

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 23, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, FEBRUARY 23, 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 7:03 p.m. Mayor Pro Tem King gave the Invocation and Councilman Suderman 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, Chief of Police Ron Morales, Fire Marshal Norman Hicks, Director of Public Works George Kellis, Finance Director Mary Young, Building Official Kevin Byal, Assistant Library Director Kathy Soehl and Library Web Master Scotty Baugh.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to all present and thanks for coming.
- VFW Candidate Forum on Thursday at 7:00 p.m.
- Welcome to DISD Students present.
- Knights of Columbus Fish Fry every Friday night through March 26.
- Festival of Lights need of Volunteers.
- Annual Trash Bash to clean up Dickinson Bayou on March 27.

ITEM 3.) PUBLIC COMMENTS:

George Taylor of 16218 Parsley Street in Houston and a member of Faith United Methodist Church asked for Council's consideration in paving Avenue G. He noted that the patching that was being done was not holding and the street needed to be re-constructed.

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 February 9, 2010.
- B. Approval of Minutes of Regular Council Meeting of February 9, 2010.
- C. Resolution Number 1103-2010 – **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 MUNISERVICES, LLC, FOR STANDARD SALES TAX COMPLIANCE REVIEW (SUTA) AND LOCAL HOTEL OCCUPANCY (HOT); AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**
- D. Resolution Number 1104-2010 – **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 INTERMEDIX TECHNOLOGIES, INC. (dba ADPI-INTERMEDIX) FOR RESCUE AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**
- E. Resolution Number 1105-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING SUBMISSION OF A GRANT APPLICATION FOR THE CRIME VICTIM ASSISTANCE PROGRAM TO THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS; AGREEING TO PROVIDE MATCHING FUNDS FOR THE PROJECT; AUTHORIZING THE MAYOR TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE PROGRAM; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilman Suderman 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.

Norman Hicks, Fire Marshal, reported that Durotech had recommended that the HVAC condensation problems be fixed by circulating air in the attic space to keep the temperatures consistent. He noted that he would be talking with other entities that were using this solution to see what their experiences had been and would be monitoring the electricity bills to make sure that this fix did not cost the City more in electricity.

B. Update on Landscaping Through TxDOT Grant.

Mr. Hicks noted that the irrigation system and trees are being installed, and that the work should be completed within the next week. He also indicated that the contractor was able to use an existing tap for the irrigation lines. City Administrator Julie Johnston advised the Council that specifications for the additional irrigation and drain work that is needed were being developed and would be used to obtain quotes for the additional work to be done on City property.

C. Update on Status of Survey and Replat of Property.

Kevin Byal, Chief Building Official, gave an update on the status of the survey and replat of the City Hall/Library property.

D. Funding for Additional Public Access Workstations at Dickinson Public Library

Council reviewed a request from Library Director Vicki McCallister for seven additional work stations and related equipment to be used by the public for internet access. Following some discussion, Councilwoman Dunbaugh made a motion to approve the purchase of seven additional workstations with related equipment, not to exceed \$10,700.00. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

E. Obtaining Estimate for Installation of Transfer Switch for City Hall and Library.

Ms. Johnston noted that she had discussions with Councilman Suderman following last month's meeting regarding using City Hall to house volunteers during the period following a hurricane and the need for a generator in the event that electricity was not available. She asked Council for direction on obtaining quotes for the installation of a transfer switch for City Hall. After some discussion, it was the consensus of City Council to proceed with obtaining estimates for a transfer switch.

F. Review of Available Funds in Capital Projects Fund and Possible Additional Work to be Done for City Hall/Library Project.

Council reviewed a report on the available funds in the Capital Projects Fund. Ms. Johnston noted the list of items that had been mentioned by City Council that still needed to be done, including directional signage, marquee signage, landscaping, trash cans at main entrances, ADA door on City Hall, ventilation of the attic space, storm shutters for windows and doors, lowering of monitors on the Council dias and a wall hanging system. She asked for direction from Council on what items they would like to see funded. Council expressed interest in obtaining quotes for directional signage, marquee signage, lowering of monitors, storm shutters for windows and doors, a wall hanging system, and the ADA door for City Hall. Councilman Wilson also noted that he felt that even with the fixes on the HVAC system that some attic ventilation would be necessary. Based on the Council's direction, Ms. Johnston indicated that City staff will begin working on obtaining estimates on the items identified by Council.

The City Administrator said that a quote had been obtained for a wall hanging system to hang the pictures in Council Chambers and reviewed the quote with City Council. After some discussion, Councilman Wilson made a motion to approve the purchase of a wall hanging system, not to exceed \$1,941.85. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Public Works Project Update

A. Tanglebriar Circle Reconstruction

Director of Public Works Kellis George gave a brief update on the Tanglebriar Circle reconstruction project. He noted that the project was near completion.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Status of Hurricane Ike CDBG Projects.

The City Administrator noted that HDR/Claunch & Miller is working on each of the projects approved in Round 1 of the funding cycle, including the comprehensive drainage study. A preliminary draft of the comprehensive drainage study will be discussed with City Council at an upcoming workshop.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Bayou Watershed Committee Meeting.

Councilman Louis Decker gave a brief update on the recent meeting of the Dickinson Bayou Watershed Committee.

ITEM 9.) 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Decker made a motion to adopt Ordinance Number 694-2010 on second and final reading, suspending third reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 10.) 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 (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to adopt Ordinance Number 695-2010 on second and final reading, suspending the third reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: FEMA Temporary Housing Issues and Extension or Termination of Moratorium on Certain Ordinances and Regulations as an Emergency Measure in Response to State of Disaster Caused by Hurricane Ike.

Building Official Kevin Byal gave a brief update on the status of FEMA manufactured housing in the City. He noted that of the 27 units initially installed, 13 had already been moved, 3 had been moved to manufactured home parks and 11 remained on property where houses had not yet been repaired. He also told Council that a notice has been sent out from FEMA informing the residents still living in the units they would be charged rent if they were not out of the units by March 12, 2010. City Administrator Julie Johnston noted that the ordinance granting a moratorium on the various ordinances and regulations passed by the City does not provide for a specific ending date and in fact rolls with FEMA's decision as to when to

end the use of the temporary housing units. After some discussion, the consensus of the Council was to allow the moratorium to remain in place and possibly reconsider the issue in the event that FEMA extends the deadline again in July.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Letters of Resignation and Appointments/Reappointments to Boards and Commissions

Chris Tucker of 2304 Hughes Road informed Council that he wished to be considered for the Library Board.

A. Board of Adjustments and Appeals

Councilman Decker made a motion to accept the resignation of Herb Kavanaugh from the Board of Adjustments and Appeals. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

Councilwoman Dunbaugh made a motion to reappoint Charley Batey and Rachel Kay Cheatham to the Board of Adjustments and Appeals. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

The City Secretary noted that she did not receive any applications for the alternate positions on the Board of Adjustments and Appeals. She said that she would advertise the positions again and bring this matter back to City Council for their consideration.

B. Building Standards Commission

Councilman Wilson made a motion to reappoint Donald Smith and James Ayers to the Building Standards Commission. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

C. Planning and Zoning Commission

Councilman Decker made a motion to accept the resignation of Jack Neal from the Planning Commission. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

Councilman Wilson made a motion to reappoint R. G. Reeder, Jeff Adams, Chris Tucker and Greg Smith; to move John Overton from alternate to regular member to replace Jack Neal; and to appoint Bill Bonham and Bill Miller as alternate members of the Planning Commission. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

MOTION PASSED.

D. Library Advisory Board

Councilwoman Dunbaugh made a motion to accept Jim Richard's resignation from the Library Advisory Board. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

Councilwoman Dunbaugh made a motion to appoint Deanna Rapp-Williams to the Library Advisory Board to fill the unexpired term of Jim Richard. Councilman Suderman seconded the motion.

VOTE:

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

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.
2. 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 8:16 p.m.

ITEM 14.) RECONVENE

Mayor Masters reconvened the meeting at 8:30 p.m.

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

Council took no action.

ITEM 16.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 8:31 p.m. Councilwoman Dunbaugh seconded the motion.

VOTE:

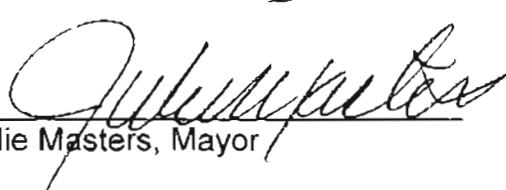
6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

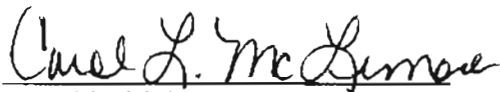
MOTION PASSED.

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




Julie Masters, Mayor

ATTEST:



Carol L. McLemore
City Secretary