

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

MAY 19, 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 John D. Harris
Commissioner Mike Salim
Commissioner James Mahaffey
City Manager Vince DiPiazza
City Attorney Tom Moore

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

Mayor Milligan called the meeting to order. Mayor Milligan said he would start the meeting by closing the regular meeting and opening the executive session first because he would be leaving to attend a meeting at D.I.S.D. concerning "Every15 Minutes". The city approved a proclamation on May 5, 2008 and Mayor Milligan said he observed the mock accidents. Mayor Milligan said this program educates students before prom concerning the consequences of driving while drinking. Mayor Milligan said Mayor Pro Tem Sims would conduct the rest of the meeting.

Mayor Milligan recessed into executive session at 6:29 p.m. for attorney consultation regarding a settlement with Johnson Controls and deliberation regarding real property to discuss the sale of city property. Mayor Pro Tem Sims recessed the executive session at 7:01 p.m. and reopened the regular meeting. There were no votes or action taken.

A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the May 5, 2008 Regular City Commission meeting minutes and paying the bills.

City Secretary Kim Rehkopf presented the May 10, 2008 special election results for the Commission to canvass. The special election was for the issuance of general obligation bonds in the amount of \$3,000,000 for a new swimming pool, spray ground, walking tracks and other municipal park improvements. A motion was made by Commissioner Salim, seconded by Commissioner Mahaffey, and passed unanimously to

approve the canvass of votes for the May 10, 2008 special election. The results of the special election are:

	Early Voting	Election Day	U.S. Postal Service	Total
Yes	577	654	4	1,235
No	136	276	2	414

Police Chief Dale Alwan presented a proclamation and said that the State of Texas is participating in a campaign concerning seat belt awareness. Chief Alwan said this is also a national enforcement mobilization. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve a proclamation declaring May 19, 2008 to June 1, 2008 “Click it Or Ticket” week.

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 First Reading of Ordinance No. 1040 setting the bulk water rate at three dollars (\$3.00) per thousand gallons of water with no minimum fee effective May 20, 2008.

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 there are statutory requirements that must be followed and Mr. Dyas will need to fill out an application requesting to close, vacate, or abandon the right-of-way. Then the city must convey the property for fair market value. Mr. Dyas is offering the city a right-of-way easement of equal value. Mr. Moore said he would prepare the necessary documents. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the First 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 an ordinance to adopt the 2006 Texas Food Establishment Rules (TFER). City Health Inspector Luis Trujillo said the city is currently under the 1998 rules. Mr. Trujillo reviewed the 2006 rules with the Commission. Commissioner Salim asked how many restaurants are inspected and Mr. Trujillo said approximately one hundred and he inspects them four times annually. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the First Reading of Ordinance No. 1042 adopting the 2006 Texas Food Establishment Rules.

Fire Chief Paul J. Jenkins told the Commission they received a grant to purchase twenty-six new self-contained breathing apparatus’. Chief Jenkins said he would like the Commission to consider donating their old equipment to Cactus and Sunray volunteer fire departments. Chief Jenkins said their old equipment is twelve years old, but in very good condition. A motion was made by Commissioner Salim, seconded by Commissioner Harris, and passed unanimously to approve the donation of self-contained breathing apparatus to the City of Cactus and the City of Sunray Volunteer Fire Departments.

A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the fireworks contract with Atlas Enterprises for \$6,000 for the July Fourth celebration.

Finance Director Dottie Williams presented an agreement from Moore County for tax assessment and collection services. Ms. Williams said she would not have the exact cost until she received the number of parcels. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve a contract with Moore County for tax assessment and collection services.

Purchasing Agent Dolores Montoya presented material bids for the gas loop line project. There were four bids received from Milford Pipe and Supply for \$54,505.98; Cooper Supply, Inc. for \$66,080.06; Wheeler Municipal Supply Co. for \$74,519.10; and Western Industrial Supply Co. for \$70,799.14. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the bid from Milford Pipe and Supply for \$54,505.98 for material for the gas loop line.

There was one bid received from Venable's Construction for \$37,905 to bore the road for the gas loop line. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the bid from Venable's Construction for \$37,905 to bore the road for the gas loop line.

City Attorney Tom Moore told the Commission that a public hearing could not be held concerning the 14th Street paving assessment. Mr. Moore said the construction bid must be approved first and the next steps are approving a resolution to accept the construction bid, a resolution to call for a public hearing, and prepare public hearing notification letters to the property owners, including the exact cost the property owner must pay. Mr. Moore said he is required to find experts to testify that the property values are correct and he must present evidence that will give the Commission a basis to determine that the cost of the paving will or will not increase the property values in an amount sufficient to offset the cost.

Public Works Director Tommy Raper presented bids for the 14th Street paving assessment. There were three bids received from J. Lee Milligan, Inc., no response; Holmes Construction Co. for \$220,058.30; and Lewis Construction Co. for \$234,829.78. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the bid from Fuller & Sons LTD for \$181,135.30 for the construction and improvements concerning the 14th Street paving assessment project.

City Manager Vince DiPiazza said three citizens contacted the city after reading the news paper advertisement for planning and zoning commission volunteers. Jessica Beard, Delton Emmett, and A.L. Baer, Jr. have said they would volunteer their time to serve. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to appoint Delton Emmett and A.L. Baer, Jr. to the Planning and Zoning Commission.

City Manager Vince DiPiazza said this item pertains to the possible sale of city property. Mr. DiPiazza said this is the entire building including the restaurant and golf pro shop. City Attorney Tom Moore said this item should be tabled until the city manager presents a written proposal to the Commission. Mr. DiPiazza said he does have a minimum bid price and the restrictions that would be included in the bid. Mr. DiPiazza said the parking lot would not be included in the bid. A motion was made by Commissioner Harris, seconded by Commissioner Salim, and passed unanimously to approve tabling the sale of city property until a written proposal from the city manager is reviewed.

Mayor Pro Tem Sims opened the Work Session.

City Manager Vince DiPiazza said the swimming pool would open this season and demolition would begin after the season closes. Commissioner Harris asked when attendance slowed down. Park Superintendent Karla Smith said the first week of August because school athletics begin and life guards leave for college. Commissioner Harris asked if the city would do any of the demolition and Public Works Director Tommy Raper said the city would only remove the bath house. Mr. DiPiazza said this would be discussed again.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager