

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

**AGENDA**  
City of Dickinson  
**CITY COUNCIL**  
**REGULAR MEETING**

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

**JUNE 22, 2010**

**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, JUNE 22, 2010** at **7:00 p.m.** at: 4403 Highway 3, 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:**

**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 of June 8, 2010.
- B. Approval of Minutes of Regular Council Meeting of June 8, 2010.
- C. Resolution Number XXX-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING AND APPROVING A GRANT AWARD NOTICE FOR THE SECO STIMULUS AMERICAN RECOVERY AND REINVESTMENT ACT GRANT PROGRAM BETWEEN CITY OF DICKINSON, TEXAS AND TEXAS COMPTROLLER OF PUBLIC ACCOUNTS; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

**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 Installation of Manual Emergency Transfer Switch at Dickinson City Hall.

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

- A. Winding Brook Drainage Project
- B. Outfall Drainage Ditch at 29<sup>th</sup> Street and California
- C. Lovers Lane Reconstruction Project
- D. Avenue J Reconstruction Project
- E. 44<sup>th</sup> Street Reconstruction Project
- F. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
- G. Oak Ridge Reconstruction Project
- H. Repairs to Railroad Crossing on FM 517 East
- I. Owens Drive Reconstruction Project
- J. Hughes Road Reconstruction Project
- K. Caroline Street Reconstruction Project

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

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

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Dickinson Bayou Watershed Committee Meeting.

**ITEM 9.) 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 (Second of three readings).

- ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number XXX-2010 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AFFIRMING THE CITY OF DICKINSON’S FULL MEMBERSHIP IN THE GALVESTON COUNTY TRANSIT DISTRICT; AND PROVIDING FOR THE INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

#### NEW BUSINESS

- ITEM 11.) PUBLIC HEARING** – Regarding a Specific Use Permit to Allow the Additional Use of Church and Religious Services in the “NC” (Neighborhood Commercial) zoning district on ±7.381 acres, legally described as Abstract 19, Lot 135 and 3.046 acres of Lot 168 of Addition D, generally located South of FM 517 West and west of medical Park Drive with the approximate address being 200 FM 517 West.

- A. Applicant’s Statement
- B. Those in Favor
- C. Those Opposed
- D. Applicant’s Rebuttal
- E. Adjourn

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2010 - AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT A SPECIFIC USE PERMIT NUMBER 2010-1

(SUP2010-1) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±7.381 ACRES OF LAND ON ABSTRACT 19, LOT 135 AND 3.046 ACRES OF LOT 168 OF DICKINSON ADDITION "D", A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 MORE COMMONLY KNOWN AS 200 FM 517 WEST, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF FM 517 WEST AND MEDICAL PARK DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED NEIGHBORHOOD COMMERCIAL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE (First of three readings).

**ITEM 13.) PUBLIC HEARING** – Regarding a Specific Use Permit to Allow the Additional Use of Church and Religious Services in the "GC" (General Commercial) zoning district, on ±0.625 acres legally described as Abstract 19, Lot 6, Block 144 and Part of 159 of Addition D Dickinson, generally located north of FM 517 East and West of Yupon Street with the address being 1627 FM 517 East.

- A. Applicant's Statement
- B. Those in Favor
- C. Those Opposed
- D. Applicant's Rebuttal
- E. Adjourn

**ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2010 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT A SPECIFIC USE PERMIT NUMBER 2010-2 (SUP2010-2) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±0.625 ACRES OF LAND ON ABSTRACT 19, LOT 6, BLOCK 144 AND PART OF 159 OF DICKINSON ADDITION "D", A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 MORE COMMONLY KNOWN AS 1621 FM 517 EAST, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF FM 517 EAST AND YUPON DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A**

**SEVERABILITY CLAUSE AND AN EFFECTIVE DATE** (First of three readings).

**ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Extension or Termination of Moratorium on Certain Ordinances and Regulations as an Emergency Measure in Response to State of Disaster Caused by Hurricane Ike.

**ITEM 16.) 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. Sharon Ramsey, Individually and as Next Friend of Rachel Ramsey, a Minor v. League City, The City of Dickinson and Galveston County; Cause No. 09-00247, United States District Court for the Southern District of Texas, Galveston Division.
2. Deborah Anne Duncan v. Tracy Brent Keele and the City of Dickinson, Texas; Cause No. 09-41267, United States Court of Appeals on Appeal from the United States District Court for the Southern District of Texas, Cause No. 3:08-CV-157.

B. Section 551.072 – Deliberate the purchase, exchange, lease, or value of real property.

**ITEM 17.) RECONVENE**

**ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters Discussed in Executive Session.

**ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number XXX-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION, INSTALLATION, MAINTENANCE, OPERATION, INSPECTION, REPLACEMENT, REPAIR, AND REMOVAL OF CERTAIN DRAINAGE FACILITIES FOR THE CITY OF DICKINSON, TEXAS; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.**

**ITEM 20.) ADJOURN**

## CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for **TUESDAY, JUNE 22, 2010**, was posted on the bulletin board at City Hall, 4403 Highway 3, Texas, on this the 18<sup>th</sup> day of June, 2010, prior to 6:00 p.m.

*Carol L. McLemore*

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.