

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

JUNE 2, 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 Pro Tem Pat L. Sims  
Commissioner John D. Harris  
Commissioner Mike Salim  
Commissioner James Mahaffey  
City Manager Vince DiPiazza  
City Attorney Tom Moore

Members Absent:

Mayor Mike Milligan

Others Present: Kim Rehkopf, Tommy Raper, Dolores Montoya, Paul J. Jenkins, Kayte Cook, Dottie Williams, Dale Alwan, Kenneth Smith, Greg Tanner, David Rehkopf, and Luis Trujillo.

Mayor Pro Tem Sims called the meeting to order.

Commissioner Mahaffey asked about the following bills: Precision Flame Cutting, \$3,950 for solid waste department. Public Works Department Director Tommy Raper said this cost was to replace fifty dumpster bottoms. Prime Services for employee screening. City Manager Vince DiPiazza said Prime Services does the employee drug screening. Morrison Supply, \$9,548 for pipe and Brannon Corporation, \$11,450, for the park department. Mr. Raper said the Morrison Supply bill is for the installation for an eight inch water line to Utley Park soccer fields. Mr. DiPiazza said this has been an on-going project for three years. Mr. DiPiazza said the bill from Brannon Corporation is for the swimming pool design engineering fees. Bartlett Lumber & Hardware, for several items, for the fire department. Fire Chief Paul J. Jenkins said this bill is for the remodeling project. Commissioner Salim said he had previously asked that department vehicle numbers be listed on the bill tally forms. Mr. DiPiazza said the accounts payable department is in transition and he has not asked Ms. Lummus to do that yet. Mr. DiPiazza said Yolanda Castillo has taken another job and Kathie Lummus, from the utility department, has taken the accounts payable position. Bob Newsom, \$4,650 for gas leak survey work. Mr. DiPiazza said this is a requirement from the Texas Railroad Commission but the city performs the gas leak survey more often than required, which is a benefit for the city. Alan Plummer Associates, \$7,071.42 for waste water treatment plant permit. Mr. DiPiazza said Alan Plummer Associates participated in discussions and

calculations with the new owners of Coon Ranch. Mr. DiPiazza said this is not a part of the original scope of work when the city engaged Alan Plummer to do our permit waste water treatment plant permit application. A motion was made by Commissioner Salim, seconded by Commissioner Harris, and passed by a majority vote to approve the May 19, 2008 Regular City Commission meeting minutes and paying the bills. Commissioner Mahaffey abstained.

Mayor Pro Tem Sims opened the Work Session.

Southwest Securities Senior Vice President Ken Smith presented a time table for the general obligation bond issuance. Mr. Smith said the months of May, June, and July are completely full for the sale of bonds for all Texas school districts and he recommended the city sale competitive bids over the intranet August 18, 2008 and the city would probably receive their money by September 18, 2008. Mr. Smith told the Commission they could reimburse themselves after the bond proceeds are sold for anything that was spent on the swimming pool project. Commissioner Salim asked what the interest rate would be. Mr. Smith said for a twenty-year maturity it should be less than 4.5 % and that interest rate wouldn't be much different in August 2008. Mayor Pro Tem Sims asked if the time table schedule would delay construction. Mr. DiPiazza said the bond sale would not delay construction and the city would start part of the demolition. Mr. Smith said construction costs have increased but the city should have those costs covered with the three million dollar general obligation bonds.

Mayor Pro Tem Sims opened the Formal Session.

A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve June 11-14, 2008 as "Dogie Days Week".

A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to table Item No. 2 concerning the approval and participation in the construction of permanent stands in McDade Park.

City Inspector Greg Tanner presented a preliminary plat for property located in the 300 block of E.19th Street. Mr. Tanner said a strip mall would be built on this property. Mr. Tanner said the plat presented shows the required city utility easements. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the preliminary plat on a 4.242 acre tract of land located in the 300 block of E. 19th Street for the Bousquet Group.

