

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 10, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, FEBRUARY 10, 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 7:00 p.m. Mayor Pro Tem King gave the Invocation and Councilwoman Dunbaugh 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, Fire Marshal Norman Hicks, Director of Public Works Kellis George, Library Director Vicki McCallister, Development Coordinator Angela Forbes, EMS Supervisor Brent Hahn, and Assistant Fire Marshal Chad Leveritt.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Recent North Galveston County Chamber of Commerce Banquet and Congratulations to award winners Kerry Neves for Citizen of the Year and Dickinson City Police Academy Alumni Association for the Organization Service Award
- DCPAAA's Tenth Anniversary
- Pilot Club Style Show and Lunch to be held March 3 at First Methodist Church as a Fundraiser for the Medical Closet
- Italian Heritage Festival to be held March 29 at the Historical Railroad Depot
- M. I. Lewis Food Fair to be held February 21
- Child Abuse Prevention Program to be held at the University of Houston on February 12.
- Best wishes for healing for Councilman Decker after his neck surgery
- Need for support for volunteer groups who provide much needed services for Dickinson

- Black History Month and NAACP Program scheduled for February 22 at Dunbar School.

ITEM 3.) PUBLIC COMMENTS:

Marilyn Decker, 5520 Tanglebriar presented a petition requesting that Council include Tanglebriar Circle and Tanglebriar Lane in the paving planned for Tanglebriar.

Jennifer Wilken, 5512 Tanglebriar Circle, showed pictures of the drainage on Tanglebriar Circle and told Council that if Tanglebriar Circle was not paved at the same time as Tanglebriar, there would be drainage problems that would undermine and damage the new pavement.

Chris Tucker, 2304 Hughes Road, asked Council to be aware that the opening of McAdams Junior High on Hughes Road would create more traffic problems and that a school zone was needed. He also pointed out the heavy trucks that are using Hughes Road and reported that they are tearing up the pavement on Hughes Road.

Brian Seidel, 5411 Tanglebriar, expressed thanks to City Council that Tanglebriar is finally being paved. He expressed some concerns about the drainage and pointed out that contractors are driving over the drainage easement next to his property and he is concerned that they will damage the plastic pipe that is in the easement.

Gary Jones, 5516 Tanglebriar, asked that the cul-de-sacs be included in the paving of Tanglebriar.

Sanita Broom, 5412 Tanglebriar, expressed concerns about problems that will arise if the cul-de-sacs are not included in the paving of Tanglebriar. She also expressed concerns about the traffic and parking with the opening of McAdams Junior High School.

Stacy Richardson, 5504 Tanglebriar Circle, asked Council to include the cul-de-sacs in the paving of Tanglebriar.

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

Councilman Wilson asked that Item C be removed from the Consent Agenda for discussion.

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 27, 2009.

B. Approval of Minutes of Regular Council Meeting of January 27, 2009.

Councilman Wilson made a motion to approve Items A and B 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.

C. Approval of Resolution Number XXX-2009 – **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 JO-JA SERVICES, INC. FOR CONSTRUCTION OF A RESTROOM AT THE PUBLIC WORKS FACILITY; 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.**

Councilman Wilson stated that he felt the \$175.00 per square foot cost for construction was high and asked about the bidding procedures. He also objected to the word “assumed” in the electrical portion of the bid. Public Works Director Kellis George explained the procedures for taking quotes on the proposed construction and noted that not many companies had wanted to bid the small project. Councilman Decker made a motion to table this matter and ask the contractor to modify the contract to state exactly what needs to be done to the electrical and bring back to Council for action. Councilman Suderman 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.

Fire Marshal Norman Hicks gave a brief update on the project and noted that they are still working on pricing for the phone system.

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

Director of Public Works Kellis George informed Council that CenterPoint is in the process of moving their gas line and Verizon was moving their lines to the recently moved Texas New Mexico Power Company poles. He said that demolition of the existing bridge is expected to begin later this month and completion of the new bridge is expected in June.

- ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request from Stephen Tucker for Ordinance Governing Placing of Trash Containers.

Stephen Tucker, 3919 Kristen, asked the City Council to create an ordinance regulating the placement of containers for trash collection. He showed pictures and noted that a resident on his street leaves trash cans out seven days a week. After some discussion with City Council, the City Administrator said she would have staff work with Mr. Tucker to see if this problem could be resolved.

- ITEM 8.) 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. The City Administrator reported that she had discussed the agreement with the County Engineer Mike Fitzgerald and he had informed her that a payment plan was not available and all monies would have to be paid up front. She also noted that the project would not be done until the year 2010. After some discussion, Council took no action in this matter.

NEW BUSINESS

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 663-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING CHAPTER 14, NON-DISCIPLINARY SEPARATION, OF THE CITY OF DICKINSON PERSONNEL POLICY (2005) BY DELETING SECTION 4, RETIREMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND 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 663-2009 on first reading. 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:** Ratification of Mayor's Endorsement and Support for Commuter Rail Project between Houston and Galveston.

Council reviewed a letter that was sent in support for the Commuter Rail Project between Houston and Galveston that Mayor Masters had endorsed. Councilwoman Dunbaugh made a motion to ratify the Mayor's endorsement. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** In-kind Sponsorship of Live Healthy Dickinson Program.

Sally Imig, 1411 Rodeo Bend, of the Mayor's Task Force on Live Healthy Dickinson, appeared before Council to ask their support of the program by approving an in-kind sponsorship of the program. Councilman Neves made a motion to approve an in-kind sponsorship of the Live Healthy Dickinson Program. Mayor Pro Tem King seconded the motion.

VOTE:

5 AYES (Suderman, Dunbaugh, Neves, Decker and King)
1 NAY (Wilson)

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 551.072 – Deliberation regarding Real Property – Discussion regarding the purchase, exchange, lease or value of real property.
- B. Section 551.071 - Consultation with Attorney regarding a matter in which the duty of the City Attorney requires to be discussed in closed meeting.
 - 1. Liability Issues Concerning Dickinson Volunteer Fire Department.

Mayor Masters recessed the meeting into Executive Session at 8:10 p.m.

ITEM 13.) RECONVENE

Mayor Masters reconvened the meeting at 10:05 p.m.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Discussion about the terms of contracts and agreements with the North Galveston County Chamber of Commerce, Dickinson Volunteer Fire Department and Dickinson Historical Society.

Councilman Neves said that he had planned to make various motions to deal with the City's relationship with the Dickinson Historical Society, Volunteer Fire Department and North Galveston County Chamber of Commerce, but would hold those for the present based on discussion in Executive Session.

John Oliver, Chairman of the North Galveston County Chamber of Commerce discussed the proposed contract with Council and noted that it was slated to go before his board for approval. Discussion followed. Council took no action in this matter.

ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Dissolution or Suspension of the Negotiations between the City, Dickinson Historical Society and Dickinson Economic Development Corporation.

Councilman Neves made a motion that the negotiations between the City, Economic Development Corporation and Dickinson Historical Society be suspended and staff instructed to meet with the Executive Committee of the Dickinson Historical Society to discuss and resolve any "issues" and "concerns" dealing with the operation of the Historic Railroad Center. Councilman Decker seconded the motion.

VOTE:

5 AYES (Suderman, Wilson, Neves, Decker and King)
1 NAY (Dunbaugh)

MOTION PASSED.

ITEM 16.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 10:17 p.m. Councilman Decker made the second.

VOTE:

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

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 24th day of February, 2009.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary