

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 28, 2009**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, APRIL 28, 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 7:07 p.m. Nelda Harles gave the Invocation and the Volunteer Fire Department 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, Police Chief Ron Morales, Fire Marshal Norman Hicks, Director of Public Works Kellis George, Finance Director Mary Young, EMS Coordinator Brent Hahn, Crime Victim Liaison Nelda Harles, Officer Walt Candelari and Administrative Services Coordinator Kathryn Taylor.

**ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:**

Mayor Masters read a proclamation for National Crime Victim's Rights Week and presented the proclamation to Crime Victims Liaison Nelda Harles of the Dickinson Police Department.

Mayor Masters recognized Peggy Wright and presented her with a Certificate of Recognition for her tireless efforts in the fight against the wastewater treatment plant on Dickinson Bayou.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- The recent Knights of Columbus Exemplification and the four members of Charles Suderman's family who reached Fourth Degree status.
- Festival of Lights meeting scheduled for May 16, at 8:00 a.m. at 8:00 a.m. at the Hill Street property.
- Congratulations to the Suderman Family.
- Dickinson Beautiful Fund Raiser to be held May 21 at Harbour Playhouse

- Congratulations to Dickinson Historical Society on a successful Wine and Roses fundraiser and thanks to all who helped make it a success
- VFW Crawfish Festival
- Planning for upcoming Fourth of July Celebration
- Dickinson High School Diamond Deb Spring Show
- Construction and opening of Greater New Hope Baptist Church Facility.

**ITEM 3.) PUBLIC COMMENTS:**

There were no comments from the public.

**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 Regular Council Meeting of April 14, 2009.
- B. Approval of Resolution Number XXX-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE AERIAL SPRAYING FOR THE ABATEMENT OF MOSQUITOES OVER AND WITHIN THE CITY OF DICKINSON BY THE GALVESTON COUNTY MOSQUITO CONTROL DISTRICT AND PROVISIONS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.**
- C. Approval of Resolution Number XXX-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE RE-APPOINTMENT OF SEVEN MEMBERS TO THE GALVESTON COUNTY UNITED BOARD OF HEALTH; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Neves asked that item A be removed from the consent agenda and discussed separately.

Councilman Neves made a motion to approve items B and C on the consent agenda. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

Councilman Neves noted that the name Anna Laird under Proclamations and Council Comments of the April 14 meeting minutes should be corrected

to Hannah Laird. Councilman Wilson made a motion to approve item A as amended. Councilwoman Dunbaugh 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. List of Outstanding Items for Which City is Responsible on Project Updated as of April 23, 2009.

The City Administrator reviewed the updated list of outstanding items for which the City is responsible. She reviewed the corrected analysis of funds and expenditures.

B. Update on Previously Approved Expenditures.

The City Administrator updated City Council on the previously approved expenditures. She noted that the ADT bid had been reduced from \$52,881 to 48,850 due to a discount.

C. Approval of Purchase of Fiber Optic Installation Services for new City Hall and Library Complex from Devolve in the amount of \$11,872.27.

City Council reviewed a proposal from Devolve for fiber optic installation services in the amount of \$11,872.27. Councilman Wilson made a motion to approve the proposal. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

D. Approval of Payment to Galveston County Water Control & Improvement District No. 1 for Materials for Site Utilities for new City Hall and Library Complex in the amount of \$34,397.96.

Councilman Wilson made a motion to reimburse Galveston County WCID#1 \$34,397.96 for materials for site utilities. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

E. Review of Options for Dedication Plaques and Signage for City Hall and Library Buildings

After some discussion, it was the consensus of Council to use example #3 and to obtain price quotes for one large plaque with the language for the City and WCID side-by-side, one large plaque with the language for the City located above the language for WCID, and two separate plaques for the City and WCID.

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

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

Director of Public Works Kellis George gave a brief update on each construction project. He noted that the Oleander Bridge project has still not been given a start date. He said that the recent rains have slowed down the construction on Tanglebriar and that they are dealing with residents' complaints. He informed Council that bid packets have gone out for the Sunset Drive project and that a recommendation for award of bid should be on the May 26 Council agenda with the expected start of construction in June.

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

Councilman Decker gave a report on the most recent Dickinson Bayou Watershed Steering Committee Meeting. He also noted that information being provided to the committee members is becoming much more technical and he told Council that he had spoken with Stan Duitscher, a resident of Dickinson and a retired engineer about serving as the City's representative to the committee. Discussion followed. Councilman Decker made a motion to appoint Stan Duitscher as the representative and Louis Decker as the alternate to the Dickinson Bayou Watershed Committee. Mayor Pro Tem King seconded the motion.

**VOTE**

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

0 NAYS

**MOTION PASSED.**

**NEW BUSINESS**

Mayor Masters asked that Item 24 be moved up on the agenda.

**ITEM 24.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Contract Negotiations with Dickinson Independent School District for School Officers.

Police Chief Ron Morales gave an update on the ongoing negotiations with Dickinson Independent School District for providing Police Officers at the schools.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request by Elray Durgens of the Dunbar Alumni Association to rename 23<sup>rd</sup> Street J. O. Williams Street.

Elray Durgens of the Dunbar Alumni Association appeared before Council to ask its consideration in re-naming 23<sup>rd</sup> Street as J. O. Williams Street in order to honor the long-time educator. He noted his group is working with Galveston County to re-name the County's portion of 23<sup>rd</sup> Street and inquired about the procedures he needs to follow to seek the City's consideration. After some discussion, Mr. Durgens was asked to contact the City Administrator to discuss the procedures.

**ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Authorizing City Staff to Submit an Application for the Assistance to Firefighters Grant (AFG), Fire Prevention and Safety for the purchase of Additional Gear and Equipment.

Fire Marshal Norman Hicks explained that the grant would be for the purchase of bunker gear and noted that the City's portion of the match would be approximately \$8,300.00. He said that the grant would not be awarded until next budget year and noted that the match could be included in next year's budget. Following some discussion, Councilman Neves made a motion to approve submitting an application for the AFG Grant. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

4 AYES (Dunbaugh, Wilson, Neves and King)

2 NAYS (Suderman and Decker)

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1028-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING AND APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM TO THE OFFICER OF THE GOVERNOR OF THE STATE OF TEXAS; AGREEING TO PROVIDE MATCHING FUNDS FOR THE PROJECT; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1028-2009. Councilman Suderman seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1029-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT PROGRAM TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1029-2009. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1030-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING AND APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR COPS UNIVERSAL HIRING PROGRAM TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY-ORIENTED POLICING SERVICES; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1030-2009. Councilman Decker seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1031-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE BULLETPROOF VEST PARTNERSHIP**

**GRANT PROGRAM TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1031-2009. Councilman Suderman seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Authorizing City Staff to Submit an Application Under the Hurricane Ike Emergency Watershed Protection Program Administered by the USDA Natural Resource Conservation Service for Assistance in Removing Debris Deposited into Dickinson Bayou and Its Tributaries as a Result of Hurricane Ike.

The City Administrator asked that this item be tabled. Councilman Suderman made a motion to table this item until the next regular meeting. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ratification of Execution of Memorandum of Understanding for 2009 Texas SCORE Program Sponsored by Texas-New Mexico Power.

The City Administrator explained that the City had been approached by CLEARResult Consulting, the program administrator for Texas-New Mexico Power Company, concerning the Texas SCORE Program as a way to identify and assess energy efficiency measures. She noted that in order to get the process of evaluating the new City Hall and Library complex underway as quickly as possible a Memorandum of Understanding was executed. There is no cost to the City for participating in the SCORE Program. She recommended that Council ratify the Memorandum of Understanding. Councilwoman Dunbaugh made a motion to ratify the Memorandum of Understanding. Councilman Wilson seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1027-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING INTERVENTION IN CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR DETERMINATION OF HURRICANE RESTORATION COSTS FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES TO REVIEW CENTERPOINT'S APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND 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. Councilwoman Dunbaugh made a motion to approve Resolution Number 1027-2009. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 17.) 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 a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

1. A matter in which the duty of the City Attorney requires to be discussed in closed meeting.

2. Contract Negotiations with Dickinson Volunteer Fire Department.

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 8:34 p.m.

**ITEM 18.) RECONVENE**

Mayor Masters reconvened the meeting at 10:16 p.m.

- ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.

Mayor Masters noted that the City Attorney had been instructed to draft standards and policies on the division of duties between the Dickinson Public Safety and the Dickinson Volunteer Fire Department and then a workshop would be scheduled to discuss the proposal.

- ITEM 20.) 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.**

City Council took no action in this matter.

- ITEM 21.) 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.**

City Council took no action in this matter.

- ITEM 22.) 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).

City Council took no action in this matter.

**ITEM 23.) 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).

City Council took no action in this matter.

**ITEM 25.) ADJOURN**

Councilwoman Dunbaugh made a motion to adjourn the meeting at 10:20 p.m. Councilman Suderman seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**PASSED, APPROVED AND ADOPTED** this the 12<sup>th</sup> day of May, 2009.

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Julie Masters, Mayor

**ATTEST:**

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Carol L. McLemore, City Secretary