

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

**JUNE 9, 2009**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JUNE 9, 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 7:06 p.m. J. T. Floyd gave the Invocation and Chief Ron Morales led the Pledge of Allegiance. Angela Forbes called roll in the absence of City Secretary Carol McLemore 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, and Finance Director Mary Young.

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

Council commented on the following topics:

- o Welcome to everyone present and thanks for coming.
- o Tonight's meeting is the last meeting in the temporary City Hall.
- o Recent competition in Dallas by Dickinson High School Band where they won first place.

**ITEM 3.) PUBLIC COMMENTS:**

Jennifer Lawrence, 2704 Frostwood Circle, a possible new DEDC appointment gave a brief bio about herself

Mary Stringer, 4605 30<sup>th</sup> Street, spoke regarding the waste water treatment plant on Gum Bayou

Kari Hackett, 728 Sherwood Forest, a possible new DEDC appointment, gave a brief bio about himself

**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 May 26, 2009
- B. Approval of Resolution Number 1043-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DREWKER CONSTRUCTION FOR SUNSET DRIVE STREET CONSTRUCTION PROJECT; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- 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 1044-2009 - **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 1045-2009 - **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 INTERSTATE WRECKER AND TOWING; 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 1046-2009 - **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.**

- G. Approval of Resolution Number 1047-2009 - **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.**

Councilman Neves made a motion to approve the Consent Agenda. Mayor Pro Tem King 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:

Fire Marshal Norman Hicks gave a brief update on the progress of the project.

- A. List of Outstanding Items for Which City is Responsible on Project Updated as of June 3, 2009.  
The City Administrator reviewed the list with City Council noting the changes.
- B. Approval of Purchase of 2 Book Carts and 4 Book Cases for Dickinson Public Library Building in an amount not to exceed \$2,500.00.  
Council reviewed a request from the Library to purchase 2 book carts and 4 book cases for the Library. After some discussion, it was the consensus of Council that more information was needed on the pricing and shipping costs. Council took no action in this matter and asked that it be considered at the next Regular Meeting when the Director of the Library could be present to answer questions.
- C. Approval of Purchase of Moving Services from Berger Allied for new City Hall and Library in an amount not to exceed \$34,000.00.
- D. PCC #19 – Provide Electric Strikes or Ability to Electronically Latch the Following Doors Per the Architects Direction.

After some discussion, Councilman Suderman made a motion to approve Items C and D. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- E. PCC#21 – Delete Circular Sidewalk to the South of the Library Building and add Sidewalk Cut Through to Allow Library South Grass Area to Drain.

No action was necessary on this item.

**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

Kellis George gave a brief update on each project and noted that the Public Works Department would be working on drainage projects throughout the month of June.

**ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Contract Negotiations with Dickinson Independent School District for School Officers.

Police Chief Ron Morales gave a brief update, noting that negotiations are still in progress and reviewed the letter sent by Superintendent Leland Williams.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Centerpoint Energy Electric Hurricane Ike Restoration Cost Case and Authorization of Rate Case Expenses Not to Exceed \$2,400.00.

The City Administrator explained that because this is a restoration cost case and not a rate case, cities may not be eligible for reimbursement for costs associated in opposing the case. She asked Council to authorize rate case expenses not to exceed \$2,400.00. Councilwoman Dunbaugh made a motion to authorize the expenditure not to exceed \$2,400.00. Councilman Decker seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1048-2009 – **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.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1048-2009. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1049-2009 – **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.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1049-2009. Councilwoman Dunbaugh made the second.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 669-2009 – **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).**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Ordinance Number 669-2009 on first reading. Councilman Suderman seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 647-2008 - **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).**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 647-2008 on third and final reading. Councilman Decker seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**NEW BUSINESS**

**ITEM 13.) BRIEFING AND DISCUSSION CONCERNING:** Request for Funding from Norman Trainer for Crime Stoppers and Direct

Norman Trainer appeared before Council on behalf of Crime Stoppers and asked for consideration for funding from the City for that organization.

**ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Presentation Of FY 2008 Audited Comprehensive Annual Financial Report By Null Lairson, PC, Certified Public Accountants Report And City Council's Acceptance Of Audited FY 2008 CAFR (Comprehensive Annual Financial Report)

Helen Duvall of Null Lairson and Finance Director Mary Young presented the Comprehensive Annual Finance Report. After some discussion with City Council, Councilman Suderman made a motion to table this matter until the next Regular Council Meeting to allow time for Council to review the report. Councilman Decker seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 670-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING AN AMENDED BUDGET FOR THE CITY OF DICKINSON, TEXAS FOR FISCAL YEAR 2008-2009; MAKING CERTAIN FINDINGS AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. The City Administrator and Finance Director reviewed the amendments with City Council. Discussion followed. Mayor Pro Tem King made a motion to adopt Ordinance Number 670-2009 on first and final reading. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

1 NAY (Decker)

**MOTION PASSED.**

**ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 671-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING AN AMENDED BUDGET FOR DICKINSON ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2008-2009; MAKING CERTAIN FINDINGS AND PROVIDING**

**OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. City Administrator Julie Johnston explained the amendments and noted that the DEDC Board had approved the amendments at their June 4 meeting. Councilman Wilson made a motion to adopt Ordinance Number 671-2009 on first and final reading. Councilman Suderman seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Four Appointments to the Dickinson Economic Development Corporation Board of Directors

- A. Kari Hackett (New)
- B. Jennifer Lawrence (New)
- C. Leslie Boudwin (Reappointment – serving since 2007)
- D. Scott Shrader (Reappointment – serving since 2005)
- E. Elton Robbins (Reappointment – serving since 1998)
- F. Bert Trotta (Reappointment – serving since 1998)

Mayor Masters explained her recommendation to re-appoint Scott Shrader and Leslie Boudwin and to appoint Kari Hackett and Jennifer Lawrence to replace Elton Robbins and Bert Trotta on the Dickinson EDC. Councilwoman Dunbaugh made a motion to approve the Mayor's recommendation. Mayor Pro Tem King seconded the motion for discussion. Discussion followed.

**VOTE:**

1 AYE (Dunbaugh)

5 NAYS (Suderman, Wilson, Neves, Decker and King)

**MOTION FAILED.**

Councilman Decker made a motion to re-appoint Leslie Boudwin, Scott Shrader, Elton Robbins and Bert Trotta to the Dickinson EDC. Councilman Suderman seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1050-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A NON-REAL ESTATE DONATION AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND FRIENDS OF THE DICKINSON LIBRARY FOR THE DONATION OF \$1657.98; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1050-2009. Councilwoman Dunbaugh made the second.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of new Hazard Mitigation Action Worksheets Submitted to Galveston County for the Houston-Galveston Area Council of Governments Regional Plan.

City Administrator Julie Johnston explained the development of the worksheets and the process. After some discussion, Councilman Suderman made a motion to approve submitting the Hazard Mitigation Action Worksheets to Galveston County for the Houston-Galveston Area Council of Governments Regional Plan. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 20.) 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. A matter in which the duty of the City Attorney requires to be discussed in closed meeting.

2. Status of personnel grievance and appeal.
  3. Status of litigation related to code enforcement issues on properties located at 2922 45<sup>th</sup> Street and 4419 St. Goar.
  4. 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.
- B. Section 551.074 – Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Administrator.

Mayor Masters recessed the meeting into Executive Session at 9:04 p.m.

**ITEM 21.) RECONVENE**

Mayor Masters reconvened the meeting at 10:29 p.m.

**ITEM 22.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.

Mayor Masters noted that no action was taken. She noted that negotiations would continue with the Dickinson Volunteer Fire Department but that the meeting scheduled for June 15 would not be held.

**ITEM 23.) ADJOURN**

Councilman Wilson made a motion to adjourn the meeting at 10:30 p.m. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**PASSED, APPROVED AND ADOPTED** this the 23<sup>rd</sup> day of June, 2009.

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Julie Masters, Mayor

**ATTEST:**

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Carol L. McLemore, City Secretary