City Attorney Tom Moore presented two resolutions concerning the 14th Street paving assessment project. Mr. Moore said the first resolution is to ratify awarding the bid to Fuller & Sons for \$205,031.80 and the second resolution is to call for a public hearing and to appropriate the sum of money the property owners will be required to pay. The city's cost is \$20,503.18, and some of that the city has already paid. Mr. Moore said the public hearing is scheduled for July 17, 2008 and he will also have expert's present to testify. Mayor Pro Tem Sims asked how long the property has to pay out their assessment

costs and Mr. Moore said five years. Mr. DiPiazza said the city paid the former city engineer for all of the project design work. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve Resolution No. 08-09 accepting the bid from Fuller & Sons and Resolution 08-10 calling for a public hearing on the 14th Street paving assessment project.

City Manager Vince DiPiazza presented a resolution and told the Commission that Southwestern Public Service has filed an application to amend its tariff for service under its “interruptible credit option,”; approve a new tariffs; and approve the methodology used to calculate the credits available under the proposed tariffs. The interruptible service allows a residential or commercial customer to authorize Xcel Energy to interrupt a customer’s electrical service by controlling the air conditioner or cutting back the customers electricity for a period of time. Mr. DiPiazza said this is optional for the customer and the customer would see the rate decrease on their electrical bill for allowing the interruptible service. The coalition is recommending approval of the resolution but they do not want Xcel to take advantage of the cost situation and the coalition wants specific reservation to review how costs are allocated. Mr. DiPiazza said SPS is going to file another general rate case within the next week. Mr. DiPiazza said the city can approve the resolution subject to looking at how Xcel allocates the rate costs received. A motion was made by Commissioner Salim, seconded by Commissioner Harris, and passed unanimously to approve Resolution No. 08-11 approving SPS changes to certain tariffs.

Public Works Director Tommy Raper presented an ordinance to set the bulk water rate. This rate is added to the September 19, 2005 water rate tariff. A motion was made by Commissioner Salim, seconded by Commissioner Harris, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1040 setting the bulk water rate at three dollars (\$3.00) per thousand gallons of water with no minimum fee.

City Attorney Tom Moore presented an ordinance vacating the city right-of-way located at N.W. 8th Street and Dumas Avenue. Mr. Moore said statutory requirements have been met, that Mr. Dyas has signed the application requesting to close, vacate, or abandon the right-of-way. The city will convey the property for fair market value in exchange for a city right-of-way easement of equal value. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1041 vacating the city right-of-way located at N.W. 8th Street and Dumas Avenue.

Fire Chief Paul J. Jenkins presented the ordinance concerning the 2006 food establishment rules. Chief Jenkins said he has deleted a sentence in Section VI, “Review of Plans,” Item A. “Extensive remodeling means that 20% or greater of the area of the food establishment is being remodeled.” City Manager Vince DiPiazza said Mayor Milligan, after reading the news paper, questioned if a waiter or waitress would have to wear gloves. Mr. DiPiazza said they are not required to wear gloves, only the people preparing food. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the Second & Final

Reading of Ordinance No. 1042 adopting the 2006 Texas Food Establishment Rules with the deletion of a sentence in Section VI, "Review of Plans," Item A. "Extensive remodeling means that 20% or greater of the area of the food establishment is being remodeled."

Public Works Director Tommy Raper presented an agreement with Recycle Town and stated that the recycling center façade would be built. Mr. Raper said the city is responsible for the parking area and lighting. A motion was made by, seconded by, and passed unanimously to approve a recycling center agreement with Recycle Town Service.

Mayor Pro Tem Sims reopened the Work Session.

Public Works Director Tommy Raper presented the seal coat gravel bid specifications. Mr. Raper said he has changed the specifications to state bids would be by yard and not the ton. Mr. Raper said there are two types of gravel and one type is very light weight. The previous specifications have always stated a specific amount by tons and the city has to convert that into yards. Commissioner Harris said he noticed the light weight gravel has washed away during the rain. Mr. Raper said the city did not sweep after seal coating last year and the loose gravel has washed away. The consensus of the Commission agreed to the seal coat gravel bid specifications.

City Manager Vince DiPiazza said he needed clarification concerning issues related to the parking of recreational vehicles and trailers. Mr. DiPiazza said the Commission recently approved an amended ordinance pertaining to junk vehicles and during the passage of that ordinance there was discussion concerning parking boat trailers and off-road, and other recreational trailers in the street. Mr. DiPiazza presented other city ordinances that do not allow street parking for tractor rigs, trailers, or RV's. Mr. DiPiazza said he has had discussions with Mayor Milligan regarding complaints about RV's being used as dwellings on existing residential property. Mr. DiPiazza said he understands that the city use to enforce a requirement along those lines but there is not a clear ordinance that gives the city authority to enforce it. Mr. DiPiazza said there are RV's parked on Maddox Avenue, and he doesn't know if they are living quarters, but they are parked on public property, right-of-way, and on utility easements. Mr. DiPiazza said during the planning session last summer the Commission discussed prohibiting vehicles, trailers and recreational vehicles to be parked parking in front yards. Mayor Pro Tem Sims asked if this should be a separate ordinance and Mr. DiPiazza said yes, and City Attorney Tom Moore agreed. Commissioner Salim asked if the current city ordinances have been researched. Commissioner Salim said there are ordinances that prohibit RV's from parking in the driveway if they obstruct the view, block vision, or extend to close to the curb. Mr. DiPiazza said the city does have regulations that do not allow anything to obstruct the sidewalk. Commissioner Harris said trailers or recreational vehicles should not be allowed to park in the street for an extended period of time, they should park in their driveway or back yard. Mr. Moore said Sunray is considering an ordinance that prohibits parking in the front yard and requires every home to have a defined driveway. Commissioner Harris said even though a homeowner says they can do what they want since it is their property, they don't realize that if their

neighbor is trying to improve or sell their home, how detrimental that can be because no one would want to buy a home when the neighbors park trailers, vehicles, and off-road vehicles in the street, yard, and driveway. The Commission would like this item on the next agenda. Mr. Moore said Ordinance No. 1038 pertaining to abandoned and junk vehicles should be on the next agenda also.

Mayor Pro Tem Sims recessed into executive session at 7:58 p.m. for deliberation regarding real property to discuss the sale of city property. Mayor Pro Tem Sims recessed the executive session at 8:16 p.m. and reopened the regular meeting.

David Rehkopf, lessee of the city restaurant facility, presented a proposal stating he would like to buy the restaurant facility and build a new restaurant, golf pro shop, and golf cart barn. Mr. Rehkopf said the facility needs major repairs and he can't afford to put anymore money into the facility since he doesn't own the facility and he understands that the city can't budget the funds for the major repairs needed. Commissioner Harris told Mr. Rehkopf that the city couldn't sell him the facility because the city is required by law to bid to the public. Mayor Pro Tem Sims told Mr. Rehkopf that he has presented a proposal that the Commission has not discussed or considered. Mr. DiPiazza said the city should not accept proposals for one thing then change the conditions of the proposal afterwards. Commissioner Salim said the Commission should go ahead with the current bid specifications and if they don't like the proposals they receive, they can reject them, and at that time consider other possibilities. City Attorney Tom Moore recommended the Commission draft a contract on the facility then publish bids based on the contract. Commissioner Harris said the city should include a date the bidders could view the facility. Mr. Rehkopf said he is closed on Mondays. Mr. DiPiazza said the city could see which proposals are the most advantageous to the city, then negotiate an agreement. Mayor Pro Tem Sims and Commissioner Harris would like to have a drafted contract to view first, then publish the bid. Commissioner Harris asked if the city could finance the project and Mr. Moore said yes. Commissioner Harris stated that the Commission could have a special meeting if necessary to review a contract. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to table this item until a sales contract could be reviewed.

Meeting adjourned.

---

Mike Milligan, Mayor

ATTEST:

---

Vince DiPiazza, City Manager