

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

OCTOBER 20, 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 DUMAS MUNICIPAL COURT ROOM - POLICE DEPARTMENT, 124 EAST 7TH STREET 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, Dottie Williams, Dale Alwan, Dolores Montoya, Karla Smith, Anthony Garcia, Michael Wright, Tommy Raper, Tommy Brooks, Paul J. Jenkins, Carol Clark, Greg Willis, Mike Running, Blake Stringer, George Clift, Byron McDonald, and Terry Brannon.

Mayor Milligan called the meeting to order.

During attending citizens and their business, Byron McDonald said he requested to be on this agenda and for some reason he was not. Mr. McDonald said Ms. Rehkopf told him he could speak during attending citizens and their business at the commission meeting, but the commission could not answer any questions. Mr. McDonald said he's been a two year resident of Dumas and lives at 1413 S. Meredith. Mr. McDonald stated that the city has moved his trash container because his dogs bark when the city empty's the trash container. Mr. Mc Donald said the animal control department is aware of this situation. The RV park is owned by Jerry Yerby and Mr. Yerby has approached surrounding neighbors to sign a petition to get rid of Mr. McDonald's dogs. The neighbors refused to sign the petition. Mr. McDonald said Mr. Yerby has also posted signs in the alley between 14th Street and 16th Street stating "private alley, no through traffic." Mr. McDonald asked the Commission if they would check to see if this was city property or private property. Mr. McDonald said if the alley is city property the "private alley" signs should be removed. Mayor Milligan thanked Mr. McDonald for coming to the meeting, and apologized that he was not on the agenda. Mayor Milligan said the Commission understands his situation but that they could not respond because the subject was on attending citizens and their business.

Commissioner Mahaffey asked about the following bills: Amarillo Floor Company, \$2,652.25 and Bartlett Lumber, several items purchased, for the fire department. Fire Chief Paul J. Jenkins said the fire fighters have been remodeling the fire station. Commissioner Harris stated that this was approved by the commission, it was not contracted out, and the fire fighters are doing all of the work themselves, which does take longer. Bartlett Lumber, several items purchased for the water department. Public Works Director Tommy Raper said this cost is for meter boxes and concrete. City Manager Vince DiPiazza said the city did check the electrical meters at the golf pro shop and golf course restaurant. There are five electrical meters and the restaurant does not pay for the golf pro shop electricity. Commissioner Salim asked why city royalties were paid to Wanda Weatherford on the Morton gas well. City Attorney Tom Moore said the Weatherford's did file a lawsuit against the city concerning the Weatherford Estate and the city did settle the lawsuit. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously by a majority vote to approve the October 6, 2008 Regular City Commission meeting minutes; and paying the bills. Commissioner Mahaffey abstained.

Terry Brannon, with Brannon Corporation, said there were two bids received concerning the swimming pool project, but one bid was not bonded. Mr. Brannon said Sunbelt Pools is the other bid received but was 1 ½ million dollars over budget. Mr. Brannon said possible options are to redesign the swimming pool, but it would not be completed until July; another option is to award the bid and negotiate down to meet city budget; remove the bath house and pump station out of the design submitted by Sunbelt Pools and bid out to local contractors. Mr. Brannon said they do not plan on cutting back on any of the swimming pool features and asked the Commission for direction. Commissioner Harris said there are other aspects to this project that Sunbelt Pools only build swimming pools and the city could contract out the building of the pump and bath house. Commissioner Harris said the city could rent the machinery to provide the demolition. Commissioner Harris also said the city could possibly delete features. Mayor Milligan said the city could accept the bid with the possibility that contractors be asked to present a quote concerning the building of the bath and pump house buildings. Commissioner Salim suggested City Manager Vince DiPiazza, Mayor Milligan and Commissioner Harris meet to discuss the swimming pool bid to meet the city budget cost. City Attorney Tom Moore suggested the motion read "award the swimming pool bid to Sunbelt Pools subject to negotiating the total cost to a sum within the total budget and the city manager to negotiate within the project budget using city employees and local contractors. Mayor Milligan asked who absorbs the cost on redesigning the swimming pool and Mr. Brannon replied that his company absorbs the cost on the redesign. Mr. Brannon said that Sunbelt Pools could meet the deadlines and open the swimming pool for the June 1, 2009 season. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to award the swimming pool bid project to Sunbelt Pools subject to negotiating the total cost to a sum within the total budget with City Manager Vince DiPiazza to negotiate within the project budget using city employees and local contractors.

Anthony Garcia asked the Commission to reconsider allowing him utilities outside the city limits on property located on N. Maddox Avenue between N.E. 11th Street and N.E. 12th Street. Mr. Garcia said the homes on each side of him have water. Public Works Director Tommy Raper said he went to the property today and there is a water line located at Mr. Garcia's property and he would need to purchase a tap. Mayor Pro Tem Sims said Steve Burks and Charles Pendleton both were given utilities outside the city limits prior to the current city commission stating utilities would not be allowed outside the city limits. Mr. Raper said Mr. Burks had six water taps installed and later had the meters removed and turned off the water. Later Mr. Burks wanted to install the water meters. Mr. Garcia said he would like to tear down the current house and build a new home. Mr. Garcia said the property already has a water meter but it has been capped off. Mr. Raper said there is a meter and pipe on the property but he doesn't know if it is connected to the water line. Mr. Raper said there have been three requests and he has told them the city does not allow utilities outside the city limits. Mr. Raper said if a water tap is approved, water pressure would not be lost in this area. Mayor Pro Tem Sims said the Commission does not allow utilities outside the city limits and if they allow one person utilities, they would have to allow everyone outside the city limits utilities. There were no motions made.

Dumas Economic Development Corporation (D.E.D.C.) Director, Mike Running, presented their 2007-2008 annual report. Mr. Running stated he was working on a business program for local leaders and he would like to keep funds in Dumas. Mr. Running said he has met with local business owners and he is working on selling Dumas using the slogan "Do More in Dumas." Mr. Running said he has attended retail shows and there are eight local people that have shown interest and would like the community to build a bowling alley, new restaurants, and a paintball facility. Mr. Running said Texas Department of Transportation (TxDOT) is doing a traffic study for a business road that would extend to U.S. Highway 287. Mr. Running said D.E.D.C. is currently involved in the following organizations: The High Ground, Ports to Plains, Entrepreneurial Alliance, West Texas A&M University Enterprise Center. Mr. Running said that D.E.D.C. has recently joined World Economic Development Alliance and he is in the process of initiating a "Dumas Business to Business Program" that would help devise marketing strategies and promote hometown spending. Commissioner Salim asked when the ice plant was going to close that is located at the business park and Mr. Running said that he has been asked by the owner to keep that information confidential at this time. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the D.E.D.C. 2007-2008 annual report.

Fire Chief Paul J. Jenkins presented an ordinance to adopt the new fire code. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1050 adopting the 2006 International Fire Code.

City Manager Vince DiPiazza presented an ordinance designating one-way streets in the school safety zone areas. Mr. DiPiazza said the police department took care of traffic flow issues at the junior high school on Zauk Avenue which is one-way from E.

5th Street to E. 3rd Street, with all traffic traveling northbound at all times. Police Chief Dale Alwan said overall the traffic flow was consistent. The commission would like the one-way streets at Green Acres Elementary on Oak Avenue and Morningside Elementary on Powell Avenue to be deleted from this ordinance at this time. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the First Reading of Ordinance No. 1057 designating a one-way street on Zauk Avenue from E. 5th Street to E. 3rd Street, with all traffic traveling northbound, at all times and deleting the one-way streets on Oak Avenue at Green Acres Elementary and on Powell Avenue at Morningside Elementary at this time.

Public Works Director Tommy Raper presented an agreement with Monarch Fiber for the operation of a recycling center. Mr. Raper said the agreement was signed by the city June 2, 2008 and at this time he would like commission to consider terminating the agreement. Mr. Raper said the agreement has never been signed by Monarch Fiber and he was told by the company they did not budget funds to maintain the recycling facility in Dumas. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to have City Attorney Tom Moore send a letter to Monarch Fiber terminating the recycling center agreement.

City Manager Vince DiPiazza presented a resolution denying SPS/Xcel Energy a proposed rate increase. Mr. DiPiazza recommended the Commission deny the proposed rate increase so the process could continue. Commissioner Harris asked if the Commission had to take action or does the Public Utility Commission make the decision and City Attorney Tom Moore recommended the city take action. Mr. DiPiazza said the Public Utility Commission ultimately makes the decision. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve Resolution No. 08-19 denying SPS/Xcel a proposed rate increase.

Mayor Milligan discussed an ordinance that would regulate parking of vehicles, trailers, recreational vehicles, boats and prohibiting the storage of such items on city streets or in front yards. Mayor Milligan said the ordinance states that no person, firm or corporation shall park any passenger vehicle or trailer on a public street, alleyway or other public right of way for more than 72 consecutive hours. Mayor Milligan said 72 consecutive hours will not solve the current problem and recommended using "overnight" language instead of "72 consecutive hours." City Attorney Tom Moore said the definition of "commercial vehicle" is "2 tons or more" and that should be changed to "any vehicle used for commercial purpose, except to load or unload material." City Manager Vince DiPiazza said parking a non-passenger vehicle is prohibited to park in the front driveway or other area, and in clear public view. Mr. DiPiazza said that language should be discussed and possibly changed. Mayor Pro Tem Sims suggested a non-passenger vehicle could be parked in a residential driveway as long as it doesn't go beyond the sidewalk and obstruct the view of vehicles. Mr. Moore said "front driveway parking area" language could be changed to allow parking in the driveway but not in the public right of way. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the First Reading of Ordinance No. 1060 regulating parking of vehicles, trailers, recreational vehicles, boats

and prohibiting the storage of items on city streets or in front yards and change the language in the ordinance before the second reading is presented.

Mayor Milligan opened the Work Session.

Public Works Director Tommy Raper presented bid specifications on a 1/2 ton pickup for the water department. Mr. Raper said the current 3/4 ton vehicle used by the water department would be given to the wastewater treatment plant. This vehicle would stay at the warehouse. Mr. Raper said the 1/2 ton pickup would go to the water department because it is more economical than the 3/4 ton vehicle. The consensus of the Commission agreed to the bid specifications of a used 2006 1/2 ton pickup and with the addition in the specifications of a 2008-2009 new 1/2 ton pickup.

Mayor Milligan recessed into executive session at 8:05 p.m. for deliberation regarding real property. Mayor Milligan recessed the executive session at 8:55 p.m. and reopened the regular meeting. There were no decisions or votes taken.

The Commission did not have an executive session concerning the waste water treatment plant permit issues or the evaluation of the city manager.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager