

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

MARCH 16, 2009

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, Mike Funk, Justin Willis, Tom Ferguson, Jack Braswell, Louis Leven, Joe Montana, Loke Marquez, Karla Smith, Judy Pendley, Jim Haugen, Ron DeShazo, Sam Cartwright, Sarah Knightly, Pamela Burt, Paul Manak, Heaven Kinzy, and Paul J. Jenkins.

Mayor Milligan called the meeting to order.

Commissioner Mahaffey asked about the following bills: A & I Parts, \$359.75 for the fire department. Fire Chief Paul J. Jenkins said this cost is for filters for regular maintenance on the fire department vehicles. Chief Jenkins said the filters are changed two times annually on the equipment that is used the most and one time annually on equipment used the least. Commissioner Mahaffey asked what determines where you buy the filters. Loke Marquez, Shop Superintendent, said the filters are part of the preventative maintenance program for all city vehicles and equipment. Mr. Marquez said he does use different local vendors when possible. Mr. Marquez stated that he used three different local vendors which are included in the current bills that are being discussed. Commissioner Mahaffey said the fire department has bought additional office equipment and asked who it was for and Chief Jenkins said it was for the part-time secretary, the captain's offices, his office, and the health inspector's office. Mayor Milligan asked what the part-time secretary does. Chief Jenkins said she answers the telephone, types and mails all letters, and all other clerical duties that a secretary does. Commissioner Mahaffey asked how the upstairs fire department project was progressing. Chief Jenkins said everything is almost completed, but installing some carpet, painting, and some work on the stairway. Howell Sand Co., \$600 for the park department. Park Superintendent Karla Smith said this cost was for clay for the adult softball fields on 19th Street and it is

the original soil from when the fields were built, which has a lot of gravel in the soil. Ms. Smith said the YMCA uses the fields now and the clay will improve the fields. Commissioner Mahaffey asked how the swimming pool project was progressing and Ms. Smith said she talked to the project manager and they are waiting for the pump house to be built. City Manager Vince DiPiazza said there was a couple of weeks delay due to issues with the design change and the architect. Mr. DiPiazza said the concrete should be poured for the pump house then the bathhouse floor. Dumas Lumber Co., \$846.37 for the landfill department. Mr. DiPiazza introduced the new landfill supervisor, Isidro Renteria. Mr. Renteria said this cost was for the laminate floor in the scale house and landfill office. Bruckner Truck Sales, \$466.08 for the landfill department. Mr. Marquez said this cost was for a transmission assembly for the landfill dump truck and it had broken pieces in the transmission on the shifting mechanism. Mr. Marquez said this cost was for parts only, not for a transmission replacement. Commissioner Mahaffey asked if any other equipment was not working currently. Mr. Marquez said he had one; a solid waste truck that had a cooling problem is being repaired. Commissioner Salim congratulated Mr. Renteria for his promotion to Landfill Superintendent. Commissioner Salim asked who was writing purchase orders now and Mr. Marquez said Finance Director Dottie Williams. Mayor Milligan said the March 2, 2009 minutes concerning a request for utilities outside the city limits states "the commission told the public the city does not allow utilities outside the city limits" and it should say "does not allow new utilities outside the city limits. Mr. DiPiazza said it should state new and the city policy does allow utilities outside the city limits for economic development issues. Commissioner Salim said the motion concerning the Stelera Wireless agreement should state "lease space on city water towers for \$1,000 a month for each tower instead of saying "lease space on city water towers for \$1,000 a month." City Secretary Kim Rehkopf said she would make those two corrections. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the March 2, 2009 Regular City Commission meeting minutes, with two corrections, and paying the bills.

Mayor Milligan said on Formal Session, Item 1, that Robert Valenzuela was not present to discuss his request for city assistance in demolition of property at E. 8th Street and Miller Avenue. There was no action taken until Mr. Valenzuela could attend the meeting.

Mayor Milligan said on Formal Session, Item 2, that Thad Lasater was not present to discuss the renewal of the lease/purchase agreement on city property located at 6149 Hood Road. Commissioner Harris said he thought this agreement was to be a lease to "purchase" agreement. Commissioner Harris said this would be the third year and asked when Mr. Lasater was going to purchase the property. Mr. DiPiazza said he could not answer that question but the tenant is requesting an extension on the lease agreement. City Attorney Tom Moore said the option is for the initial twelve month period and at the end of the initial twelve month term the option is not renewed. Mr. Moore said that at the end of the initial term that option terminates, but it does not mean that the Commission can't grant a new option. There was no action taken until Mr. Lasater could attend the meeting.

Paul Manak, treasurer for Little League, asked the Commission to help purchase materials for the Little League ball fields. Mr. Manak said Little League would like to put clay and plate bricks underneath the pitching mound and home plate area and use a general base of clay surface, then softer dirt over the clay surface. Park Superintendent Karla Smith said that it's been a few years since there was any work done on the ball fields. Mr. Manak said Little League upgraded two ball fields last year because of the tournaments which was an expensive cost. Mr. Manak also stated that the girl's softball field needs a lot of work. Mayor Milligan asked what the relationship between the city and the Little League was. City Manager Vince DiPiazza said the city and Little League have a written agreement that lists each party's responsibilities. Mr. DiPiazza said any major improvements made to the fields are the responsibility of the city. Mayor Milligan asked Mr. Manak to explain the bricks. Mr. Manak said the plate bricks are put several inches below the surface and the clay is put on top of the bricks to stop the ground from sinking. Ms. Smith said she has used the plate bricks on some of the ball fields and as the fields are watered the plate bricks and the clay bond together. Four fields would cost approximately \$8,500. Mayor Milligan asked Mr. Manak if this could be purchased in two years instead of one year. Mr. Manak said yes, and it's cheaper to buy a truck load of clay instead of a bag of clay. Ms. Smith said the clay she recently purchased was a truck load. Mike Funk said he was the president of Little League last year and it cost approximately \$8,000 for the material, which did not include labor or work done on the concession stands. Mayor Milligan said he would like to review the Little League agreement. Mayor Pro Tem Sims recommended the Commission approve funds for two fields or more if possible. A motion was made by Commissioner Salim, seconded by Commissioner Harris, and passed unanimously to buy materials for two fields this year at \$4,250. Mayor Milligan said Little League could choose the two fields they wanted to upgrade.

