

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

OCTOBER 6, 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 James Mahaffey
City Manager Vince DiPiazza
City Attorney Tom Moore

Members Absent:

Commissioner John D. Harris
Commissioner Mike Salim

Others Present: Kim Rehkopf, Dottie Williams, Dale Alwan, Dolores Montoya, Karla Smith, Rod Brewer, Carmella Brewer, Michael Wright, Tommy Raper, Sam Cartwright, David Rehkopf, Tommy Brooks, Teddy Joe Stewart, Paul J. Jenkins, and Jimmialene Johnston.

Mayor Milligan called the meeting to order.

During attending citizens and their business Mayor Milligan said there are several turkey buzzard birds in Dumas and asked if there is anything the city could do to eliminate them. Public Works Director Tommy Raper said they are a protected species and suggested using a pistol that shoots blanks. The very loud noise scares the birds away.

Commissioner Mahaffey asked about the following bills: Newman Traffic Signs, \$9,258.65 for the street department. Public Works Director Tommy Raper said this cost is for the school safety zone signs and he has ordered more arrow signs. City Manager Vince DiPiazza said the city has received complaints from citizens stating they did not want the poles in their yards. Milford Pipe & Supply, \$3,476.53 for the gas department. Mr. Raper said this cost is for four-inch collars for the new natural gas loop line project. Mr. Raper said the city is still working on the gas line at 8th Street because the city map did not show existing buried lines. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the September 15, 2008 Regular City Commission meeting minutes; September 19, 2008 Special City

Commission meeting minutes; September 29, 2008 Special City Commission meeting minutes; and paying the bills.

Anthony Garcia asked the Commission to consider 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 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. Public Works Director Tommy 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.

Chamber of Commerce Director Sam Cartwright presented a proclamation declaring chamber of commerce week. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve a proclamation declaring October 20-24, 2008 as Texas Chamber of Commerce Week.

Fire Chief Paul J. Jenkins presented a proclamation declaring fire prevention week. Chief Jenkins briefly discussed the Great Chicago Fire of October 8, 1871. Chief Jenkins said this year's theme is "It's Fire Prevention Week-Prevent Home Fires!" Chief Jenkins said they have responded to the following structure fires; sixteen were residential caused from the following: Three electric, five cooking, one candle, two heating and five miscellaneous. The firefighters have begun their fire safety school programs and invited the Commission to attend. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve October 5-11, 2008 as Fire Prevention Week.

City Manager Vince DiPiazza said the October natural gas rate is \$4.82 and a six month locked in rate from November 2008 through April 2009 would be \$6.59. Mayor Milligan said Chesapeake drilled a three thousand foot gas well in Stratford and asked if the city could drill another gas well. Mayor Milligan said that the Morton gas well does not produce much gas. Mayor Milligan asked if the city could drill a second gas well on the same property if the other gas well was taken out of service. City Attorney Tom Moore said he would research this information but stated that mineral rights are a factor and an oil well and a gas well is allowed on one lease. Public Works Director Tommy Raper suggested drilling another gas well at the warehouse. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve Resolution No. 08-18 setting the October natural gas rate at \$4.82, plus \$2.50 adder fee, for a total of \$7.32.

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 First Reading of Ordinance No. 1050 adopting the 2006 International Fire Code.

A motion was made by Mayor Pro Tem Sims, seconded by Mayor Milligan, and passed by a majority vote to approve the Second & Final Reading of Ordinance No. 1059 for a zoning change from "AG," Agriculture, to "A," Single Family Housing," on 49.21 acres for Jimmialene Johnston. Commissioner Mahaffey opposed.

A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the Second & Final Reading of Ordinance No. 1058 setting the ad valorem tax rate at \$.148944 on the \$100 valuation concerning the 2008-2009 city budget.

Purchasing Director Dolores Montoya presented the park department deck mower bids. There were five bids received and three with alternate bids. Professional Turf Products, \$18,738 and alternate \$18,221.05; Oglesby International, \$12,479.20; "A" Lawn Mower Shop, \$15,848; Grasshopper of Amarillo, \$11,306.25 and alternate \$9,622.50; Proffitt's Lawn and Leisure, \$12,499.99 and alternate \$11,099. Park Superintendent Karla Smith test drove the Hustler Z diesel from Oglesby and researched all mower specifications presented. Ms. Smith also stated a snow blade attachment could be purchased separately. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and passed unanimously to approve the bid from Oglesby International for \$12,479.20 for a deck mower for the park department.

Purchasing Director Dolores Montoya presented the fire department vehicle bid from Witt Motors for \$16,871. Ms. Montoya sent out six bid packets and received one bid. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the purchase of 2006 Chevrolet Suburban for \$16,871 from Witt Motors for the fire department.

City Manager Vince DiPiazza said he has had past conversations with David Rehkopf, lessee of the Boar's Nest Restaurant, concerning termination of the restaurant lease agreement. Mr. Rehkopf said he has put a lot of money and time into repairs at the restaurant and he can no longer do that since he doesn't own the facility. Mayor Milligan said he understands but the city could not budget funds to make the necessary repairs at this time. Mr. Rehkopf said he has paid the golf pro shop's electricity for three years and still has not been reimbursed by the city. Mr. Rehkopf stated the roof leaks, especially in the kitchen; there are holes in the kitchen walls that extend to the outside and other costly repairs that need to be made. Mr. Rehkopf said he could not terminate the lease agreement at this time due to commitments for several Christmas parties.

City Manager Vince DiPiazza presented a performance report from Johnson Controls, Inc. Mr. DiPiazza said when the city originally began the agreement with Johnson Controls, Inc. they anticipated the city would receive specific revenue, which did not happen. Johnson Controls, Inc. is reimbursing the city for year two and year three. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Mahaffey, and

passed unanimously to accept the annual performance report and \$225,884 from Johnson Controls, Inc.

City Manager Vince DiPiazza said Richard Ellyson does not want to pursue an appeal of a personnel action. There was no action taken concerning Item No. 11.

There was not an Executive Session held concerning an employee appeal and the waste water treatment plant permit issues.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager