was installed. Commissioner Salim said the city has passed a new ordinance that does not allow residential utilities outside the city limits. Ms. Pendleton told the Commission that she had bought her daughter a one bedroom mobile home in 2002 but her daughter left Dumas. Ms. Pendleton said she called the city and was told that the tap approval would be on file. Ms. Pendleton said her daughter has moved back to Dumas and they would like to install the water tap. Mayor Pro Tem Sims asked if backflow prevention would be installed and Mr. Raper said yes. City Secretary Kim Rehkopf told the Commission that Mr. Pendleton signed the city policy that requires backflow prevention. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to allow utilities outside the city limits at 914 Hooten Avenue.

Big "R" Stores Vice President Mike Carroll asked the Commission for a zoning variance to allow outside display storage. Mr. Carroll said they are going to lease the old Wal-Mart building located at Guy Lane Plaza. They would like to build a fenced area to display gates, feeders, stock tanks, and other items in the parking area. Mr. Carroll said they would still meet the city's requirement concerning parking spaces. Commissioner Salim asked how far from the 14th Street curb it would be to the fenced display area because he was concerned that a vehicle would not be able to see the children walking. Mayor Milligan said children walk to and from the elementary school that is next to the old Wal-Mart building and the concern is that a vehicle could pull out of the parking area and not see the children because of the fencing. Mr. Carroll said there would be sufficient visibility. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve a zoning variance in Zone "H", retail, for Big "R" Stores to allow outside display storage at the old Wal-Mart building.

City Manager Vince DiPiazza said the public hearing concerning the proposed annexation of property South of Dumas, West of U.S. Highway 287 is another step in the annexation process.

Mayor Milligan opened the Public Hearing.

Joe Rivera asked how the annexation process is done. Mr. DiPiazza said the city must follow state mandated procedures. Mr. DiPiazza said the second public hearing would be January 28, 2008, then adopting the annexation ordinances would follow. Mr.

Rivera asked if this annexation is the three hundred acres located from the lift station to the south, and the Commission said yes.

Mayor Milligan closed the Public Hearing.

The Commission reviewed the revised ordinance concerning dangerous animal regulations. Charles Stephens said there are state laws that prevent the city from listing a specific breed of animal. Mayor Milligan said the previous ordinance has been changed and the revised ordinance addresses “dangerous animals”. City Attorney Tom Moore said a specific breed was deleted and he added a provision that allows the animal control authority to place microchips in dangerous animals. Mr. Moore said the microchip would allow a dangerous animal to be located and the microchips would cost approximately fifteen dollars. Detective David Garrett asked if the city could place a microchip in current registered dangerous animals and Mr. Moore said no. Mayor Pro Tem Sims said the public needs to be aware of the changes in the ordinance. Mayor Milligan said “pit bull terrier” was deleted from the ordinance. Mayor Milligan said the city will enforce the dangerous animal regulations. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1032 amending the dangerous animal regulations.

The Commission reviewed the solicitation ordinance. Mayor Milligan said a fixed business location was discussed but was not changed. The permit fee for a fixed business location is changed from \$25 to \$200 and without a fixed business location the fee is changed from \$200 to \$400. Mayor Milligan said the permit time period is changed from 180 days to 90 days with a 90 day interval between permit issue dates. City Secretary Kim Rehkopf said she added to Section 3, No. 3 and No. 4 - Peddlers, itinerant merchants and transient retail businesses are required to provide a copy of the solicitor’s driver’s license or other type of photo identification. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1033 amending the solicitation ordinance.

Information Technology Director Rhonda McSpadden presented quotes to purchase a new telephone system. Mayor Milligan said the information presented states that an employee would be able to work from home and asked if the city was promoting that. Ms. McSpadden said no, but the proposed telephone systems are internet enabled with digital, analog lines. Mayor Milligan stated that the cost for a new telephone system was very expensive. Ms. McSpadden said she budgeted \$16,500 for a new telephone system and this purchase includes twenty-five telephones for city hall and the warehouse. Ms. McSpadden said the city is spending \$2,000 every month for their current telephone system and this cost does not include long distance. Ms. McSpadden said the voice over IP system would eliminate the monthly cost. Ms. McSpadden said she would like a fiber telephone system but those systems are very expensive. Quotes were received from Fonality for \$17,403; Windstream for \$16,976.77; PAO for an ESI 100 for \$15,245; PAO for an ESI 200 for \$19,749; and Inter-Tel for \$18,110.98. Commissioner Salim asked if there was a warranty with the PAO quote. PAO owner, Bill Owen, said there is a two-

year labor warranty, a five-year warranty on the system equipment, and he would provide training. A motion was made by Commissioner Salim, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the purchase of an ESI 100 telephone system for city hall and the warehouse from PAO for \$15,245.

Meeting adjourned.

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Mike Milligan, Mayor

ATTEST:

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Vince DiPiazza, City Manager