

Julie Masters, Mayor
Charles Suderman
Mary Dunbaugh
Walter Wilson

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Kerry Neves
Louis Decker
William H. King III, Mayor Pro Tem
Julie M. Johnston, City
Administrator

JANUARY 12, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JANUARY 12, 2010**. The meeting was held in the City Council Chambers located at 4403 Highway 3, Dickinson, Galveston County, Texas, and was held for the purpose of considering the following items:

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Invocation and Pledge of Allegiance

Mayor Julie Masters called the meeting to order at 7:04 p.m. Councilman Suderman gave the Invocation and City Council led the Pledge of Allegiance. Administrative Services Coordinator Angela Forbes called roll and certified a quorum in the absence of City Secretary, Carol McLemore. Council Members present were as follows: Mayor Julie Masters, Mayor Pro Tem William King and Council Members Charles Suderman, Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Public Works Director Kellis George, Finance Director Mary Young, Fire Marshal Norman Hicks, Police Chief Ron Morales and Building Official Kevin Byal.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters noted that she had prepared a proclamation for School Board Appreciation Month and delivered it to the DISD Board Meeting on Monday, January 11.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- City Hall Christmas Decorations and thanks to Mary Young
- Upcoming Martin Luther King Day Celebration
- Rosella Scott, Unsung Hero of Galveston County
- Galveston County 911 Open House held December 17
- Christmas Parade and candy being thrown
- Happy New Year to all
- Festival of Lights report and thanks to volunteers who helped
- New Knights of Columbus Hall on FM 1266 and upcoming Steak Night and Fish Fry

ITEM 3.) PUBLIC COMMENTS:

There were no public comments.

ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:

The following items were considered routine by the City Council and were enacted by one motion. There was not a separate discussion on these items.

- A. Approval of Minutes of Special Council Workshop of December 8, 2009
- B. Approval of Minutes of Regular Council Meeting of December 8, 2009
- C. Approval of Resolution Number 1095-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF INTERLOCAL AGREEMENT BETWEEN CITY OF DICKINSON AND GALVESTON COUNTY HEALTH DISTRICT FOR NON-EMERGENCY AMBULANCE TRANSFERS; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Neves made a motion to approve the Consent Agenda. Mayor Pro Tem King seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project including the following items:

- A. Approval of Parking Lot Construction Services (Including Labor, Material and Equipment) by Lucas Construction Company in an Amount Not to Exceed \$19,760.00 and Striping Services (Including Labor, Material and Equipment) by Bay Area Striping Service in an Amount Not to Exceed \$400.00 for New Parking Lot at City Hall.

Public Works Director Kellis George reviewed the quotes received for parking lot construction and striping. Councilman Wilson questioned the specifications for the work to be done and noted that they did not meet the City's ordinances and requirements for parking lots on private property. The City Administrator suggested that this item be withdrawn and that the specifications be reviewed and updated and new quotes be taken. No action was taken by City Council.

- B. Update on HVAC Issues.

Fire Marshal Norman Hicks updated Council on the HVAC issues.

C. Update on Landscaping.

City Administrator Julie Johnston updated City Council on the status of the landscaping work to be done by Texas Department of Transportation.

D. Update on Survey of City Hall Complex.

City Administrator Julie Johnston updated City Council on the progress of the survey of the City Hall complex.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 692-2010 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT A SPECIFIC USE PERMIT NUMBER 2009-14 (SUP2009-14) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±0.375 ACRES OF LAND ON LOT 3, OF THE KEYWORTH SPECIAL SUBDIVISION, A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 MORE COMMONLY KNOWN AS 1837 FM 517 EAST, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF FM 517 EAST AND CEDAR DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE (Second of three readings).**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 692-2010 on second and final reading, suspending third reading. Councilman Decker seconded the motion.

VOTE:

5 AYES (Suderman, Wilson, Neves, Decker and King)

1 NAY (Dunbaugh)

MOTION PASSED.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A FIRE PROTECTION SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DICKINSON VOLUNTEER FIRE DEPARTMENT FOR THE PURPOSE OF**

ESTABLISHING THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF THE PARTIES IN PROVIDING FIRE PROTECTION SERVICES; AUTHORIZING ITS EXECUTION BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Mayor Pro Tem King made a motion to table this matter. Councilman Wilson seconded the motion.

VOTE:

4 AYES (Suderman, Wilson, Neves, and King)

2 NAYS (Decker, Dunbaugh)

MOTION PASSED.

NEW BUSINESS

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award of Request for Proposals #0911-05 for Bank Depository Services to Amegy Bank, NA, for the Term Beginning March 1, 2010 and Ending February 28, 2013.

Finance Director Mary Young discussed the proposal received from Amegy Bank with City Council. After some discussion, Councilwoman Dunbaugh made a motion to award Request for Proposals #0911-05 for Bank Depository Services to Amegy Bank, NA, for the term beginning March 1, 2010 and ending February 28, 2013. Mayor Pro Tem King seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Review of Selection Committee Recommendations in Response to Request for Qualifications #0911-04 for Engineering and Surveying Services and Authorizing the Selection Committee to Enter into Negotiations with Recommended Firms.

City Administrator Julie Johnston explained the process in seeking requests for proposals for engineering and surveying services. She noted that fifteen responses were received, but that only fourteen were timely. She informed Council that the Selection Committee recommended the selection of Pate Engineers, JKC & Associates, Inc., LJA Engineering, Inc., and HDR/Claunch & Miller in response to RFQ #0911-04 for Engineering and

Surveying Services and requested authorization for the Selection Committee to enter into negotiations with such firms. Councilman Decker made a motion to approve the Selection Committee's recommendation. Councilwoman Dunbaugh seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1096-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ADOPTING CASH MANAGEMENT AND ACCOUNTING POLICIES AND PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Finance Director Mary Young explained that the adoption of a cash management policy was one of the corrective items identified by the City's auditors in the FY 2007-2008 Audit. She discussed the proposed policy with City Council. After some discussion, Councilman Wilson made a motion to adopt Resolution Number 1096-2010. Councilwoman Dunbaugh seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Award of Quote for Tanglebriar Circle Street Construction Project to Drewker Construction for All Supervision, Materials, Labor, and Equipment Necessary for the Placement of 6" of Concrete Paving and Concrete Curb on Tanglebriar Circle in an Amount Not to Exceed \$24,999.50.

Council reviewed a recommendation from staff that the award of quote for Tanglebriar Circle Street Construction be awarded to Drewker Construction in an amount not to exceed \$24,999.50. After some discussion, Councilman Wilson made a motion to approve staff's recommendation. Mayor Pro Tem King seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1097-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND**

CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DREWKER CONSTRUCTION AS CONTRACTOR FOR TANGLEBRIAR CIRCLE STREET CONSTRUCTION PROJECT; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to adopt Resolution Number 1097-2010. Mayor Pro Tem King seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 13.) EXECUTIVE SESSION: The City Council held a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in:

A. Section 551.071 – Consultation with Attorney regarding potential or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

1. Status of negotiations with Dickinson Volunteer Fire Department.

Mayor Masters recessed the meeting into executive session at 7:40 p.m.

ITEM 14.) RECONVENE

Mayor Masters reconvened the meeting at 8:25 p.m.

ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

Councilman Wilson made a motion to remove Item 7 from the table. Mayor Pro Tem King seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1098-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND**

CONDITIONS OF A FIRE PROTECTION SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DICKINSON VOLUNTEER FIRE DEPARTMENT FOR THE PURPOSE OF ESTABLISHING THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF THE PARTIES IN PROVIDING FIRE PROTECTION SERVICES; AUTHORIZING ITS EXECUTION BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

City Council discussed the proposed contract with Jasper Liggio, Keith Morgan and Mark Townsend of the Dickinson Volunteer Fire Department and, based on the discussions, agreed to the following revisions to the agreement:

- (1) In the 5th Whereas clause, the phrase “and other support” is removed as requested by DVFD.
- (2) In the first sentence of Section 5, the phrase “on a part time basis” is removed as requested by DVFD.
- (3) In the second sentence of Section 7, the phrase “maintenance of status as a First Responder Organization in compliance with all state regulations,” is removed as requested by DVFD. The second sentence of Section 7 now reads “These services shall include fire suppression and any and all responsibilities assigned to DVFD in the Emergency Management Plan or any annexes thereto promulgated by the City of Dickinson Emergency Management Coordinator.”
- (4) Fourth sentence of Section 8 is revised to read: “In the event that City crews are the first on scene to an incident, such City crews shall inform the DVFD of the nature of the fire and the structure involved until such time as a member of DVFD arrives on scene and assumes incident command in accordance with the Incident Command System Standard Operating Guidelines adopted by the DVFD.”
- (5) The first sentence of Section 13 is revised to make the provisions thereof mutual to both the City and DVFD and shall read: “A copy of any and all grants sought by DVFD or the City for which the other party may be eligible shall be provided by the submitting party to the other party at the time of submission.”
- (6) In Section 14, the word “equipment” as requested by DVFD is revised to “vehicles”. The remainder of the language requested by DVFD is approved.
- (7) In the first sentence of Section 19, the phrase “The City and DVFD each agrees” is revised to “DVFD agrees” as requested by DVFD.

(8) Previous Section 20 which provided "No term or provision of this Agreement shall benefit any third person, or any other firm, organization, or corporation not a Party hereto, and no such person, firm, organization or corporation shall have any right or cause of the action hereunder" has been deleted as requested by DVFD.

Councilman Suderman made a motion to adopt Resolution Number 1098-2010 approving the Fire Protection Services Agreement with Dickinson Volunteer Fire Department with revisions noted above. Councilwoman Dunbaugh seconded the motion. Prior to final action by the City Council, Councilman Wilson asked the representatives of the DVFD present if they understood and were comfortable with the changes that had been discussed and agreed to by the Council. Mr. Liggio noted that, while it still had to be approved by the department, they were in agreement with the revisions as discussed.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 16.) ADJOURN

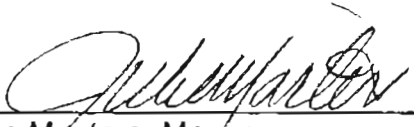
Mayor Pro Tem King made a motion to adjourn the meeting at 8:42 p.m. Councilman Wilson made the second.

VOTE:

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

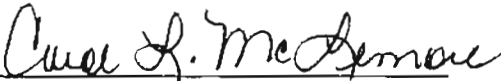
MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 26th day of January, 2010.



Julie Masters, Mayor

ATTEST:



Carol L. McLemore
City Secretary

