

Julie Masters, Mayor
Charles Suderman
Mary Dunbaugh
Walter Wilson, Mayor Pro Tem

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

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

JUNE 8, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JUNE 8, 2010**. The meeting was held in the City Council Chambers located at 4403 Highway 3, 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. Councilman King gave the Invocation and Mayor Pro Tem Wilson 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 Walter Wilson and Council Members Charles Suderman, Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Public Works Director Kellis George, Finance Director Mary Young, Fire Marshal Norman Hicks, Building Official Kevin Byal, Captain Steve Krone, Sergeant John Lopez, and Police Officers Greg Trantham, Craig Fos, Tim Cromie, Mike Hensen, Tracy Watson, and Frank Price.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Julie Masters presented an award and certificates to members of the Dickinson Police CID Department for their outstanding work performance.

Council commented on the following topics:

- Welcome to those present and thanks for coming.
- Court of Honor for Abraham Kluksdahl's Eagle Scout Presentation
- Dedication of Veteran's Memorial at Village Green on Memorial Day and thanks and congratulations to Abraham Kluksdahl for his Eagle Scout Project.
- Congratulations and thanks to Captain Krone and Officers in CID
- Used Book Sale at the Library from 10:00 a.m. to 1:30 p.m. on Saturday, June 12.
- Thanks to Dickinson Beautiful for planting trees across the street from City Hall.
- VFW July 4th Celebration to be held on July 3 and planning meetings on June 17th and 30th
- Congratulations to Dickinson High School Seniors.
- Memorial Day Ceremony at the VFW

ITEM 3.) PUBLIC COMMENTS:

Debby Turner, 4905 29th Street, spoke to Council concerning the drainage ditch that runs behind her property.

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 of May 25, 2010.
- B. Approval of Minutes of Regular Council Meeting of May 25, 2010.
- C. Award of Request for Proposals for Police Authorized Towing Services to DeWitt Wrecker, Interstate Wrecker and Towing, Liggio's Wrecker Service, Inc. and Wayne's Pro-Tows, Inc.
- D. Approval of Resolution Number 1124-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DEWITT WRECKER; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
- E. Approval of Resolution Number 1125-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND LIGGIO'S WRECKER SERVICE, INC.; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
- F. Approval of Resolution Number 1126-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND WAYNE'S PRO-TOWS, INC.; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

- G. Approval of Resolution Number 1127-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE RE-APPOINTMENT OF FIVE MEMBERS AND APPOINTMENT OF ONE NEW MEMBER TO THE GALVESTON COUNTY UNITED BOARD OF HEALTH; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- H. Approval of Resolution Number 1128-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE SUBMISSION OF AN UPDATED GRANT APPLICATION FOR THE 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 Pro Tem Wilson asked that Item C be removed from the consent agenda.

Councilman King made a motion to approve Items A, B, D, E, F, G, and H on the consent agenda. Mayor Pro Tem Wilson seconded the motion.

VOTE:

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

MOTION PASSED

Mayor Pro Tem Wilson made a motion to award the request for proposals for police-authorized towing services to DeWitt Wrecker, Liggio's Wrecker and Wayne's Pro Tows. Councilman Decker 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. Update on HVAC Issues.
- B. Update on Landscaping Through TxDOT Grant and Installation of Irrigation System and Drains.
- C. Update on Installation of Manual Emergency Transfer Switch at Dickinson City Hall.

- D. Update on Installation of Texas Accessibility Standard (TAS) Approved Door Operating System for the Main Entrance at Dickinson City Hall.

Fire Marshal Norman Hicks gave a brief update on the City Hall/Library Project.

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

- A. Winding Brook Drainage Project
- B. Thornwood Circle Drainage Project
- C. Outfall Drainage Ditch at 29th Street and California
- D. Lovers Lane Reconstruction Project
- E. Avenue J Reconstruction Project
- F. 44th Street Reconstruction Project
- G. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
- H. Oak Ridge Reconstruction Project
- I. Cherry Street Bridge Reconstruction
- J. Deats Road Construction from Nichols to FM 1266

The Director of Public Works and the City Administrator gave an update on the various Public Works Projects. There was a lengthy discussion on the outfall drainage ditch at 29th Street and California. Mr. George reported that the City does not have an easement for the property where the ditch is located. He provided ownership records from the Central Appraisal District that shows that the ditch is owned by the various property owners. Additionally, the City has never cleaned the ditch. City Administrator Julie Johnston said that it would be cost prohibitive for the property owners to clean the ditch and suggested that the City obtain the easements from the property owners and then undertake the clearing of the ditch. Mr. George presented three estimates for cleaning the area from California to Texas on 29th. Councilman Suderman noted that it would not do any good to clean out this area of the ditch unless the ditch east of California was cleaned as well. Mr. George said that the area east of California was the responsibility of Galveston County. It was the consensus of Council to pursue obtaining quotes to clean the entire area of the drainage ditch that is the responsibility of the City and a commitment from the County with regard to cleaning the area under the purview of Galveston County before proceeding with obtaining easements from the property owners.

Debby Turner, 4905 29th Street, informed the Council that the ditch was cleaned approximately 5 years ago but was uncertain as to which entity did the work.

