

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

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

Members Absent:

Commissioner John D. Harris

Others Present: Tommy Raper, Paul J. Jenkins, Dolores Montoya, Rich Oller, Tony Verefluno, Dale Alwan, Kirk Weatherford, Kayte Cook, and Dottie Williams.

Mayor Milligan called the meeting to order.

A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the Consent Agenda which consists of the December 17, 2007 Regular City Commission meeting minutes.

City Attorney Tom Moore presented an ordinance identifying dangerous and vicious animals and the regulations concerning those animals. Mr. Moore said a dangerous animal is defined as any animal which the local animal control authority has reason to believe has a dangerous disposition and is likely to be harmful to humans or other domestic animals. Mr. Moore said this includes a breed of dog known as the pit bull terrier or any animal that has a history of attacking. Mr. Moore said a dangerous and vicious animal must be fenced in an enclosure with a minimum height of six feet with ground measurements no less than sixty square feet. Mr. Moore said he would like to add in the ordinance that the enclosure must be covered with a chain link top. The Commission agreed. The animal control authority can order an owner or a person to remove a dangerous animal and they must notify the city where they have moved the animal. A citizen is also allowed to appeal that order. Mr. Moore said the maximum fine is \$500 for each offense but could be raised to \$2,000. Commissioner Mahaffey asked if it was necessary for the ordinance to state that a fine is "not less than \$1.00." Mr. Moore said he would delete the "not less than \$1.00" but recommended that the maximum fine not be raised over the \$500. Mr. Moore said this ordinance also provides a provision for

nuisances and any determination of a public nuisance shall be abated, which could also be appealed. Tommy Raper asked if a mixed breed pit bull terrier would have to comply with this ordinance and Mr. Moore said this ordinance does not include mixed breed pit bull terriers. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1032 amending dangerous animal regulations.

City Manager Vince DiPiazza presented a draft solicitation ordinance. Mr. DiPiazza said a committee met to address concerns of temporary businesses, fixed businesses, permit fees and permit renewal periods. Mr. DiPiazza said there has been an issue concerning temporary businesses becoming permanent. Mr. DiPiazza said the committee recommended that the permit fees be changed from \$25 to \$200 for a fixed business location and from \$200 to \$400 without a fixed business location. The committee also recommended that the permit periods change from one hundred eighty days to ninety days with a ninety day interval before the permit could be renewed. Mayor Milligan said that anyone with a mobile business could rent an apartment and declare a fixed business location. Mr. DiPiazza said that also allows them to pay the lesser permit fee. Commissioner Mahaffey asked if a vendor was allowed to live in their mobile unit and Code Enforcement Officer Luis Trujillo said he does not issue a health permit to anyone that has living quarters in their mobile food establishment. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1033 amending the solicitation ordinance to \$200 for a fixed business location, \$400 without a fixed business location, and permit periods are ninety days with a ninety interval before the permit can be renewed.

Public Works Director Tommy Raper presented an approval letter from Oller Engineering concerning the paving in Prime Addition, Unit No. 1. Rich Oller told the Commission that the paving surface was very rough and uneven. Mr. Oller said the surface was grinded and sealed and has met city specifications. Mayor Milligan told Mr. Oller that the Commission would like for him to review plats concerning annexation the city is considering and other roads that are under construction. A motion was made by Commissioner Salim, seconded by Commissioner Mahaffey, and passed unanimously to approve the final plat for Prime Addition, Unit No. 1 and accept the utilities.

Fire Chief Paul J. Jenkins presented quotes for fire hose. Three quotes were received from Williams Fire & Hazard Control for \$6,769.50; MES for \$7,163.60; and Fite Fire & Safety for \$9,150. Chief Jenkins said \$10,000 was budgeted to purchase the fire hose. A motion was made by Commissioner Salim, seconded by Mayor Pro Tem Sims, and passed unanimously to purchase one thousand feet of fire hose from Williams Fire & Hazard Control for \$6,769.50 for the fire department.

Mayor Milligan opened the Work Session.

City Manager Vince DiPiazza discussed performance/maintenance bond requirements for developers. Mr. DiPiazza said the city has certain precautions in place

to make sure infrastructure is installed according to city standards and the city enforces that by inspections and testing. Mr. DiPiazza said the current subdivision ordinance requires that developers guarantee infrastructure for one year. Mr. DiPiazza said he read other city ordinances and several of them require a continuing financial obligation from the developer, after a final plat is approved by the city, through a maintenance bond arrangement. Mr. DiPiazza said the other city's require a one or two year maintenance bond, and ten percent up to the full amount of the value of the improvements, as a guarantee after the final plat approval. The consensus of the Commission is that developers guarantee infrastructure for two years at twenty-five percent of the improvement value.

Mayor Milligan recessed into executive session at 7:18 p.m. for attorney consultation regarding possible litigation with Johnson Controls. Mayor Milligan recessed the executive session at 7:40 p.m. and reopened the regular meeting. There were no votes or action taken.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager