

Julie Masters, Mayor
Mark Townsend
Kerry Neves
Mary Dunbaugh, Mayor Pro Tem

MINUTES

City of Dickinson
**CITY COUNCIL
MEETING**

Charles Suderman
Louis Decker
William H. King III
Julie M. Johnston, City
Administrator

FEBRUARY 26, 2008

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, FEBRUARY 26, 2008**. 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 Pro Tem Mary Dunbaugh called the meeting to order at 7:07 p.m. Councilman King gave the Invocation and Dickinson High School Government Student Cobert Archie led the Pledge of Allegiance. City Secretary Carol McLemore called roll and certified a quorum. Council Members present were as follows: Mayor Pro Tem Mary Dunbaugh and Council Members Mark Townsend, Kerry Neves, Louis Decker and William King. Absent were Mayor Julie Masters and Councilman Charles Suderman. Also present were City Attorney Loren Smith, City Administrator Julie Johnston, Finance Director Usha Mathew, Fire Marshal Norman Hicks, Community Development Coordinator Angela Forbes, Building Inspector Mike Ingalsbe, and Accounting Assistant Kathryn Taylor.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome and thanks for coming to everyone present, including students from DISD High School Government Class.
- Health and Nutrition Fair to be held at Sam Vianza Stadium on March 8.
- Parade and Easter Egg Hunt.
- Lady Gators' Basketball Team playing in State Finals this weekend.
- DISD Academic Decathlon Team participating in State Finals this weekend.
- DISD Art Students who had advanced to the Rodeo Final Competition in Art.
- Thanks to City Administrator for letter to TxDOT regarding weight limits on Oleander Bridge.
- DISD High School Band Fundraiser and Bake Sale to be held at Barber Middle School on March 1.

- Election of Councilman Kerry Neves as Vice Chair to Houston Galveston Area Council and appointment to Finance and Budget Committee.
- Project Graduation Golf Tournament needs Golfers and Sponsors.
- Open House and Ribbon Cutting held last week at new Central Fire Station.
- Seminars held on Identity Theft and Transition from Analog to Digital.

ITEM 3.) PUBLIC COMMENTS:

Herman Gana, 2927 46th Street, expressed concern about the problems at St. Goar and 45th Street.

Brenda Boyce, 4719 38th Street, informed City Council that she had attended the Open House for the new Central Fire Station and that she enjoyed the ribbon cutting and tour very much. She asked that citizens be included on the discussions for future expansion.

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

Councilman Townsend asked that items B and C be removed from the consent agenda and discussed separately.

A. Approval of Minutes of Regular Council Meeting of February 12, 2008.

Councilman King made a motion to approve the minutes of the Regular Council Meeting of February 12, 2008. Councilman Decker seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)

0 NAYS

MOTION PASSED.

B. Resolution Number 967-2008 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A 3% INCREASE IN THE SOLID WASTE COLLECTION FEES FOR WASTE MANAGEMENT EFFECTIVE MARCH 1, 2008; AMENDING THE EXCLUSIVE COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL SOLID WASTE, GREEN WASTE, AND RECYCLING CONTRACT AWARDED TO WASTE MANAGEMENT BY THE APPROVAL OF NEW EXHIBITS “A” AND “B”; REAFFIRMING THE CITY’S TRANSACTION FEE; AND PROVIDING AN EFFECTIVE DATE.

Councilman Townsend made a motion to approve Resolution Number 967-2008. Councilman Neves seconded the motion. Councilman Townsend stated that he had removed this item from the consent

agenda so that citizens could be aware that the increase in sanitation services amounted to 3%.

VOTE:

4 AYES (Dunbaugh, Townsend, Neves and King)

1 NAY (Decker)

MOTION PASSED.

- C. Resolution Number 968-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AMENDING RESOLUTION NUMBER 764-2004 AND THE MASTER FEE SCHEDULE OF THE CITY WITH REGARD TO SOLID WASTE COLLECTION FEES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Townsend made a motion to approve Resolution Number 968-2008. Councilman Neves seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)

0 NAYS

MOTION PASSED.

OLD BUSINESS

- ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 629-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBER 569-2006, CODIFIED AS CHAPTER 6.5, EMERGENCY MEDICAL SERVICE, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS; ADOPTING A NEW CHAPTER 6.5 OF THE CODE OF ORDINANCES TO BE ENTITLED “AMBULANCE SERVICE” AND ESTABLISHING REGULATIONS FOR THE OPERATION OF AMBULANCE SERVICE WITHIN THE CITY; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 AND THAT EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO THE PUBLIC HEALTH AND SAFETY; AND PROVIDING AN EFFECTIVE DATE** (Second of three readings).

Mayor Pro Tem Dunbaugh read the ordinance by caption only. Councilman King made a motion to adopt Ordinance Number 629-2008 on second

reading and to suspend the third reading. Councilman Neves seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)

0 NAYS

MOTION PASSED.

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 970-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ADOPTING A POLICY REGARDING PUBLIC ACCESS TO CITY INFORMATION OUTLETS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Dunbaugh read the Resolution by caption only. The City Administrator noted the changes that the City Attorney had made since the discussion of the policy at the last meeting. Councilman King made a motion to approve Resolution Number 970-2008. Councilman Decker seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)

0 NAYS

MOTION PASSED.

- ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Policy for the Use of Municipal Meeting Rooms.

City Council discussed the proposed policy and the logistics of securing the Central Fire Station and the City Hall facility. After some discussion, it was the consensus of Council to remove the Fire Station and City Hall Facilities from the policy and to re-visit the policy when the permanent City Hall is completed.

- ITEM 8.) BRIEFING, DISCUSSION AND POSSIBLE ACTION CONCERNING:** Future Plan Review for DISD Projects.

Following some discussion of the plan review options for the DISD Projects, Councilman King made a motion to allow staff the discretion to send future DISD Projects to International Code Council for plan review. Mayor Pro Tem Dunbaugh made the second.

VOTE:

4 AYES (Dunbaugh, Neves, Decker and King)

1 NAY (Townsend)

MOTION PASSED.

NEW BUSINESS

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Presentation of FY 2007 Audited Comprehensive Annual Financial Report by McCall, Gibson & Company, PLLC, Certified Public Accountants Report and City Council's Acceptance of Audited FY 2007 CAFR (Comprehensive Annual Financial Report).

Noel Barfoot of McCall, Gibson and Company gave a brief presentation of the FY 2007 Audited Comprehensive Financial Report. After a brief discussion with City Council, Councilman Townsend made a motion to accept the audit. Councilman King seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)

0 NAYS

MOTION PASSED.

- ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Minor Final Replat Approval of Lots 27, 28 and 29, Block 1 of Tropical Gardens requested by James Alber.

Community Development Coordinator Angela Forbes explained the proposed minor replat to City Council and stated that the Planning and Zoning Commission had reviewed the request and recommended approval of the re-plat. Councilman Neves made a motion to approve the recommendation of the Planning and Zoning Commission. Councilman King seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)

0 NAYS

MOTION PASSED.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION REGARDING:** Presentation of Annual Traffic Contact Report for Dickinson Public Safety/Fire Marshal's Office as it relates to Senate Bill 1074 (Racial Profiling) for calendar year 2007 as required by Article 2.134 of the Texas Code of Criminal Procedure.

Fire Marshal Norman Hicks gave a brief report to City Council regarding the Annual Traffic Contact Report for the Dickinson Public Safety/Fire Marshal's Office. Following some discussion, Council took no action in this matter.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION REGARDING:** Resolution Number 969-2008 – **A RESOLUTION OF THE CITY OF DICKINSON, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON**

MAY 10, 2008 FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS FOR POSITIONS 1, 3 & 5; AND ONE (1) MAYOR; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; PROVIDING FOR THE INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

Councilman King made a motion to approve Resolution Number 969-2008. Councilman Decker seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 13.) ADJOURN

Councilman Townsend made a motion to adjourn the meeting at 8:25 p.m. Councilman King seconded the motion.

VOTE:

5 AYES (Dunbaugh, Townsend, Neves, Decker and King)
0 NAYS

MOTION PASSED.

Approved and adopted this the 11th day of March, 2008.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary