

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 22, 2010**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JUNE 22, 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 Pro Tem Walter Wilson called the meeting to order at 7:00 p.m. Laura Graves of Mainland Community Church gave the Invocation and Councilman King led the Pledge of Allegiance. City Secretary Carol McLemore called roll and certified a quorum. Council Members present were as follows: Mayor Pro Tem Walter Wilson and Council Members Charles Suderman, Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Mayor Julie Masters was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Public Works Director Kellis George, Fire Marshal Norman Hicks, Finance Director Mary Young, Building Official Kevin Byal and Police Chief Ron Morales.

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

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- Joint Meeting with DEDC held June 17
- Benefit on July 10 at Mt. Carmel Baptist Church for a husband and wife battling cancer
- Request for minutes of DEDC and DMD#1 meetings distributed on a timely basis
- Upcoming Fourth of July Activities at VFW and Pilot Club Parade
- Workshop on Freedom of Information held in Galveston
- HGAC Information on Programs for Senior Citizens
- Knights of Columbus 4<sup>th</sup> Degree Exemplification Program held at True Cross and thanks to First Baptist and First United Methodist for use of their vehicles to transport visitors.

**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 be a separate discussion on these items

- 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 1131-2010 – **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.**

Councilman Neves made a motion to approve the consent agenda. 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. Update on HVAC Issues.
- B. Update on Installation of Manual Emergency Transfer Switch at Dickinson City Hall.

Fire Marshal Norman Hicks gave a brief update on the HVAC issues and the installation of the manual emergency transfer switch.

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

- A. Winding Brook Drainage Project

Public Works Director Kellis George presented Council with two estimates for the replacement of the deteriorated culverts. He stated that one estimate included the replacement of the sod and fencing and the other one did not. A lengthy discussion followed on the issue of the easement being encroached upon and whether or not the City should

replace the sod and fencing or even allow the easement to be encroached upon at all.

Jeff Wyatt, 5210 Winding Brook, and Stephen Humphrey, 5208 Winding Brook, both spoke to Council concerning the issue

After some discussion, Councilman Suderman made a motion to table this matter until it can be determined if part of the easement could be allowed to be encroached upon without affecting the work the City would need to do. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

1 NAY (Neves)

**MOTION PASSED.**

**B. Outfall Drainage Ditch at 29<sup>th</sup> Street and California**

Public Works Director Kellis George presented Council with four quotes to clear the ditch from Owens to Texas Avenue. He noted that the quotes from B & E Excavating and Champion's Hydro Lawn were both very low and unrealistic. He recommended that the quote from JM Resources, Inc. in the amount of \$34,200.00 be approved. The City Administrator asked for direction from City Council. She noted that the City would have to obtain the easements from all property owners before the work could be done.

Debby Turner, 4905 29<sup>th</sup> Street, appeared before City Council and presented papers she had found at the Galveston County Clerk's Office regarding the easement. She said that the easement was given when the property was subdivided and it belonged to the County up until the time the City was incorporated.

The City Administrator noted that the easement as described in the documents was only 10 feet and the ditch was much larger than that. She said she would need some time to look at the documents that were presented. Councilman King made a motion to table this matter to allow the City Administrator to review the documents. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- 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

The City Administrator and Public Works Director updated City Council on the status of the remainder of the projects.

**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 and Public Works Director updated City Council on the Hurricane Ike CDBG Projects.

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

Councilman Decker gave a brief update on the June 15 meeting of the Dickinson Bayou Watershed Committee.

**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).**

City Secretary Carol McLemore read the ordinance by caption only. Councilman Suderman made a motion to adopt Ordinance Number 698-2010 on second and final reading, suspending the third reading. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

6 AYES

0 NAYS

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1132-2010 – **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.**

The City Secretary read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1132-2010. Councilman King seconded the motion. The City Administrator advised the Council that, since the appointment of a Council member to serve as the City's representative to the District's Board was not included in the caption of the resolution, such appointment would be on the Council's July 13 agenda for consideration.

**VOTE:**

6 AYES

0 NAYS

**MOTION PASSED.**

## 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.

Mayor Pro Tem Wilson opened the Public Hearing at 8:34 p.m.

**A. Applicant’s Statement**

Tim Gerdis of First United Methodist Church addressed the Council and requested approval of the specific use permit.

**B. Those in Favor**

No one spoke in favor of granting the SUP.

**C. Those Opposed**

No one spoke in opposition to granting the SUP.

**D. Applicant’s Rebuttal**

There was not rebuttal by the applicant.

**E. Adjourn**

Mayor Pro Tem Wilson adjourned the meeting at 8:35 p.m.

**ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 699-2010 - **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).**

The City Secretary read the ordinance by caption only. Councilman Suderman made a motion to approve Ordinance Number 699-2010 on first reading. Councilman King seconded the motion.

**VOTE:**

6 AYES

0 NAYS

**MOTION PASSED.**

- 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 1621 FM 517 East.

Mayor Pro Tem Wilson opened the Public Hearing at 8:38 p.m.

A. Applicant's Statement

Amanda Boyd of Mainland Community Church explained the Church's work in the community and asked for Council's approval of the specific use permit.

B. Those in Favor

No one spoke in favor of granting the SUP.

C. Those Opposed

No one spoke in opposition to granting the SUP.

D. Applicant's Rebuttal

There was no rebuttal by the applicant.

E. Adjourn

Mayor Pro Tem Wilson adjourned the Public Hearing at 8:40 p.m.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 700-2010 - **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).

The City Secretary read the ordinance by caption only. Councilman King made a motion to approve Ordinance Number 700-2010 on first reading. Councilman Suderman seconded the motion. Councilwoman Dunbaugh said that she was going to vote against the motion, not because she was opposed to the church, but because she was concerned about removing commercial property from the tax rolls.

**VOTE:**

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

1 NAY (Dunbaugh)

**MOTION PASSED.**

**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.

The City Administrator noted that, if Council did not wish to extend the moratorium on Hurricane Ike emergency measures, it would be necessary to pass an ordinance to terminate the moratorium. It was the consensus of Council to terminate the moratorium. The City Administrator said that she would have the ordinance on the agenda for the next regular meeting.

**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.

C.

Mayor Pro Tem Wilson recessed the meeting into Executive Session at 8:48 p.m.

**ITEM 17.) RECONVENE**

Mayor Pro Tem Wilson reconvened the meeting at 8:57 p.m.

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

Council took no action.

**ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1133-2010 - 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.**

Mayor Pro Tem Wilson read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1133-2010. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

6 AYES

0 NAYS

**MOTION PASSED.**

**ITEM 20.) ADJOURN**

Councilman Suderman made a motion to adjourn the meeting at 8:59 p.m. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

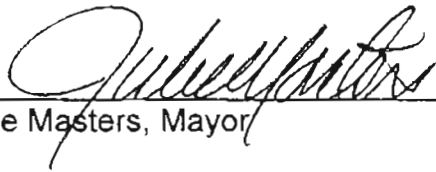
6 AYES

0 NAYS

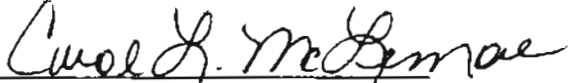
**MOTION PASSED.**

PASSED, APPROVED AND ADOPTED this the 13<sup>th</sup> day of July, 2010.



  
Julie Masters, Mayor

ATTEST:

  
Carol L. McLemore, City Secretary