

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 13, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JANUARY 13, 2009**. The meeting was held in the City Council Chambers located at 1621 FM 517 East, 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 7:07 p.m. J. T. Floyd gave the Invocation and Mayor Pro Tem King led the Pledge of Allegiance. City Secretary Carol McLemore called roll and certified a quorum. 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, Police Chief Ron Morales, Captain Melvin Mason, Fire Marshal Norman Hicks, Director of Public Works Kellis George, Court Administrator Irma Rivera, Community Development Coordinator Angela Forbes, and Administrative Service Coordinators Vernon Thompson and Kathryn Taylor.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone and thanks for coming
- Festival of Lights
- Proclamation presented to DISD School Board on January 12, declaring January as School Board Month
- Happy New Year wishes
- Success of Model Train Show at Historic Railroad Depot and thanks to City staff who assisted in preparations for the show
- Success of Festival of Lights and thanks to individuals and groups along with City staff who participated in preparations
- Traffic congestion and FM 517 and FM 646
- Great job done by City staff on clean-up of Hurricane Ike
- Upcoming program of Live Healthy Dickinson and invitation for residents to participate

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 Workshop Meeting of December 9, 2008.
- B. Approval of Minutes of Regular Meeting of December 9, 2008.
- C. Resolution Number 1012-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE EXECUTION OF A RESALE DEED CONVEYING PROPERTY DESCRIBED AS ABST 19 PERRY & AUSTIN LOTS ONE (1) AND TWO (2), BLOCK TWO HUNDRED SEVENTEEN (217), MOORE'S ADDITION TO DICKINSON WITHIN THE CITY LIMITS OF THE CITY OF DICKINSON FROM GALVESTON COUNTY TO ANA HERNANDEZ; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- D. Re-appointment of Andrea Greer to Southeast Texas Housing Board of Directors.

Councilman Wilson 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

Norman Hicks gave a brief update on the construction progress.

- A. Funding Options.
City Administrator Julie Johnston explained a couple of different funding options for the Council to consider: (1) borrowing funds from Dickinson Economic Development Corporation or (2) restructuring the City's existing debt and issuing new debt. After brief discussion, the consensus of the Council was not to proceed with borrowing funds from Dickinson Economic Development Corporation. Drew Masterson of First Southwest then explained two different scenarios developed for the restructuring option. After

some discussion, it was the consensus of Council to use Scenario #2 which would restructure of the City's existing debt and issue new debt for the additional construction costs. Council directed Mr. Masterson to proceed with the paper work necessary to accomplish Scenario #2.

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 659-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, SO AS TO REZONE ±2.911 ACRES PART OF TRACT 156 IN ADDITION “D” TO THE TOWN OF DICKINSON, A SUBDIVISION IN GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 OF THE COUNTY CLERK’S RECORDS OF GALVESTON COUNTY (MORE COMMONLY KNOWN AS 2201 FM 517 EAST) FROM GENERAL COMMERCIAL (GC) TO GENERAL INDUSTRIAL (GI), SAID ACREAGE LOCATED ON THE NORTHWEST CORNER OF FM 517 EAST AND TIMBER DRIVE; 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).

This item was moved up on the agenda at the request of the Mayor. Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 659-2008 on second reading. Councilman Decker seconded the motion. Community Development Coordinator Angela Forbes asked that the third reading not be suspended, and that the third reading occur at the next meeting to minimize the time between the effective date of the zoning change and the closing on the property. Ms. Forbes further advised that, in the event the property owner fails to close on the property on February 2 as anticipated, City staff will bring forward another zoning change to return the property to the General Commercial zoning classification.

VOTE:

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

MOTION PASSED.

- ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** City Hall/Library Project.

C. Security System

Norman Hicks asked that this item be moved up since the representative from ADT was present to discuss the proposal with City Council. Mr. Hicks reviewed the three proposals received and recommended that Council approve the proposal from ADT to install the security system at the new complex. After some discussion with Al Rico of ADT, Councilman Wilson made a motion to accept the proposal from ADT for installation of a security system at the new City Hall/Library Complex. Councilman Decker seconded the motion.

VOTE:

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

1 NAY (Neves)

MOTION PASSED.

B. PCC#16 – Install electrical transfer switches for generator hookup.

Norman Hicks reviewed the proposal received to install electrical transfer switches for a generator hookup. After some discussion, it was the consensus of City Council not to proceed with this change order.

D. Data/Cabling

Council reviewed the proposals received and after some discussion, it was the consensus of Council to approve the proposal from PC and Cable and that the additional amount over budget be taken from the contingency.

E. Phone System

Mr. Hicks recommended no action on this item, since all bids had not been received.

F. Window Located Behind Council Dias

Mr. Hicks presented the costs associated with removing the window located directly behind the Council dais and noted that it actually resulted in a cost savings of approximately \$1,300. After some discussion, it was the consensus to proceed with removing the window and bricking in the area instead.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Oleander Bridge Project.

Director of Public Works Kellis George gave a brief update on the Oleander Bridge Project. He explained that the moving of utilities had held the project up and noted that the demolition of the bridge was slated for the first week in February.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Hurricane Ike Recovery.

Captain Mason reported that some debris removal was continuing and would continue until the end of the month. The City Administrator reported that the process on placing trailers had improved. Administrative Services Coordinator Kathryn Taylor gave a report on the reimbursement process.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 661-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING SECTION 3, SICK LEAVE (PERSONAL LEAVE), OF CHAPTER 11, ABSENCE AND LEAVE, OF THE CITY OF DICKINSON PERSONNEL POLICY (2005) TO REVISE THE CITY’S SICK LEAVE POLICIES; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 661-2008 on second and final reading, suspending the third reading. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Request from Stephen Tucker for Council to Create an Ordinance Entitled “Placing and Placement of Containers for Collection.”

Mr. Tucker was not present and Council took no action in this matter.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT FOR CLEARING AND DE-SNAGGING DICKINSON BAYOU WITH THE DICKINSON BAYOU WATERSHED STEERING COMMITTEE; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. After some discussion, Council asked for more information concerning the amount of project costs that had been included in the Galveston County Bond Package and which

other entities have approved the Interlocal agreement. No action was taken in this matter.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 662-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE CITY OF DICKINSON, TEXAS, ADOPTED BUDGET FOR FISCAL YEAR 2007 - 2008 BY ADDING TO IT AN ADDENDUM PROVIDING FOR CERTAIN AMENDMENTS AND CHANGES TO SUCH BUDGET; MAKING CERTAIN FINDINGS AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to adopt Ordinance Number 662-2009 on first and only reading. Councilman Wilson seconded the motion. Discussion followed.

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 eminent domain proceedings for acquisition of drainage easement at 2001 Oleander Drive.
 2. Status of litigation related to code enforcement issues on properties located at 2922 45th Street and 4419 St. Goar.
 3. Deborah Duncan v. City of Dickinson, et al.
 4. Status of personnel grievance and appeal.

Mayor Masters recessed the meeting into Executive Session at 8:46 p.m.

ITEM 14.) RECONVENE

Mayor Masters reconvened the meeting at 9:09 p.m. and noted that no action was taken.

ITEM 15.) ADJOURN

Councilwoman Dunbaugh made a motion to adjourn the meeting at 9:10 p.m. Councilman Wilson seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this 27th day of January, 2009.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary