

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

FEBRUARY 9, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, FEBRUARY 9, 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 7:00p.m. Councilman Charles Suderman gave the Invocation and Mayor Pro Tem William 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, Fire Marshal Norman Hicks, Court Administrator Irma Rivera, Director of Public Works Kellis George and Building Official Kevin Byal.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Thanks for coming and welcome to everyone present
- Meeting of Texas Department of Rural Affairs regarding distribution of Hurricane Ike funds
- Congratulations to Festival of Lights for Community Service Award from the North Galveston County Chamber of Commerce
- Success of Knights of Columbus Steak Night and upcoming Friday Night Fish Fries through Lent
- Friends of Library Book Sale on Saturday from 10:00 a.m. to 1:00 p.m.
- February is Library Lovers Month
- Bud Saunders honored posthumously as North Galveston County Chamber of Commerce Member of the Year
- Question on having items placed on the City Council agenda by the Dickinson Economic Development Corporation

ITEM 3.) PUBLIC COMMENTS:

Scott Jones of Galveston Bay Foundation informed City Council of a meeting to be held on February 24 at Clear Lake Park to discuss and take input from the community on an effort to reduce bacterial levels in Galveston Bay waters.

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 26, 2010
- B. Approval of Minutes of Regular Council Meeting of January 26, 2010
- C. Resolution Number 1102-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT FOR OPERATING AND ENGINEERING COSTS FOR THE DICKINSON BAYOU WATERSHED STEERING COMMITTEE FOR FY 2010; 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. Update on HVAC Issues.
Fire Marshal Norman Hicks gave a brief update on the problems with the HVAC issues and noted that Durotech should begin installing insulation on the duct work this Saturday.
- B. Update on Status of Landscaping Through TxDOT Grant.
The City Administrator discussed the delay in this project and noted that she is developing specifications in order to obtain quotes for the City's part of the landscaping. Once the quotes have been obtained, a recommendation for approval will be brought to the City Council.

- C. Update on Survey of Property.
Building Official Kevin Byal advised the Council that Ellis Surveying is still working to resolve the issues on the survey and should be completed soon.
- D. Review of Available Funds in Capital Projects Fund.
The City Administrator reviewed the available funds in the Capital Projects Fund for the City Hall/Library Project and reviewed the various items that still need to be completed.

ITEM 6.) 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.** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 693-2010 on second reading, suspending the third reading. Councilwoman Mary Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Presentation of Annual Traffic Contact Reports for Dickinson Public Safety/Fire Marshal's Office and Dickinson Police Department as they relate to Senate Bill 1074 (Racial Profiling) for calendar year 2009 as required by Article 2.134 of the Texas Code of Criminal Procedure.

Fire Marshal Norman Hicks and Police Chief Ron Morales presented the annual traffic contact reports for their respective departments for the 2009 calendar year. After some discussion, Council took no action in this matter.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Public Works Project Update

- A. Tanglebriar Circle Reconstruction

Director of Public Works Kellis George gave Council a brief update on the progress of the project.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Status of Hurricane Ike CDBG Projects.

City Administrator Julie Johnston gave City Council a brief update on the status of the Hurricane Ike CDBG projects. After some discussion, Council took no action in this matter.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 694-2010 – **AN ORDINANCE REVISING ARTICLE II, BUILDING CODES, OF CHAPTER 5, BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS TO ADOPT THE 2009 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE 2009 INTERNATIONAL PLUMBING CODE, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2009 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE EACH OF AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; ADOPTING THE 2008 NATIONAL ELECTRIC CODE AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, INC.; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID STANDARD CODES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS 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 694-2010 on first reading. Councilman Decker seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 695-2010 – **AN ORDINANCE DELETING SECTION 7-76, FIRE PREVENTION CODE – ADOPTED, OF DIVISION 2, FIRE PREVENTION CODE, OF ARTICLE III, FIRE PREVENTION, OF CHAPTER 7, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS; ADOPTING A NEW SECTION 7-76, FIRE PREVENTION CODE – ADOPTED, OF DIVISION 2, FIRE**

PREVENTION CODE, OF ARTICLE III, FIRE PREVENTION, OF CHAPTER 7, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCE TO ADOPT THE "INTERNATIONAL FIRE CODE," 2009 EDITION, AS PUBLISHED BY INTERNATIONAL CODE COUNCIL, INC.; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID STANDARD CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE (First of three readings).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem King made a motion to approve Ordinance Number 695-2010 on first reading. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

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. Deborah Anne Duncan v. Tracy Brent Keele and the City of Dickinson, Texas; Cause No. 09-41267, United States Court of Appeals on Appeal from the United States District Court for the Southern District of Texas, Cause No. 3:08-CV-157.

2. Claim Made by Cherry Demolition.

3. Status of negotiations with Dickinson Volunteer Fire Department.

Mayor Masters recessed the meeting into executive session at 7:42 p.m.

ITEM 13.) RECONVENE

Mayor Masters reconvened the meeting at 8:26 p.m.

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

Council took no action in this matter.

ITEM 15.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 8:27 p.m.
Councilwoman Dunbaugh seconded the motion.

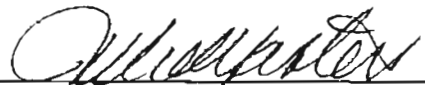
VOTE:

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

0 NAYS

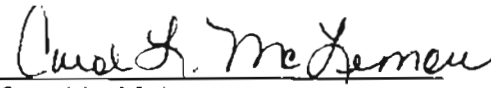
MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 23rd day of February, 2010.



Julie Masters, Mayor

ATTEST:



Carol L. McLemore
City Secretary

