

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

APRIL 14, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, APRIL 14, 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 7:02 p.m. Mayor Pro Tem King gave the Invocation and Councilman Neves 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 Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. Councilman Charles Suderman was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Fire Marshal Norman Hicks, Finance Director Mary Young, Building Official Kevin Byal, Library Director Vicki McCallister, Captain Arnold Moreno, and Code Enforcement Officer Cynthia Smith.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters read a proclamation that proclaimed April 14, as "Dickinson Citizen's Patrol Academy Alumni Association Day" in honor of the Association's 10th Anniversary. Several members of DCPAAA were present to receive the proclamation.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Congratulations to DCPAAA on their 10th Anniversary
- DCPAAA Garage Sale on Saturday, May 2
- Dickinson Beautiful Fundraiser on May 21 at Harbour Playhouse
- April is Child Abuse Prevention Month
- Wilder Awards for DHS Posters
- Wine and Roses Fundraiser on April 24
- Junior League Scholarships awarded for Volunteerism to Hannah Laird and Erin Neves
- Recent Police Chaplain's Convention in Wichita Falls.
- Success of Health and Safety Fair held April 4th

ITEM 3.) PUBLIC COMMENTS:

There were no public comments.

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

Councilman Neves made a motion to approve the Consent Agenda. Councilman Decker seconded the motion.

VOTE

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

MOTION PASSED.

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.

The City Administrator and Fire Marshal reviewed the updated list of outstanding items with the City Council. Following some discussion, Council took no action in this matter.

- 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.

The Fire Marshal reviewed a price quote for new furniture for the City Hall and Library. He noted that \$200,000 had been budgeted for the purchase of new furniture and with the savings received through the TXMAS and price reductions as a result of Hurricane Ike, the price quote for all new furniture was less than \$110,000. Discussion followed. Councilwoman Dunbaugh made a motion to approve the purchase of furniture and furnishings for the new City Hall and Library Complex from Greater Houston Office Products in an amount not to exceed \$110,000. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

C. Dedication Plaques for City Hall and Library Buildings.

The City Administrator noted that she had been unable to get a price quote on the bronze dedication plaques because the wording had not been decided. She presented several scenarios for wording. After some discussion, Council gave several alternatives and asked that price quotes be obtained before making a decision on the wording.

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

A. Oleander Bridge Project

Public Works Director Kellis George gave a brief update on the Oleander Bridge project. He noted that Comcast has moved their lines and that he should know later this week when the reconstruction of the bridge will begin.

B. Tanglebriar Drive Construction Project

Public Works Director Kellis George passed out updated construction costs and explained the reasons for the increases.

C. Sunset Drive Construction Project

Public Works Director Kellis George noted that the plans for the reconstruction of Sunset Drive were completed and staff was working on the bid packet to place the project out for bid.

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

Councilman Decker noted that there had not been a meeting of the committee since the last report and he had nothing to report.

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).

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt ordinance Number 665-2009 on second reading, suspending the third reading. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

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.

The City Administrator gave a report on the hearing that was held Wednesday, April 8 and noted that TCEQ had granted the permit in accordance with the recommendation of the Administrative Law Judge. She noted that even though the permit was granted, the facility must switch to the regional plant when it goes on line. TCEQ also modified the permit to coincide with the expiration of other permits in the same basin. She said this is the end of the City's participation in the permit.

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.

Patrick Restivo appeared before Council to again protest what he considered harassment from City Staff after his complaint about being rudely treated by employees in the Community Development Department. He showed pictures of his mobile home community and noted that there

were others in the City in worse shape than his. After some discussion, the City Administrator suggested that a meeting be scheduled between Mr. Restivo and City Staff to address the problems and come up with a solution.

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

Councilwoman Dunbaugh made a motion to approve the proclamation proclaiming April as "Fair Housing Month" in the City of Dickinson. Councilman Wilson seconded the motion.

VOTE

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

0 NAYS

MOTION PASSED.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Adopting Section 504 Grievance Procedure for Fair Housing Grievances.

Councilwoman Dunbaugh made a motion to adopt the Section 504 Grievance Procedure for Fair Housing grievances. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Possible Solutions to Safety Concerns on Hughes Road.

Captain Arnold Moreno and Director of Public Works Kellis George presented cost estimates for installing sidewalks on Hughes Road. Mr. George noted that the cost would be approximately \$52,000. The City Administrator noted that there were several grants that the City could apply for to pay for the installation of a sidewalk. After some discussion, Council directed staff to seek grants to cover the costs.

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).**

Councilwoman Dunbaugh made a motion to table Items 14, 15, 16 and 17 until after the Executive Session. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1024-2009 – **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.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1024-2009. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 19.) 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 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.

Mayor Masters recessed the meeting into Executive Session at 8:50 p.m.

ITEM 20.) RECONVENE

Mayor Masters reconvened the meeting at 9:16 p.m.

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

Council took no action.

Councilwoman Dunbaugh made a motion to remove Items 14, 15, 16, and 17 from the table. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

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).

Councilman Wilson made a motion to table Items 14, 15, 16, and 17 to the next meeting. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 22.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 9:17 p.m. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 28th day of April, 2009.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary