

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

JULY 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: Kim Rehkopf, Tommy Raper, Dolores Montoya, Paul J. Jenkins, Kayte Cook, Dottie Williams, Greg Tanner, Luis Trujillo, Wanda Brooks, B.J. Reyes, Brent Sherrod, Wayne Smith, Tom Ferguson, Doug Hatter, Loke Marquez, Brenda Koehn, Grace Pierson, Damon Admire, and Mike Running.

Mayor Milligan called the meeting to order.

During attending citizens and their business Wanda Brooks, Publisher of the Moore County News Press, told the Commission that she and Wayne Smith would like to promote a block party downtown to help revitalize the downtown area. Ms. Brooks said they would like to have the block party between the Alley Café and Mikee's Jewelry but there were several pot holes on that lot and asked the Commission to consider grading or repairing the pot holes. Ms. Brooks said they are considering having children's big jumping and bouncing toys and there must be an even surface to inflate them. Ms. Brooks said another area they considered was 7th Street between Dumas Avenue and S. Porter Avenue. Mayor Milligan said the Commission could listen to the requests but couldn't answer any questions because this subject was not on the agenda and suggested she put it on the next agenda. Mayor Milligan stated that the city did not own the property and the pot holes are not in Mikee's Jewelry parking area. Mr. Smith said the downtown retailers have sidewalk sales every summer but only three businesses participated this year. Mr. Smith the sidewalk sales generate revenue. Mr. Smith there are twenty-five merchants in a two block area downtown and the block party would draw people downtown.

Commissioner Mahaffey asked about the following bills: GT Distributors, \$549.26 for the police department. City Manager Vince DiPiazza said this cost is for weapons. Commissioner Mahaffey asked if the city bought all of the weapons for the police department and Mr. DiPiazza said the city purchases the weapon and the cost is payroll deducted from the employees check. Bancnet Corporation, \$210.60 for administration. Finance Director

Dottie Williams said this cost was for the purchase of a credit card machine for the drive-up window in utilities. Tascosa Tool Service, for the fire department. Fire Chief Paul J. Jenkins said this cost was for rope rescue bags with pockets to store rescue ropes. Chief Jenkins said the John Deere grant does not cover this cost but this was a budgeted item. Vortech Pharmaceuticals, \$244.25 for the police department. Mr. DiPiazza said this cost is for fatal plus solution used for animal euthanization. Purchasing Agent Dolores Montoya said five bottles are purchased approximately every eight weeks. Mayor Milligan asked if the city hires an outside vendor to spray mosquitoes and weeds. Mr. DiPiazza said the city does their own spraying but they attend a school and take a licensing exam. A motion was made by Commissioner Salim, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the June 16, 2008 Regular City Commission meeting minutes and paying the bills.

Mayor Milligan opened the Formal Session.

Doug Hatter told the Commission that he received a citation from the city concerning weeds and junk on a piece of property he does not own. Mr. Hatter said he is in the process of purchasing the property from his mother and it is a difficult process due to family issues. Mr. Hatter does think the process will be completed in the near future. Mayor Milligan asked Mr. Hatter to describe where the property is located. Mr. Hatter said the property is a tract of land located north of his current office, which is 602 N. Dumas Avenue, and the property runs east and west from U.S. Highway 287 and east to N. Meredith Avenue. Mr. Hatter said this property is a nonconforming condition that existed prior to annexation by the city. Mr. Hatter said he would like the Commission to consider allowing him extra time to complete the land purchase transaction. Mr. Hatter said he has addressed the weed problem and he has initiated the construction of a blind fence on Highway 287, which would address the issue of unregistered motor vehicles. Commissioner Salim asked where the south property line was located and Mr. Hatter said the property line is where the current cyclone fence is located. Commissioner Salim asked Mr. Hatter if he was going to remove the old equipment on the property and he said yes, some of it, but also stated that some of the equipment still works. Commissioner Salim said he did not have a problem with allowing an extension but did state Mr. Hatter should clean the property. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve a thirty day extension to allow Doug Hatter to build a fence blind and clear junk vehicles and equipment on property located between U.S. Highway 287 and N. Meredith Avenue.

Finance Director Dottie Williams presented proposals for collection services on fines and fees for municipal court. Ms. Williams said this service is to collect the fees that the city is unable to collect. Usually the person has moved from this area and the city can't issue a warrant or the person has moved from the state. Ms. Williams said the city can't collect a fine when driver's licenses are issued in another state. Three proposals were received from Perdue, Brandon, Fielder, Collins & Mott and their representative, Brent Sherrod, is at this meeting to answer any questions you may have; AMS they are located in Carrollton; and MSB out of Dallas. MSB offers a ten percent rebate on what they collect in the first one hundred days and they specialize in court collections. AMS specializes in municipal accounts and Mr. Sherrod will present his proposal. Mayor Milligan asked if this service is actually to collect fines and fees from customers outside the city limits. Ms. Williams said yes, on customers that the city has not been able to collect from. Ms. Williams said if they were inside the city limits, the city could issue a warrant and the fine must be sixty days past due or longer. Mayor Milligan said the city should collect fines within the city limits and

there is no reason to pay a company to collect those fines. Ms. Williams said even in the State of Texas the city can collect fines through Omni Base Company, which prevents anyone to renew their Texas driver's license until the fee is collected. Mr. Sherrod said his company trains the customer and Cardinal Tracking provides a special collection package just for his company. Mr. Sherrod and his company would purchase the collection package and install it on the city's system. Mr. Sherrod said that he can't guarantee one hundred percent of all collections. Mayor Pro Tem Sims asked what percentage rate is collected. Mr. Sherrod said some areas are fifty percent and other areas are ten percent. Mayor Milligan asked Mr. Sherrod if his company collects fines inside the city limits and Mr. Sherrod said his company only collects what is turned into them to collect. Mr. Sherrod said his company can't collect any fines until they are delinquent sixty-one days. The cities usually work on new tickets and after sixty-one days his company takes over and they start with telephone calls and then letters are written. Mayor Milligan asked what Mr. Sherrod's company charges the city for this collection service and Mr. Sherrod said his company adds thirty percent to the violator's fee. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve Perdue, Brandon, Fielder, Collins & Mott for collection services on fines and fees for municipal court.

Mayor Milligan closed the Formal Session and Opened the Public Hearing concerning the 14th Street paving assessment.

City Attorney Tom Moore said the paving assessment project is governed by Chapter 313 of the Texas Transportation Code and it provides that a city can assess a property owner a portion of the cost of paving a street, including curb and gutter, and the city must pay a minimum of ten percent. Mr. Moore said the program that the city has initiated provides that the property owners, in the event that they are assessed, will be able to pay this out in 4 equal installments plus interest and the interest rate would be 5.34 percent per year. There are only two property owners involved in this assessment project and the city has already approved the necessity ordinance, the plans and specifications of the contractor awarding the bid, calculate the cost per property owner, sent notices to the property owners, and this is the public hearing that is required by the statute in order for the city to access the property owners nine-tenths of the cost of the paving. Mr. Moore said the paving cost is further divided because part of the property that is outside the city limits is an adjacent and abutting piece of property, and the majority of the width of the street is on the inside of the city limits which is sixty-eight percent and thirty-two percent is outside the city limits. Mr. Moore said if the Commission determines that the assessment should be made the Commission must also have to make a finding that the improvements will enhance the value of the property in the amount sufficient to offset the cost, and that determination must be made at this meeting. Mr. Moore said if it does not enhance the value to offset the cost the city can't assess the property; if the city does find that it will enhance the value then the first reading of the ordinance will be approved tonight. Mr. Moore said only one public hearing is required. Mr. Moore called Tom Ferguson as a witness. Mr. Ferguson stated his name. Mr. Moore asked Mr. Ferguson if he was a realtor in Dumas and how long he had been a realtor. Mr. Ferguson said he is a realtor in Dumas and had been a realtor for twenty-five years. Mr. Moore stated to Mr. Ferguson that part of his job was to determine values of real estate and asked if that was correct and Mr. Ferguson replied that was correct. Mr. Ferguson said that is correct. Mr. Moore said Mr. Ferguson has been advised of where this paving project is located and could Mr. Ferguson generally state that in his opinion, that generally, paving enhances the value of the property in an amount sufficient to offset the cost. Mr. Ferguson said he has not looked at

any figures on this specific property nor has he seen the specific paving cost, but generally, paving is a development process and paving development property would enhance the value of this specific property. Mr. Moore said he has been practicing law in Dumas for the past thirty-five years and a large portion of his practice has been devoted to real estate representing lenders, property owners, purchase, sale, and financing of property, and it is his opinion that on this specific property, paving would enhance the value in an amount sufficient to offset the cost. Mr. Moore said that's been identified by one development going in on the north side of the paving project and that has gone very well and this would not be happening if the paving didn't enhance the value of that property. Mr. Moore said this is what he has to present and asked the Commission if they had any questions for him to answer. The Commission did not have any questions. Mr. Moore asked if anyone present would like to speak. Mr. Jim Lovell said he was present to represent Powell Farms. Mr. Lovell said Mr. Robert Powell is the president of Powell Farms and he is not ready to agree that the cost of the improvement would enhance the value in an amount to offset the cost. Mr. Lovell said it is not his purpose to protest this hearing and he would like to have a copy of the award of the bids and a copy of the ordinance accepting the bid. Mr. Lovell said he has not seen any paving bid costs at this time and asked if there was more than one bid received. Public Works Director Tommy Raper said three bids were received. Mr. Lovell said he understood that there were going to be five annual payments, one initially then four additional payments. Mr. Moore said there are only four payments and the first one occurs ten days after the paving project is accepted by the city and then three additional payments. Mr. Lovell said he informed Mr. Powell differently and he would like to receive the exact figures to present to Mr. Powell. Mr. Lovell said that Mr. Powell was satisfied with five payments but can't speak for Mr. Powell concerning four payments until he presents the figures to Mr. Powell. Commissioner Salim asked if the law requires only four payments. Mr. Moore said no, the Commission can state how many payments they would like to receive. Mayor Milligan said if the four payments is Mr. Powell's only objection, he didn't see why the city could not accommodate Mr. Powell and change the ordinance to state five payments. Mr. Moore said he would change the ordinance to five annual payments in lieu of four payments. Mr. Lovell said he would not go on record agreeing that the improvement will offset the cost. Mr. Damon Admire said he would like the Commission to consider seven payments because of the time line on actual growth and development in this area. Mr. Admire said it would be approximately seven years before the proposed infrastructure for 14th Street and Eastland Blvd. would be completed. Mr. Admire said if it is not a burden or an extreme cost to the city he would appreciate the Commission consider allowing at least seven years for the annual payments. Mr. Moore said it would not be a burden for the city, but the city would have their money tied up in this project, and the city would also be receiving interest on that money. Mayor Milligan asked City Manager Vince DiPiazza for his opinion. Mr. DiPiazza said seven years would not be a financial burden for the city but he would like to review the assessment ordinance before the second reading then he would give his recommendation at that time. Mr. DiPiazza said this is not a fifty-fifty split on the payment of the paving assessment and the property owner on the north, Mr. Admire, will pay the larger share because more of the paving is on his property. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1051 closing the public hearing and assessing costs of paving. Mayor Milligan closed the Public Hearing.

City Manager Vince DiPiazza said the city has discussed allowing Dumas Economic Development Corporation (DE.D.C.) employees to participate in the city retirement plan with

full vesting for eligible employees. Mr. DiPiazza said there are two full time employees and one part-time employee. Mayor Milligan asked if a part-time employee could participate. Mr. DiPiazza said yes, due to I.R.S. rules, and one employee is eligible for full vesting. A motion was made by Commissioner Mahaffey, seconded by Commissioner Salim, and passed unanimously to allow D.E.D.C. employees to participate in city retirement plan with full vesting for eligible employees.

Mr. DiPiazza said the July 2008 natural gas rate is \$12.11. Mr. DiPiazza said other cities are going month to month also. A motion was made by Commissioner Mahaffey, seconded by Mayor Milligan, and passed unanimously to approve Resolution No. 08-13 setting the July 2008 natural gas rate at \$12.11 plus \$2.50 adder fee, totaling \$14.61.

City Manager Vince DiPiazza told the Commission that SPS, a wholly-owned subsidiary of Xcel Energy, Inc., recently filed an application to increase their base rates to the communities they serve by approximately \$84.2 million in annual revenue. Xcel/SPS are asking that the application be suspended, the interim rates be approved, and then exam the rate filing. Xcel states that there would not be a major impact to their customers because they are saving money on energy and transferring some of that money into the base rate. Mr. DiPiazza said there should be no initial impact to customers by approving the interim rates. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve Resolution No. 08-14 suspending Xcel/SPS rate filing and approve the interim rates.

City Inspector Greg Tanner presented the second reading on ordinances adopting the following codes: 2006 International Energy Code; 2006 International Mechanical Code; 2006 International Plumbing Code; 2008 National Electrical Code; and the 2006 International Building Code. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the Second & Final Reading of Ord. No.1043 adopting the 2006 International Energy Code; Ord. No. 1044 adopting the 2006 International Mechanical Code; Ord. No. 1045 adopting the 2006 International Plumbing Code; Ord. No. 1046 adopting the 2008 National Electrical Code; and Ord. No. 1047 adopting the 2006 International Building Code. Mr. Tanner also presented the first reading on two ordinances adopting the 2006 International Residential Code and the 2006 International Fuel Gas Code. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the First Reading of Ord. No. 1048 adopting the 2006 International Residential Code and Ord. No. 1049 adopting the 2006 International Fuel Gas Code.

City Secretary Kim Rehkopf asked the Commission to consider reappointing Debbie Beilue to the park board. Ms. Rehkopf said Debbie Beilue's term expired June 20, 2008 and Ms. Beilue would still like to volunteer her time to serve on the park board. Ms. Rehkopf said Ms. Beilue is very dedicated to the park board and currently serves as their chairman. Mayor Milligan asked how long Ms. Beilue has been on the park board. Ms. Rehkopf said Ms. Beilue has served on the park board since 2001. A motion was made by Commissioner Salim, seconded by Mayor Pro Tem Sims, and passed unanimously to reappoint Debbie Beilue to the park board.

Purchasing Agent Dolores Montoya presented the seal coating gravel bids. Ms. Montoya said she sent out six bids and received two bids from LS Sand & Gravel, Ltd. for

\$40,380 for \$33.65 cubic yards and Volcanic Stone for \$34,020 for \$28.35 cubic yards. Public Works Director Tommy Raper said in the past the city has bid out seal coating gravel by the ton and this year they bid out by cubic yards because the rock from Volcanic Stone is considerably lighter. Mr. Raper said when the gravel is spread it is figured by the yard and this is the only fair way to bid the gravel. Mr. Raper said \$175,000 was budgeted for seal coating combining the gravel and oil, but oil at budget time was \$385 a ton and now it is \$570 a ton. Mayor Milligan asked Mr. Raper when he would do the seal coating project and Mr. Raper said the first two weeks of August. Mr. Raper said he would like to use the grinder and level the following streets at this time: S. Maddox Avenue from 1st Street through 14th Street, 7th Street from S. Maddox Avenue to Dumas Avenue, and 14th Street from S. Maddox Avenue to Dumas Avenue. Mr. Raper said the cost would be approximately \$91,000 to complete the seal coating project. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the bid from Volcanic Stone for \$34,020.

Public Works Director Tommy Raper told the Commission he received one quote from Lewis Construction for \$12,799.50 to pave a parking area for the new recycling center project. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the quote from Lewis Construction for \$12,799.50 to pave the parking area for the new recycling center parking area.

Formal Session, Item No. 11 concerning approval of the RecycleTown service agreement was approved at the June 2, 2008 meeting.

Mayor Milligan opened the Work Session.

Public Works Director Tommy Raper presented paving specifications for the bulk water station and a detailed drawing of the road that would lead to the bulk water station. Commissioner Salim asked Mr. Raper to bid the six inch concrete in the specifications but to also bid eight inch concrete. Commissioner Salim said an eight inch concrete slab would save future repairs. The consensus of the Commission agreed to the road location and the paving specifications for the bulk water station with the addition of a quote for eight-inch concrete.

Public Works Director Tommy Raper presented specifications for the warehouse shop addition. Commissioner Salim said the warehouse did not need a door that is twenty feet in width and that a sixteen foot door would be better utilized. Commissioner Salim said to get a quote on three doors. The consensus of the Commission agreed to the warehouse shop addition specifications with the addition of a quote on three doors and sixteen foot wide doors.

Fire Chief Paul J. Jenkins presented specifications for personal protective clothing. Commissioner Salim asked what the fire department did with the old clothing. Chief Jenkins said depending on the condition, they donate the clothing to other fire departments. Chief Jenkins said this is a budgeted item but he has also applied for a grant to help with the protective clothing cost. The Commission agreed to the fire department personal protective clothing specifications.

Mayor Milligan said the city has only ran one advertisement on the sale of city property in the Moore County News Press and he wants the advertisement enlarged and ran again in the local paper and in the Amarillo and Dallas news papers. Mayor Milligan said the determination must be made on equipment in the restaurant or owned by the city that will be sold.

City Manager Vince DiPiazza said one of the city's advisory boards have asked that attendance requirements be established for the members. Mr. DiPiazza said there are advisory boards that have had to cancel their last two meetings due to lack of a quorum. Mr. DiPiazza presented a sample ordinance from Killeen, Texas that states a member can be removed if they miss three consecutive meetings or more than twenty-five percent of the meetings in a twelve month period and the ordinance states the procedure for removal of a member. Mayor Milligan said that some members have asked to be reappointed and they still have not attended meetings. Mayor Milligan stated that citizens volunteer their time to advisory boards. Mayor Milligan said the parks department should be commended for doing an excellent job on the city parks. Mayor Milligan said he took his two-year old granddaughter to McDade Park the day after the July Fourth celebration and the park was completely cleaned. The consensus of the Commission asked Mr. DiPiazza to send a letter to all advisory boards stating that the Commission is considering establishing an ordinance concerning attendance requirements.

Meeting adjourned.

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Mike Milligan, Mayor

ATTEST:

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Vince DiPiazza, City Manager