Councilman Wilson asked about the work that the railroad needed to do on the track on FM 517. The City Administrator stated that the City is in

contact with the railroad concerning that issue and she will be glad to provide an update at the next Council meeting.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Hurricane Ike CDBG Projects

- A. Comprehensive Drainage Study
- B. Round 1 Infrastructure Projects

The City Administrator gave a brief update on the Hurricane Ike CDBG projects. The Public Works Director noted that the comprehensive drainage study should be completed in approximately two months. There was a discussion concerning the length of time that the projects are taking. The City Administrator informed Council that she is working closely with the engineering firms to make sure that the projects are moving along.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Identification and Prioritization of Infrastructure Projects for FY 2010-2011 to be Considered by the Dickinson Economic Development Corporation and/or Dickinson Management District Number 1.

After some discussion of the priority list for infrastructure projects to be considered for funding by the DEDC and DMD#1, it was the consensus of Council to make the following revisions to the Revised Possible DEDC/DMD#1 Projects as of June 8, 2010: (1) remove the reconstruction of St. Goar from Highway 3 to 46th Street; and (2) add the reconstruction of Oleander Drive/Palm from Highway 3 to Hughes Road. The City Administrator was also directed to re-order the list of projects based on each street's ranking on the Street Prioritization Program.

ITEM 9.) DISCUSSION AND DIRECTION CONCERNING: The City of Dickinson's Possible Membership in Proposed Galveston County Transit District.

After some discussion, it was the consensus of Council to consider a resolution joining the proposed Galveston County Transit District at the next regular Council meeting.

NEW BUSINESS

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Appointments/Reappointments to Dickinson Economic Development Corporation

Mayor Pro Tem Wilson made a motion to reappoint Jasper Liggio, Darrell Carney and Mike Reinschmidt to the Dickinson Economic Development Corporation. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Recommendations for Use of Undesignated/Unexpended Fund Balance from FY 2008-2009.

City Administrator Julie Johnston presented an updated recommendation for the use of the undesignated/unexpended fund balance from FY 2008-2009. After some discussion, Councilwoman Dunbaugh made a motion to approve the recommendation. Councilman Decker 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 1129-2010 - **A RESOLUTION OF THE CITY OF DICKINSON, TEXAS AUTHORIZING INTERVENTION IN TEXAS-NEW MEXICO POWER COMPANY'S REQUEST FOR APPROVAL OF AN ADVANCED METERING SYSTEM (AMS) DEPLOYMENT PLAN AND REQUEST FOR AMS SURCHARGES FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH CITIES SERVED BY TEXAS-NEW MEXICO POWER COMPANY TO REVIEW THE 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 LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1129-2010. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 698-2010 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBER 613-2007, CODIFIED AS ARTICLE VII, JUVENILE CURFEW, OF CHAPTER 12, OFFENSES –**

MISCELLANEOUS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON; AMENDING CHAPTER 12, OFFENSES – MISCELLANEOUS, OF THE CODE OF ORDINANCES BY DELETING THE CURRENT ARTICLE VII, JUVENILE CURFEW, AND SUBSTITUTING THEREFOR A NEW ARTICLE VII, JUVENILE CURFEW, ESTABLISHING A CURFEW BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 5:00 A.M. ON ANY DAY OF THE WEEK, FOR PERSONS UNDER 17 YEARS OF AGE; ESTABLISHING A DAYTIME CURFEW BETWEEN 7:00 A.M. AND 2:30 P.M. ON ANY SCHOOL DAY FOR PERSONS UNDER 17 YEARS OF AGE; CONTAINING DEFINITIONS; PROVIDING IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO A CURFEW TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT IS UNLAWFUL FOR ANY PARENT OR GUARDIAN OF A PERSON SUBJECT TO A CURFEW TO KNOWINGLY PERMIT, OR BY INSUFFICIENT CONTROL ALLOW, SUCH PERSON TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT IS UNLAWFUL FOR ANY PERSON OWNING, OPERATING, OR IN THE EMPLOYMENT OF ANY ESTABLISHMENT IN THE CITY TO KNOWINGLY ALLOW A PERSON SUBJECT TO A CURFEW TO REMAIN ON THE PREMISES OF SUCH ESTABLISHMENT DURING CURFEW HOURS; PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS; PROVIDING FOR A PENALTY FOR MINORS AND FOR PARENTS OF MINORS NOT TO EXCEED \$500 AND THAT EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; MAKING CERTAIN FINDINGS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE (First of three readings).

Mayor Masters read the ordinance by caption only. Councilman King made a motion to approve Ordinance Number 698-2010 on first reading. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1130-2010 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE SUBMISSION OF A SOLID WASTE IMPLEMENTATION GRANT APPLICATION TO HOUSTON-GALVESTON AREA COUNCIL FOR A COUNTY-WIDE HOUSEHOLD HAZARDOUS WASTE COLLECTION, DISPOSAL, AND

EDUCATIONAL EVENT IN GALVESTON COUNTY; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

Mayor Masters read the Resolution by caption only. Mayor Pro Tem Wilson made a motion to approve Resolution Number 1130-2010. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

ITEM 15.) 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 litigation related to code enforcement issues on properties located at 2922 45th Street and 4419 St. Goar.

Mayor Masters recessed the meeting into Executive Session at 9:06 p.m.

ITEM 16.) RECONVENE

Mayor Masters reconvened the meeting at 9:19 p.m.

ITEM 17.) ADJOURN

Mayor Pro Tem Wilson made a motion to adjourn the meeting at 9:20 p.m. Councilman King seconded the motion.

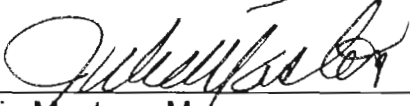
VOTE:

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

0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 22nd day of June, 2010.



Julie Masters, Mayor

ATTEST:

Carol L. McLemore

Carol L. McLemore
City Secretary

