

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 26, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JANUARY 26, 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 7:02 p.m. Mayor Pro Tem King gave the Invocation and Chief Ron Morales 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, Director of Public Works Kellis George, Fire Marshal Norman Hicks, Building Official Kevin Byal, Finance Director Mary Young, and Library Director Vicki McCallister.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- Congratulations to Councilman Neves on his election as Chair of Houston-Galveston Area Council and comments on the banquet.
- Taking down and storing Festival of Lights
- Knights of Columbus upcoming steak night on February 5 and Fish Fry on Friday nights beginning February 12.
- Mayor Pro Tem King, Councilwoman Dunbaugh and Councilman Neves all announced that they will seek re-election to the Council.
- Workshop Meetings of the Dickinson Bayou Watershed Committee
- Bay Area Houston Economic Partnership Banquet
- Prayers for the Haitians.
- Recent Martin Luther King Celebrations and honoring Rosella Scott and Freddie Palmer
- Upcoming Greater New Hope Baptist Church Golf Tournament
- Thanks to City Staff for work and service to the community.

ITEM 3.) PUBLIC COMMENTS:

Tony Smith, 4141 Lovers Lane, asked Council when the work would begin on Lovers Lane. The City Administrator explained the process.

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 January 12, 2010.
- B. Approval of Minutes of Regular Council Meeting of January 12, 2010.
- C. Approval of Resolution Number 1099-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A DEPOSITORY SERVICES CONTRACT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND AMEGY BANK, NA, AS FINANCIAL DEPOSITORY FOR THE CITY OF DICKINSON; 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.**
- D. Approval of Resolution Number 1100-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS AUTHORIZING SIGNATORS ON STATE OF TEXAS DOCUMENTS FOR REQUESTING FUNDS FOR THE 2009 DISASTER RELIEF TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CONTRACT NO. DRS010039); PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Wilson made a motion to approve the consent agenda. Mayor Pro Tem King seconded the motion. Councilman Suderman asked that Item D be removed from the consent agenda for discussion. Councilman Wilson withdrew his motion. Mayor Pro Tem King agreed to withdraw his second.

Councilman Wilson made a motion to approve Items A, B, and C on the consent agenda. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

Mayor Masters read the resolution in Item D by caption only. Councilman Suderman asked if City Council understood the process for spending the grant funds. City Administrator Julie Johnston explained the checks and balances in place for the approval of use of the funds. She noted that there would be an independent audit of the grant and said she would report activity on the Hurricane Ike CDBG Projects in her monthly briefing to City Council.

Councilman Neves made a motion to approve Resolution Number 1100-2010. Councilman Wilson 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, Materials and Equipment) by Drewker Construction in an Amount Not to Exceed \$22,404.00 and Striping Services (Including Labor, Materials and Equipment) by Bay Area Striping Service in an Amount Not to Exceed \$400.00 for the Existing Parking Lot at City Hall.

Council reviewed the quotes received for parking lot construction and re-striping with Kellis George, Director of Public Works. Councilman Wilson made a motion to approve award of quote for parking lot construction to Drewker Construction in an amount not to exceed \$22,404.00 and award of quote for striping service to Bay Area Striping in an amount not to exceed \$400.00. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- B. Update on HVAC Issues.

Fire Marshal Norman Hicks gave an update on the HVAC issues that still need to be resolved. He noted that specifications are still being developed.

- C. Update on Landscaping.

Fire Marshal Norman Hicks gave an update on the landscaping and noted that it would be at least another week before work would begin.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Bayou Watershed Committee Meeting.

Councilman Decker gave a report on the activity of the Dickinson Bayou Watershed Committee.

NEW BUSINESS

- ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1101-2010 - **A RESOLUTION OF THE CITY OF DICKINSON, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 8, 2010 FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS FOR POSITIONS 2, 4 & 6; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; PROVIDING FOR THE INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1101-2010. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Naming of Study Room in Dickinson Public Library in Honor of Preston Briggs.

After some discussion of the request, Council took no action, but directed the Library Advisory Board to develop criteria for donations requesting naming honors. After the criteria have been developed, the Council will reconsider the request.

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appointment of Member of City Council to the Government Position on the Dickinson Fire Fighters' Retirement Board.

Councilman Wilson made a motion to appoint Mayor Julie Masters to the Dickinson Fire Fighters' Retirement Board. 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:** Appointment of Two Alternates to the Building Standards Commission.

Mayor Masters opened the floor for nominations. Councilwoman Dunbaugh nominated Kirk Harstad. Mayor Pro Tem King nominated Louis Gill.

Councilman Suderman nominated Bill Miller. Councilman Decker nominated David Floyd. There were no other nominations. Mayor Pro Tem King made a motion to appoint Louis Gill and Bill Miller as alternates to the Building Standards Commission. Councilman Neves seconded the motion.

VOTE:

3 AYES (Wilson, Neves and King)

4 NAYS (Suderman, Dunbaugh, Decker and Masters)

MOTION FAILED.

Councilwoman Dunbaugh made a motion to appoint Kirk Harstad and Louis Gill as alternates to the Building Standards Commission. Mayor Pro Tem King seconded the motion.

VOTE:

4 AYES (Dunbaugh, Neves, King and Masters)

3 NAYS (Suderman, Wilson and Decker)

MOTION PASSED.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 693-2010 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS DELETING SECTION 8, DRIVING AND OPERATING CITY VEHICLES, OF CHAPTER 12, STANDARDS OF CONDUCT, OF THE CITY OF DICKINSON PERSONNEL POLICY (2005); ADOPTING A NEW CHAPTER 20, VEHICLE USE, TO THE CITY OF DICKINSON PERSONNEL POLICY (2005); PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE** (First of three readings).

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to approve Ordinance Number 693-2010 on first reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

1 NAY (Decker)

MOTION PASSED.

ITEM 12.) 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. Hamdi Bilici and Lutchminia Bilici vs. Odell Ammon Broom et al., Case No. E81090253, Justice of the Peace 8-1, Galveston County, Texas.
2. Status of negotiations with Dickinson Volunteer Fire Department.
3. Status of litigation related to code enforcement issues on properties located at 2922 45th Street and 4419 St. Goar.

Mayor Masters recessed the meeting into Executive Session at 7:49 p.m.

ITEM 13.) RECONVENE

Mayor Masters reconvened the meeting at 8:43 p.m.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

Mayor Masters asked Jasper Liggio, President of the Dickinson Volunteer Fire Department, to come to the podium to discuss the proposed contract with City Council. The City Attorney reviewed the following items and the City Council's position with regard to those items:

- A. Council is opposed to DVFD's requested additional language of "Upon request by the DVFD" in Sections 7 and 8.
- B. The Council agreed to the deletion of the last sentence of Section 8 as requested by DVFD. The last sentence that was deleted read: "In addition to the provisions of the Incident Command System Standard Operating Guidelines and in order to ensure a smooth transition of incident command at an incident, DVFD agrees that City crews on scene will be notified in person and over the radio when DVFD has formally assumed incident command and the tasks for which each City crew member will be responsible under such incident command."
- C. In Section 16, the Council is opposed to changing the word "by" to the word "to" with regard to when DVFD's obligation to preserve a possible arson scene until released by the City's Fire Marshal's Office. Instead, the Council proposed to revise the second and third sentences of Section 16 as follows: "Once it is determined that an investigation is needed, salvage and overhaul efforts shall be reduced to the extent necessary to preserve the scene until it has been released by the City Fire Marshal's Office."

After some discussion, City Attorney Loren Smith said that he would review the Whereas clauses and determine whether incorporating the same into the body of the contract would address the Council's concerns about the

requested additional language proposed by DVFD in Sections 7 and 8. Council took no action in this matter, but instructed President Liggio to discuss the Council's revisions with the DVFD's legal counsel and members and provide a response to the Council at the next meeting.

ITEM 15.) ADJOURN

Councilwoman Dunbaugh made a motion to adjourn at 9:08 p.m. Councilman Wilson seconded the motion.

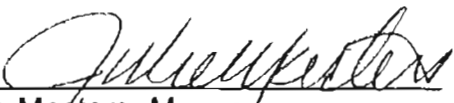
VOTE:

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

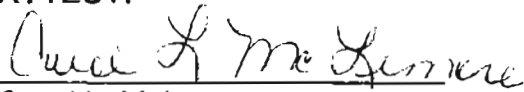
0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 9th day of February, 2010.


Julie Masters, Mayor

ATTEST:


Carol L. McLemore
City Secretary

