

Julie Masters, Mayor
Charles Suderman
Mary Dunbaugh
Walter Wilson

AGENDA
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Kerry Neves
Louis Decker
William H. King III, Mayor Pro Tem
Julie M. Johnston, City
Administrator

APRIL 14, 2009

NOTICE is hereby given of a **REGULAR MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **TUESDAY, APRIL 14, 2009**, at **7:00 p.m.** at: 1621 FM 517 East, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM:

Invocation and Pledge of Allegiance.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

A. Proclamation – DCPAAA Tenth Anniversary

ITEM 3.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

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

The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

A. Approval of Minutes of Special Council Workshop Meeting of March 24, 2009.

B. Approval of Minutes of Regular Council Meeting of March 24, 2009.

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project

A. List of Outstanding Items for Which City is Responsible on Project Updated as of April 8, 2009.

B. Approval of Purchase of Furniture and Furnishings for new City Hall and Library Complex through Greater Houston Office Products in an amount not to exceed \$110,000.00 through the State of Texas Multiple Awards System (TXMAS) Purchasing Program.

C. Dedication Plaques for City Hall and Library Buildings.

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

- A. Oleander Bridge Project
- B. Tanglebriar Drive Construction Project
- C. Sunset Drive Construction Project

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Bayou Watershed Steering Committee.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 665-2009 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTIONS 545.356 AND 545.353 OF THE TEXAS TRANSPORTATION CODE, ON CERTAIN STREETS AND HIGHWAYS OR PARTS THEREOF WITHIN THE CORPORATE LIMITS OF THE CITY OF DICKINSON, AS SET OUT IN THIS ORDINANCE, TO WIT: ESTABLISHING A CONSTRUCTION SPEED ZONE ON FM 646 FROM THE INTERSECTION OF THE NORTHERN EDGE OF SECOND STREET TO THE INTERSECTION OF THE NORTHERN EDGE OF FM 517 WEST, A DISTANCE OF 6,170 FEET TO REDUCE THE SPEED LIMIT TO 45 MILES PER HOUR; AUTHORIZING THE INSTALLATION OF SIGNAGE IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING FOR THE ALTERATION OF THE PRIMA FACIE SPEED LIMIT OF SAID STREET TO INCREASE TO 55 MILES PER HOUR UPON COMPLETION OF CONSTRUCTION; PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE** (Second of three readings).

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: 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.

NEW BUSINESS

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Request from Patrick Restivo to speak to City Council concerning Harassment of City Employees due to License for Mobile Home Community.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Fair Housing Month Proclamation.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Adopting Section 504 Grievance Procedure for Fair Housing Grievances.
- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Possible Solutions to Safety Concerns on Hughes Road.
- ITEM 14.) 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 A CONSENT TO ENCROACHMENT AGREEMENT BETWEEN THE CITY OF DICKINSON AND DICKINSON INDEPENDENT SCHOOL DISTRICT, AGREEING TO THE CONTINUED ENCROACHMENT INTO THE UNNAMED ROADWAY RIGHT-OF-WAY, BY THIRTY-TWO FEET, OF THE IMPROVEMENTS, LOCATED IN THE 5200 BLOCK OF THE UNNAMED ROADWAY WITHIN THE CITY OF DICKINSON; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number XXX-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS APPROVING A ROADWAY DEDICATION DEED FROM DICKINSON INDEPENDENT SCHOOL DISTRICT FOR A 60' STREET RIGHT-OF-WAY THAT RUNS EAST-WEST ON THE NORTH SIDE OF SAM VITANZA STADIUM BETWEEN BAKER DRIVE AND OWENS STREET; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION BY THE CITY ADMINISTRATOR OF ANY DOCUMENTS REQUIRED TO IMPLEMENT THE ROADWAY DEDICATION DEED; AND PROVIDING AN EFFECTIVE DATE.**
- ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2009 – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, NAMING A DEDICATED PUBLIC ROADWAY, IDENTIFIED AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEROF, “BIG AL DRIVE”; PROVIDING FOR INSTALLATION OF STREET SIGNS, DESIGNATION OF STREET NAME ON MAPS, AND NOTIFICATION OR APPROPRIATE AGENCIES OF STREET NAME; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING FOR A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE (First of three readings).**
- ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 647-2009 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE**

CONTINUED EXISTENCE OF MELVIN UTLEY ROAD LYING EAST OF THE PUBLIC ROAD KNOWN AS BAKER DRIVE AND WEST OF THE PUBLIC ROAD KNOWN AS OWENS DRIVE LOCATED IN THE F. P. SURVEY, ABSTRACT NO. 60, GALVESTON COUNTY, TEXAS, AS DESCRIBED IN A DEED FROM DICKINSON INDEPENDENT SCHOOL DISTRICT TO THE CITY OF DICKINSON, TEXAS RECORDED AT FILM CODE NO. 006-77-0466 OF THE OFFICIAL PUBLIC RECORDS OF GALVESTON COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PORTION OF MELVIN UTLEY ROAD; AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, A QUIT CLAIM DEED IN CONSIDERATION FOR THE PAYMENT TO THE CITY OF FAIR MARKET VALUE THEREFOR; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT (Third of three readings).

ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, SUSPENDING THE MAY 5, 2009 EFFECTIVE DATE OF TEXAS-NEW MEXICO POWER COMPANY'S ("TNMP'S") REQUESTED SUPPLEMENTAL APPLICATION TO CHANGE RATES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER TNMP CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE.**

ITEM 19.) EXECUTIVE SESSION: The City Council will now hold 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 eminent domain proceedings for acquisition of drainage easement at 2001 Oleander Drive.
2. Status of personnel grievance and appeal.
3. A matter in which the duty of the City Attorney requires to be discussed in closed meeting.

- B. Section 551.072 – Deliberation regarding Real Property – Discussion regarding the purchase, exchange, lease or value of real property.

ITEM 20.) RECONVENE

ITEM 21.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters discussed in Executive Session.

ITEM 22.) ADJOURN

CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for **TUESDAY, APRIL 14, 2009** was posted on the bulletin board at City Hall, 1621 FM 517 East, Dickinson, Texas, on this 9th day of April, 2009, prior to 6:00 p.m.

Carol L. McLemore, City Secretary

In compliance with the Americans with Disabilities Act, the City of Dickinson will provide reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-337-6217, or by FAX at 281-337-6190.