

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

MARCH 3, 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, Rich Oller, Oller Engineering, Tommy Raper, Paul J. Jenkins, Dolores Montoya, Rhonda McSpadden, Kayte Cook, Dottie Williams, and Dale Alwan.

Mayor Milligan called the meeting to order.

During attending citizens and their business Mayor Milligan gave credit to City Manager Vince DiPiazza, Gas Superintendent Jack Braswell, and Public Works Director Tommy Raper for removing drip from the gas lines. The city purchased a gas stripping unit for \$75,000 and has received \$112,000 in revenue, which is a savings of \$37,000. Mayor Milligan said the gas stripper is a one time purchase and next year the city will receive the full revenue. Mayor Milligan said the city has had fewer problems with the gas lines and saved on overtime since the gas stripper was installed. Public Works Director Tommy Raper stated that the city had approximately six regulators freeze this winter compared to several regulators freezing constantly during the winter last year.

Commissioner Mahaffey asked why the city did not use local vendors concerning bills from Custom Printing and Office Depot. Police Chief Dale Alwan said Custom Printing makes their identification cards and they had to comply with the new law concerning identification cards by January 1, 2008. Finance Director Dottie Williams said Office Depot costs are less, they offer discounts, and there is no charge for delivery. Commissioner Salim asked why the city uses Pampa Fire Extinguisher Service. Fire Chief Paul J. Jenkins said he doesn't have any employees that are licensed or certified to inspect fire extinguishers. Mayor Milligan asked Chief Jenkins to check on license and

certification costs so the fire department could inspect city department fire extinguishers. Mayor Milligan asked why the city was using a vendor, Dale-Ann, located in Pampa, Texas. Public Works Director Tommy Raper said that bill is for the purchase of gas regulators and Dale-Ann owns the distributorship. Mr. Raper said if the city was to purchase gas regulators from Houston, Texas they would be required to send those regulators to Pampa, Texas, because Dale-Ann owns the distributorship. A motion was made by Commissioner Salim, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Consent Agenda which consists of the February 19, 2008 Regular City Commission meeting minutes and paying the bills.

City Manager Vince DiPiazza presented an ordinance concerning annexation on property south of Dumas. Mr. DiPiazza said this is a combination of the annexation process; the city has had the required public hearings, met time and notice deadlines, and the city has not had any public comments. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the First Reading of Ordinance No. 1035 annexing property South of Dumas, West of Highway 287, further described as a 337.09 acre tract of land out of Sections 195 and 226, Block 44, H.T.& C.R.R. Co. Survey, Moore County, Texas.

City Manager Vince DiPiazza presented an ordinance concerning the assessment of street improvements for 14th Street. Mr. DiPiazza said there was a concern who owned the right-of-way easement and the city has discovered that the right-of-way easement was conveyed to the city in 1965 and filed with Moore County in 1979. City Attorney Tom Moore said he needs to modify the ordinance; he understood that Damon Admire was going to pay one hundred percent of the assessment but Mr. Admire is paying sixty-eight percent and the adjacent property owner will pay thirty-two percent. Mr. DiPiazza said the city's minimum contribution is ten percent. Mr. Moore said the Commission must decide how many years they are going to allow property owners to pay the city and determine the rate. Commissioner Salim suggested the city should use the current municipality rate. Mayor Milligan recommended five years at 5.75%. Mr. Moore will modify the ordinance with Mayor Milligan's recommendation and stated that the Commission could change those figures before the second and final reading. Mr. DiPiazza said he does not have a current cost for the paving improvements but GAEngineering quoted \$98,000 three years ago. Mr. Moore said he added city engineer and deleted GAEngineering from the ordinance. Mr. Moore said the second and final reading on this ordinance and a resolution to approve plans and specifications authorizing the city to go out for bid would be on the next agenda. Mr. Moore said after bids were received he would calculate what is owed to the city from the property owners. Mr. Moore said a notice must be sent to each property owner and notices must be published in the news paper. A public hearing is held and the city must prove, by an expert testifying, that the paving would improve the value of the property in an amount sufficient to off-set the cost. Mr. Moore said the Commission is allowed to have broad discretion concerning who to believe and how much to believe from the experts. Mayor Milligan asked if the property owners are allowed to have their experts testify and Mr. Moore said yes. Mr. Moore said if the Commission decides that the paving assessment does not improve the property value the assessment process would immediately end. Mayor Milligan asked

how long the assessment process would take. Mr. Moore said the public hearing would be held in May and then the project could be released to the contractor. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1036 initiating the process for assessment of 14th Street improvements.

IT Director Rhonda McSpadden presented quotes for a computer server. Three quotes were received from Dell for \$5,294.39; MPC for \$5,470.70; and CDW-G for \$5,501.76. Ms. McSpadden said \$7,100 was budgeted to purchase the server. Ms. McSpadden said the server would be located at city hall. Ms. McSpadden said there is new technology that allows one server to be sliced into four separate servers. The first server will be the domain controller and it is the first thing the separate computers hit when you sign on to your computer. This shows what the user is allowed to do and what applications are available to them. The second server is the exchange server which is the mail server and the shared public server. The city has a group of calendars on the server to schedule park reservations and this allows everyone to see the reservations so there is not any cross scheduling. The third server will be used to image documents and the fourth server will be for future growth. A motion was made by Commissioner Salim, seconded by Commissioner Mahaffey, and passed unanimously to approve the purchase of a server from Dell for \$5,294.39.

