

REGULAR MEETING OF THE CITY COMMISSION

OF THE CITY OF DUMAS, TEXAS

SEPTEMBER 15, 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: Due to the large number of members present, the signature list is attached to the minutes and is available at city hall.

Mayor Milligan called the meeting to order.

Commissioner Mahaffey asked about the following bills: Tow Brothers, \$11,447.38 for the solid waste department. Public Works Director Tommy Raper said this cost is for an axle for the new packer body. Farm Plan Corporation, \$1,536 for the street department. Mr. Raper said this cost was to replace a clutch in the tractor. Commissioner Mahaffey asked when the school zone signs would be installed. Mr. Raper said two flashing signs were installed today and the other signs ordered have not come in. A motion was made by Commissioner Mahaffey, seconded by Commissioner Harris, and passed unanimously to approve the September 2, 2008 Regular City Commission meeting minutes and paying the bills.

John Adkins, Attorney for Jimmialene Johnston, said the application filed with the city to request a zoning change on 49.21 acres was filed by Ms. Johnston, no one else. Mr. Adkins said the city recently annexed property south of Dumas, which included Ms. Johnston's property, to provide for development. Mr. Adkins said the property is currently zoned "AG," Agriculture and is leased for grazing. Ms. Johnston receives seven hundred dollars a year for the lease and she does pay city taxes on her property. Mr. Adkins said it is not legitimate to deny Ms. Johnston the right to develop her property for its highest and best use. Mayor Milligan said before there is any public discussion he would like a motion to approve the zoning change request. A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Salim, and passed by a majority vote to approve a zoning change request for Jimmialene Johnston from "AG," Agriculture to "A," single family housing. Commissioner Mahaffey opposed. Mayor Milligan stated

that Ms. Johnston's zoning change request was for an "A-3," single family housing and the Commission did not approve an "A-3," they approved an "A," single family housing. Mayor Milligan asked City Inspector Greg Tanner to explain an "A," single family dwelling compared to an "A-3," single family dwelling. Mr. Tanner said an "A" zoning has a twenty-five foot front yard and back yard set back, lot width is 60 feet, lot area is 7,000 square feet. An "A-3" zoning has a twenty foot front yard and rear yard set back, lot width is 50 feet, lot area is 5,000 square feet. Side yards for each zoning are the same, five feet from property lines. Mr. Tanner said before any housing development is approved there are several steps a developer must do; permitting and platting process with approvals from staff, zoning commission, and city commission. After public comments concerning the city should not allow Ms. Johnston to sale her property to American Housing Foundation and statements, that all developers should be required to pay taxes, Commissioner Harris said the city does not give American Housing Foundation a tax break, they are a 501(c)(3) organization and the state law allows them tax exemptions. City Attorney Tom Moore said the Commission is not present tonight to approve a tax abatement or discuss if taxes should or shouldn't be paid by a developer. Mr. Moore said the only item on the agenda is to approve or deny a zoning change request. The citizens present asked if this issue could be voted on by the public and Mr. Moore said there is no statutory authorization to hold an election.

A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve a proclamation declaring September 21-27, 2008 as National Resource Conservation and Development week.

A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve Resolution No. 08-17 setting the September natural gas rate at \$7.04, plus \$2.50 adder fee, for a total of \$9.54.

Mayor Milligan opened the Public Hearing concerning the 2008-2009 city budget and the property tax rate.

City Manager Vince DiPiazza clarified that additional employees are a gang officer, part-time fire department receptionist, and the part-time animal control officer position would become a full-time position. Finance Director Dottie Williams said the proposed property tax rate is \$.148944 and the next public hearing would be September 19, 2008 and told the Commission they need to set a date for the first reading of the ordinance to set the ad valorem tax rate. There was no other public comment.

Mayor Milligan closed the Public Hearing and reopened the Formal Session.

A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to adopt the 2008-2009 city budget and approve the first reading of an ordinance to set the 2008-2009 ad valorem tax rate for September 29, 2008 at 12:00 p.m. at City Hall, 124 W. 6th Street.

City Manager Vince DiPiazza presented an agreement for the appointment or reappointment of a municipal court judge. Current Municipal Court Judge, Barbara Mulanax, submitted a letter stating she would serve as municipal court judge for another term, but would like the Commission to consider a one hundred dollar per month increase for her services. Ms. Mulanax said she has not asked for an increase in two years. The agreement does include a cellular telephone which is used for city business only. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to reappoint Barbara Mulanax as Municipal Court Judge for a one year term, October 1, 2008 to September 30, 2009 with a one hundred dollar per month increase, totaling one thousand dollars per month for her services.

Mr. DiPiazza presented an ordinance designating certain one-way streets in school zone areas. Detective David Garrett said the two schools that he and Sgt. Reyes observed traffic at was Green Acres Elementary and Morningside Elementary. Dt. Garrett said at Morningside Elementary, traffic congestion was on E. 7th Street proceeding east to west, and recommends Powell Avenue from E. 5th Street to E. 7th Street be designated as a one-way street. At Green Acres Elementary traffic congestion was at the four-way stop sign intersection at 3rd Street and Oak Avenue. Dt. Garrett recommends that Oak Street, from 3rd Street to 4th Street proceeding north to south be designated as a one-way street. Dt. Garrett also recommends the four-way stop signs at 3rd and Oak Avenue intersection be removed on Oak Avenue to have an even flow of traffic. Dt. Garrett stated that he and D.I.S.D. Chief Payne agreed that children should be let out and picked up in a safe area without crossing the street. Dt. Garrett recommends that traffic flow should go south at both elementary schools. After some discussion a motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to table this item.

Public Works Director Tommy Raper asked the Commission to approve the purchase of a dump bed trailer for the solid waste department. Mr. Raper said he does not want to use the flatbed trucks any longer and he would like to replace the flatbed truck that was in an accident, which the city will receive \$7,000 with a dump bed trailer. Quotes received were from Bell Trailerplex for \$6,208, this trailer has a twelve foot box, which does not meet specifications; United Rentals for \$7,175; Sunshine Trailers for \$6,400, this trailer has an eight foot wide box with eighteen inch sides, which does not meet specifications but would work because of the extra wide box and the fold down sides; Sunshine Trailers for \$7,000; Young's Trailers for \$7,500. Mayor Milligan told the public that Fire Chief Paul J. Jenkins, and his wife Ineze Jenkins, own Sunshine Trailers. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the purchase of a dump bed trailer from Sunshine Trailers for \$6,400 for the solid waste department.

Mayor Milligan said Pheasant Trails Municipal Golf Course has a new Golf Pro, Tim Spurlock, and he met with Mr. Spurlock and the golf committee to discuss golf rates. Mr. Spurlock said he compared area golf course rates and presented the current and proposed increases. Mr. Spurlock recommends that annual memberships, daily green fees, and cart fees be increased. Membership increases are: Single - \$500 to \$550; family

(2) - \$700 to \$750; family (3) - \$800 to 850; senior any day - \$350 to \$385; senior couple any day - \$425 to \$450 and eliminate senior weekday and senior couple weekday. Daily green fee increases are weekday - \$10 to \$14; weekday twilight, seniors - \$7 to \$10; weekend - \$13 to \$16; weekend, twilight, seniors - \$10 to \$12 and change twilight play from 6:00 p.m. to 4:00 p.m. Golf Cart fee increases for 18 holes - \$18 to \$24 and 9 holes from \$9 to \$12. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to increase the recommended fees for the Pheasant Trails Municipal Golf Course effective October 1, 2008.

The Commission did not have an executive session concerning the waste water treatment plant permit issues.

Meeting adjourned.

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Mike Milligan, Mayor

ATTEST:

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Vince DiPiazza, City Manager