Finance Director Dottie Williams presented a new gas utility cut-off policy for non-pay customers. Ms. Williams said currently the gas utility department could not cut off a customer for non-pay during cold weather. Ms. Williams said this is one of the reasons why some of the write-off amounts for some customers reach large amounts. Ms. Williams said the Utilities Code, assessed from the Railroad Commission, clarifies that it is only in an "extreme weather emergency" that the gas could be turned off. Currently the city does not cut off gas if the forecasted low temperature is below freezing or is forecasted to dip below freezing for three consecutive days, including the day before and the day after the scheduled cut off, and it doesn't matter what the high temperature is expected to reach. The code specifies that a provider may not disconnect service during a period in which the previous day's high did not get above freezing and the temperature is predicted to remain at or below that level for the next 24 hours; this would constitute an "extreme weather emergency." A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the Utility Code requirements concerning the gas utility cut-off policy for non-pay.

Dumas/Moore County Chamber of Commerce Director Sam Cartwright said the last five years a church group from Mesquite and Forney, Texas areas bring their church

groups through Dumas on their way to Colorado for spring break. Mr. Cartwright said there are approximately eighteen people that use the visitors center conference room to eat lunch and on their way back through Dumas they stay at a local hotel. Mr. Cartwright said if the visitors center had a gazebo or shelter, they could eat lunch outside during good weather, but they are welcome to use the visitors center conference room. Mr. Cartwright said the conference room is used frequently during the summer and sometimes he is asked if Dumas has a park with a pavilion and he takes them to McDade Park. Mr. Cartwright said adding a gazebo or shelter would also beautify the visitors center. Mr. Cartwright said the new windbreaks at the restrooms have been a great convenience for travelers and they are very much appreciated. Mr. Cartwright said people could use the shelter for concerts and also suggested that a walking track would be an asset. Mayor Milligan said this item should go back before the park board and meet with the Chamber of Commerce board to discuss the purchase of a gazebo or shelter for the visitors center. Commissioner Salim would like to alter the design. A motion was made by Commissioner Mahaffey, seconded by Mayor Pro Tem Sims, and passed unanimously to table this item.

YMCA Director Jim Haugen presented an agreement for the YMCA to manage the new city swimming pool. The YMCA runs their own pool and they also contract with the City of Sunray. City Manager Vince DiPiazza said there would be some advantages for the city; the YMCA would provide the required lifeguard services and perform daily routine maintenance on the pool. The city would still be responsible for furnishing supplies, concessions, and taking care of major repairs and maintenance on the pump house and other swimming pool equipment. A motion was made by Commissioner Harris, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the agreement with the YMCA for lifeguard and related services for the new city swimming pool, subject to working out the details.

City Manager Vince DiPiazza presented a lease agreement with the Dumas Noon Lions Club to allow them to construct permanent “Dogie Day” stands on Durrett Avenue. City Attorney Tom Moore said this agreement is for 99 years and if Lions Club ceased to function at a high standard the city should be allowed to get out of the agreement. Mr. Moore suggests changes in the language on “Permitted Uses” then “Tenant agrees to” where it states “upkeep of the improvements and premises”, which basically states that Lions Club will be responsible for the repairs. Mr. Moore said the added language should state “tenant shall maintain the premises in good condition and repair, and failure to do so shall add the option of the landlord result in termination of the lease. Mr. DiPiazza said he was concerned about the control of the facility for use by other groups or other people. Mr. DiPiazza confirmed that Lions Club is proposing to maintain control and citizens should contact Lions Club for use of the stands. A motion was made by Commissioner Harris, seconded by Commissioner Mahaffey, and passed unanimously to approve the lease agreement with the Dumas Noon Lions Club concerning permanent “Dogie Day” stands be constructed on Durrett Avenue with the above language concerning termination of the lease and that Lions Club will maintain control of the stands.

Mayor Milligan opened the Work Session.

Finance Director Dottie Williams presented the solid waste packer truck bid specifications. Ms. Williams said she had two changes in the bid specifications. To stay under budget she recommends changing the cab-over truck to a conventional truck. Ms. Williams said the other change concerns the lifting mechanism which should handle 1, 1 1/2, 2, 3, and 4 yard cubic containers. Ms. Williams said the city does not have 4 yard cubic containers; 3 yard cubic containers are the highest container and recommends deleting the 4 yard cubic containers. The commission agreed with the solid waste packer truck bid specifications with the changes to a conventional truck and deleting the 4 yard cubic container.

Mayor Milligan recessed into executive session at 7:31 p.m. for attorney consultation concerning potential litigation related to utility service extensions. The Commission did not discuss Executive Session Item 1. a. concerning the waste water treatment plant permit issues. Mayor Milligan recessed the executive session at 7:54 p.m. and reopened the regular meeting. There were no decisions made or votes taken.

Meeting adjourned.

Mike Milligan, Mayor

ATTEST:

Vince DiPiazza, City Manager