

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

APRIL 8, 2008

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **APRIL 8, 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 Julie Masters called the meeting to order at 7:12 p.m. Usha Mathew gave the Invocation and Angela Forbes 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 Mary Dunbaugh and Council Members Charles Suderman, Mark Townsend, Kerry Neves, Louis Decker and William King. Also present were City Attorney Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Finance Director Usha Mathew, Director of Public Works Kellis George, Library Director Vicki McCallister, Assistant Librarian Cathy Soehl, Fire Marshal Norman Hicks, Assistant Fire Marshal Chad Leveritt, Building Inspector Mike Ingalsbe, Administrative Services Coordinator Kathryn Taylor, Community Development Coordinator Angela Forbes, Police Captain Arnold Moreno, and Police Captain Steve Krone.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

A. Presentation of CDBG Grant for City/WCID#1 Project

Tina Lewis of the Office of Rural Community Affairs presented a check in the amount of \$350,000.00 to the City and WCID#1 for a grant to replace sewer lines. Mayor Masters accepted the check on behalf of the City and WCID#1.

B. Proclamation Presented to Penny Krone

Mayor Masters read a Proclamation that proclaimed April 8, 2008 as "Penny Krone Day" in the City of Dickinson in recognition of her many contributions to the City of Dickinson EOC Program, her contributions to the documentation of the full-scale event held in conjunction with the Festival of Lights and her volunteer work in the community. She presented the proclamation to Penny Krone with the City's thanks and congratulations for a job well done.

Council commented on the following topics:

- Thanks and welcome to everyone present.
- Child Abuse Prevention Month
- Best wishes to Irma and Camilo Rivera who are riding in the MS 150 Bicycle Ride this weekend.
- Congratulations to the Historical Society for receiving the Mitchell A. Wilder Awards for the Dickinson Depot DVD and the Postcard Collection.
- Thanks and congratulations to Penny Krone.
- Report on Trash Bash held March 29.
- Pine Seedlings to be distributed by Dickinson Beautiful at the Library on Arbor Day.
- Congratulations to Mayor Masters for receiving the DAR National Conservation Award for Environmental Awareness.
- Project Graduation Golf Tournament and the need for golfers and sponsors.
- 6th Annual Night of Wine and Roses fundraiser to be held at Amegy Bank on April 25 to benefit the Dickinson Historical Society.
- Congratulations to WCID#1 for receiving grant to replace sewer lines.
- Saturday movies for children sponsored by Depot and Library.
- District Track Meet being held in Dickinson.

ITEM 3.) PUBLIC COMMENTS:

Mr. John Patterson, 4115 Grand Boulevard, pointed out that the City Newsletter recently sent out had the wrong dates for the City Council Meetings. He also said that he was very glad to see work being done to remove the barges on Dickinson Bayou.

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

A. Approval of Minutes of Special Council Workshop Meeting of March 25, 2007.

B. Approval of Minutes of Regular Council Meeting of March 25, 2007.

Mayor Masters asked that the resolution be pulled from the Consent Agenda and considered as a separate item.

Councilman Suderman noted that Workshop Minutes of March 25 should be corrected to reflect Angela Forbes instead of Angela Hicks under Item 1. Councilman Neves made a motion to approve the minutes as amended. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS
MOTION PASSED.

C. Approval of Resolution Number 975-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, URGING THE CONGRESS TO AUTHORIZE AND PRESIDENT TO CALL A WHITE HOUSE CONFERENCE ON CHILDREN IN 2010 AND TO BEGIN IN 2009 WITH A SERIES OF STATE AND LOCAL CONFERENCES AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Townsend made a motion to approve Resolution Number 975-2008. Mayor Pro Tem Dunbaugh seconded the motion.

VOTE:

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

MOTION PASSED.

OLD BUSINESS

ITEM 5.) BRIEFING AND DISCUSSION CONCERNING: City Hall/Library Project.

Mayor Masters recognized Councilman Suderman who clarified the statement he made at the Strategic Planning Retreat concerning waiting to build the Library if funds were not available for the entire project. He noted that he is not opposed to building the Library, but as a City Councilman, he has a fiduciary responsibility to make sure that the City's funds are spent wisely and in accordance with what is in the best interests of tax payers.

The following citizens spoke against delaying the construction of the Library:

Betty Leavenworth, 3917 Amanda Drive
Bill Kongable, 817 Rosewood
Susan Scott Smith on behalf of the Friends of the Library
Mona Rae, 3502 Ash Circle

Members of City Council responded to the citizens and assured them that it was their intent to build a new Library as well as a City Hall.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Award of Bid for Construction Manager at Risk Services for Construction of New City Hall and Library Complex to Durotech, L.P. for a Construction Manager at Risk Fee Not to Exceed 5.5% of the Owner's Project Construction Budget Including General Conditions But Excluding CMAR

Fee and Authorization of City Administrator and City Attorney to Negotiate Contract Documents with Durotech, L.P.

The City Administrator explained the bid process and recommended award of bid to Durotech, L. P. who bid a Construction Manager at Risk fee not to exceed 5.5% in response to the City's Request for Proposals. Bill Hall of Hall Barnum Lucchesi Architects spoke to Council regarding the experience he has had in working with Durotech and recommended the company. After some discussion, Councilman Suderman made a motion to award the bid for Construction Manager at Risk Services for construction of a new City Hall and Library Complex to Durotech, L.P. for a construction manager at risk fee not to exceed 5.5% of the project construction budget including general conditions but excluding CMAR fee and authorizing the City Administrator and City Attorney to negotiate contracts with Durotech. Councilman King seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Townsend, Neves, Decker & King)
0 NAYS

MOTION PASSED.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 976-2008 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ADOPTING A POLICY REGARDING USE OF MUNICIPAL MEETING ROOMS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 976-2008. Councilman King made the second.

VOTE:

6 AYES (Suderman, Dunbaugh, Townsend, Neves, Decker & King)
0 NAYS

MOTION PASSED.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 631-2008 – AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS AMENDING SECTION 4-3, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 4, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON BY THE ADDITION OF A DEFINITION OF “RESTRAINT”; AMENDING DIVISION 1, GENERALLY, OF ARTICLE II, DOGS AND CATS, OF CHAPTER 4, ANIMALS, BY THE ADDITION OF A NEW SECTION 4-35, PROHIBITION AGAINST THE RESTRAINT OF DOGS AND MANDATING THAT DOG ENCLOSURES PROVIDE ADEQUATE SPACE; ALLOWING CERTAIN EXCEPTIONS TO THE PROHIBITION AGAINST THE RESTRAINING

OF DOGS; PROVIDING A PENALTY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED FIVE-HUNDRED DOLLARS (\$500.00) PER VIOLATION, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (First of three readings).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Dunbaugh made a motion to approve Ordinance Number 631-2008 on first reading. Councilman Suderman made the second. The City Attorney reviewed the changes that had been made to the ordinance. Discussion followed.

VOTE:

5 AYES (Suderman, Dunbaugh, Townsend, Neves, & Decker)
1 NAY (King)

MOTION PASSED.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION REGARDING: Update of Proceedings in Contested Case Hearing in SOAH Docket No. 582-08-0203; TCEQ Docket No. 2006-2572-MWD; Application by Marlin Atlantis White, Ltd. For TPDES Permit No. WQ001145700001.

The City Administrator gave a brief update, noting that a continuance had been requested by the applicant and that the Judge had granted a continuance for two months. She said that a revised schedule should be out next week. Peggy Wright presented City Council with a proposed revised schedule that was subject to approval by all parties. Council took no action.

ITEM 10.) ADJOURN

Mayor Pro Tem Dunbaugh made a motion to adjourn the meeting at 8:30 p.m. Councilman Townsend seconded the motion.

VOTE:

6 AYES (Suderman, Dunbaugh, Townsend, Neves, Decker & King)
0 NAYS

MOTION PASSED.

Passed, approved and adopted this the 22nd day of April, 2008.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore, City Secretary