Police Chief Dale Alwan introduced Police Officer Anthony Eberhardt. Officer Eberhardt presented a safety grant for the police department. Chief Alwan said Officer Eberhardt has a special interest in crime prevention and child safety. Officer Eberhardt said this grant is a traffic enforcement program that TxDOT offers and it supports the already ongoing traffic enforcement duties that officers carry out daily. The grant also allows the police department to create and support child passenger safety programs to educate parents on child safety systems. Officer Eberhardt said this is a matching grant and the police department is allowed to choose the matching amount and grant; this is the step grant. Officer Eberhardt said this includes items that the police department normally pays anyway. Officer Eberhardt said TxDOT would pay for and provide thirty to forty-five car seats. Also, the police department would be allowed to perform two safety checks per year. The police department is responsible for reimbursement and this would pay for retirement that's built into the salary during the course of the overtime worked, pay for federal insurance and maintenance of the police department vehicles during that overtime period. Commissioner Salim asked how much the city would match and Officer Eberhardt said \$3,402 and that's approximately 17.5%. Commissioner Salim asked why the fuel mileage is different on each unit. Officer Eberhardt said TxDOT requires the police department to take five vehicles and go back to 2007 to determine the fuel mileage. Commissioner Salim commended Officer Eberhardt for his knowledge pertaining to this grant information. Chief Alwan said the city's match is already paid for through the maintenance on the vehicles during overtime. Mayor Milligan asked Chief Alwan to explain overtime and asked if the police department schedules overtime. Chief Alwan said the only time overtime is authorized is during illness, vacations, Dogie Days or other scheduled events, drug raids, training, New Year's Eve and Halloween. City Manager Vince DiPiazza asked Chief Alwan to explain the scheduled overtime that is

paid at straight time rate as part of the normal schedule. Chief Alwan said it is straight time for eighty-six hours, per pay period. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve a safety grant for the police department from Texas Department of Transportation.

Detective David Garrett presented the police department racial profiling report. Dt. Garrett said there are two types of data that are required by law to be collected, which are Tier 1 and Tier 2 data. Tier 1 is where a law enforcement officer collects data on traffic stops that result in a citation being issued, how many were arrested, if a search was conducted, and if the person consented to the search. This data is broken down by race. Tier 2 data adds pedestrian stops but the city is exempt from Tier 2 because we use video and audio equipment in the police vehicles. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to accept the police department racial profiling report.

City Manager Vince DiPiazza said action taken at the last meeting to award the bid for police vehicles should not have occurred, which the staff takes full responsibility. Mr. DiPiazza recommended the police department vehicle be rebid. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to rescind the action to award the police department bid taken at the February 19, 2008 meeting; reject the original bids first considered at the December 3, 2007 meeting; and authorize the staff to rebid the police department purchase of four vehicles according to bid specifications.

Mayor Milligan opened the Work Session.

Public Works Director Tommy Raper presented packer body bid specifications. Mr. Raper said the Commission budgeted \$44,623 to purchase two packer bodies. Mr. Raper said the specifications request two, new, 25 cubic yard packer bodies. The packer bodies will be installed on the city's 2000 Mack RD 690 cab and chassis trucks. The consensus of the Commission agreed to the packer body bid specifications.

Public Works Director Tommy Raper updated the Commission on the gas loop line project. The Northeast part of town has very little gas pressure during the winter months. Mr. Raper said the gas loop line will begins at the Wilson Street gas regulators four inch line, go across Highway 87 beside Jack Oldham Oil, continue north to Northwest 4th Street, bore underneath the railroad tracks where the city has an existing line, continue to the end of Northwest 4th Street to the eighteen inch line, continue to 8th Street then East to Floyd Avenue. Mayor Milligan asked City Manager Vince DiPiazza to discuss D.I.S.D. gas issues with Mr. Appel. Mr. Raper said Rich Oller, Oller Engineering, has done the survey. The amount budgeted was \$220,000 and the approximate current cost estimate is \$230,000. Mayor Milligan asked if the city could provide some of the labor. Mr. Raper said the city would do the trenching but the boring would need to be bid out because the city's boring machine is too small. The trenching is very time consuming and will take approximately 1 ½ months to do. The trenching consists of 3 ½ miles and 18,480 feet of four inch pipe. The consensus of the

Commission is to proceed with the gas loop line project with the city providing labor for the trenching.

City Manager Vince DiPiazza informed the Commission that the city recently received a letter from TCEQ stating that the city's wastewater permit has been administratively approved and still requires TCEQ action. Mr. DiPiazza said there is a thirty day period for someone to request a contested case hearing and there has been one person to contest, which could complicate matters. Mr. DiPiazza said it would take seven months to finish the design, three months to advertise and bid, and twelve months for the construction. A contested hearing could add approximately another year. Mayor Milligan said it is not the city that has held this project up, it's the bureaucratic paperwork and the state. Mayor Milligan said he would contact the local state representative and ask if this process could be expedited. Mayor Milligan asked what would happen if the city quit irrigating and it overflows into the stream. Mr. DiPiazza said we've already had unpermitted wastewater discharge for two years and the city entered into an agreed order stating the city would design the plant and make improvements. City Attorney Tom Moore said the city could be prosecuted by TCEQ with administrative penalties and possible criminal penalties.

Mayor Milligan recessed into executive session at 7:59 p.m. for attorney consultation concerning wastewater treatment plant permit issues. Mayor Milligan recessed the executive session at 8:39 p.m. and reopened the regular meeting. There were no votes or action taken.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager