

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

JULY 22, 2008

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JULY 22, 2008**. 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 7:04 p.m. Mayor Pro Tem King gave the Invocation and Usha Mathew 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 Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. Absent was Councilman Charles Suderman. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Finance Director Usha Mathew, Community Development Director John McDonald, Library Director Vicki McCallister, and Community Development Coordinator Angela Forbes.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters read and presented a Certificate of Special Recognition to Miss Brianna Banda for her efforts in raising \$500.00 to purchase a bullet-proof vest for Police Canine Meka.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- Hurricane Dolly and Hurricane Preparedness
- Condolences to Mayor Masters and family in the death of her Father-in-law
- Thanks and appreciation to Brianna Banda
- Mayor and Councilmen's Meeting held in Friendswood
- Opening of Roma Italian Restaurant
- Friends of Dickinson Library obtaining 501c status
- Dickinson Volunteer Fire Department and Public Safety Banquet to be held at the VFW on Saturday
- Upcoming dedication of Veteran's Memorial in Friendswood
- International Conference of Police Chaplains' Meeting in Mobile

- American Baptist State Youth Convention to be held July 28 – 31 at Greater New Home Missionary Baptist Church in Dickinson.

ITEM 3.) PUBLIC COMMENTS:

Jeanette Gregory, 1722 Oleander Drive, informed Council of conditions of garbage, trash and chickens running loose on 42nd Street.

Tom Latham, 4529 29th Street questioned the information provided to Karen Post regarding how the monthly drainage fee assessed on the water bills is spent. He asked for further clarification and also if the fee was to be ongoing or if it was intended for a specific project and would no longer be charged once the project is complete.

Kenneth Cram, 414 Serenity Drive, asked that Council consider amending the fence ordinance to prohibit parallel fences. He reported on the problems he is having with grass and weeds growing up between his and the neighbor's fence.

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 Regular Council Meeting of July 8, 2008.

Councilman Neves made a motion to approve the consent agenda.
Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ann Cochran's request for an Ordinance to Prohibit Discharge of Firearms within the City Limits.

Ann Cochran, 4218 Country Club Drive, informed Council of the problems she was experiencing with sounds of gunfire coming from the old Country Club property near her house. She stated that people are using the property to train dogs and are firing starter pistols. She asked that Council pass an ordinance prohibiting the discharge of firearms within the City limits, whether it was real bullets or blanks.

The following also spoke in opposition to an ordinance which prohibited the firing of blanks within the City limits:

- Chris Tucker, 2304 Hughes Road
- John Maroul, 217 Green Isle
- Mark Burks, 9306 West Sterling, Pearland
- Jim Ausmus, 2323 Westward, La Marque

Following some discussion, it was the consensus of the Council not to proceed with an ordinance prohibiting the discharge of firearms within the City.

OLD BUSINESS

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project

City Administrator Julie Johnston gave a brief update on the progress of the City Hall/Library Project, noting that the foundation for City Hall had been poured earlier that day and that the Library foundation was scheduled to be poured next week. She also pointed out the minutes of the bi-weekly construction meeting included in the agenda packet and said that she would be including these in each agenda packet.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 643-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS DELETING SUBSECTION G, MINIMUM FIRST FLOOR ELEVATION, OF SECTION 8, STANDARDS AND SPECIFICATIONS, OF APPENDIX “A”, SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS; ADOPTING A NEW SUBSECTION G, OF SECTION 8, STANDARDS AND SPECIFICATIONS, OF APPENDIX “A”, SUBDIVISIONS, OF THE CODE OF ORDINANCES TO BE ENTITLED “DRAINAGE CRITERIA” AND ESTABLISHING DESIGN STANDARDS IN THE PREPARATION OF DRAINAGE PLANS; ADOPTING A NEW APPENDIX “B”, DRAINAGE CRITERIA, OF THE CODE OF ORDINANCES; ESTABLISHING A FEE FOR A DRAINAGE PLAN EXTENSION; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Neves made a motion to adopt Ordinance Number 643-2008 on second and final reading, suspending the third reading. Councilman Decker seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Revised Recommendations for Use of Unreserved FY 06-07 Fund Balance.

The City Administrator explained that the revised request to the previous recommendation for use of the unreserved FY 06-07 Fund balance did not involve any change in the amount requested. She said that the revised recommendation was for the \$6,000.00 allotted to Public Safety for the purchase of two (2) 800 mHz radios to be used to re-furbish the ambulance donated by BP. She told Council that the radios had been purchased out of the current year's budget. Councilwoman Dunbaugh made a motion to approve the revised recommendation. Councilman Neves seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves, and King)
1 NAY (Decker)

MOTION PASSED.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 644-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBERS 523-97, 529-2004 AND 564-2005, ALL BEING CODIFIED AS ARTICLE V, AUTO WRECKERS, OF CHAPTER 8, LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY; ADOPTING A NEW ARTICLE V, TOW TRUCKS, OF CHAPTER 8, LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES TO ESTABLISH RULES AND REGULATIONS GOVERNING THE TOWING OF VEHICLES WITHIN THE CITY; PROVIDING OTHER MATTERS ON THE SUBJECT; REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND SAVINGS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE-HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND PROVIDING AN EFFECTIVE DATE** (First of three readings).

Mayor Masters read the ordinance by caption only. City Attorney Loren Smith reviewed the changes with Council. Mayor Pro Tem King made a motion to approve Ordinance Number 644-2008 on first reading. Councilwoman Dunbaugh made the second.

VOTE:

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

0 NAYS
MOTION PASSED.

NEW BUSINESS

ITEM 10.) PUBLIC HEARING: To Receive Public Input Regarding Request for Variance to Street Construction Requirements Established by Section 8, Standards and Specifications, of Appendix A, Subdivisions, of the Code of Ordinances for Estates on the Bayou located northwest of the north end of Starboard Lane To Allow the Applicant to Construct a 22' Wide 6" thickness Concrete Street with a 40' round turn radius with Open Ditch (Applicant: Duane Vickery).

Mayor Masters opened the public hearing at 8:05 p.m.

A. Applicant's Statement

Duane Vickery, 3910 Fairmont Parkway, Pasadena, developer of the project, addressed the request for the variance to the construction requirements. He stated that because of the shape of the property and the pipelines running across it, it would be a hardship to comply with the ordinance.

B. Those in Favor

No one spoke in favor of granting the variance.

C. Those Opposed

Becky Dues, 5220 Starboard Lane, spoke in opposition to granting the variance. She noted that she spoke on behalf of several other residents of Starboard lane, who were also present at the meeting.

D. Applicant's Rebuttal

Mr. Vickery made a rebuttal in defense of his request.

E. Adjourn

Mayor Masters adjourned the Public Hearing at 8:11 p.m.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Request for Variance to Street Construction Requirements Established by Section 8, Standards and Specifications, of Appendix A, Subdivisions, of the Code of Ordinances for Estates on the Bayou located northwest of the north end of Starboard Lane To Allow the Applicant to Construct a 22' Wide 6" thickness Concrete Street with a 40' round turn radius with Open Ditch (Applicant: Duane Vickery).

Community Development Coordinator Angela Forbes informed Council that the Planning and Zoning Commission had reviewed this request and recommended that the variance be denied. Councilman Wilson made a

motion to deny the request for variance. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 12.) PUBLIC HEARING: To Receive Public Input Regarding the Proposed Rates to be Set for Natural Gas Distribution for CenterPoint Energy Entex and Rate Request Settlement.

Mayor Masters opened the Public Hearing at 8:18 p.m.

A. Applicant's Statement

The applicant did not make a statement.

B. Those in Favor

No one spoke in favor of the rate request settlement.

C. Those Opposed

No one spoke in opposition to the rate request settlement.

D. Applicant's Rebuttal

There was no rebuttal.

E. Adjourn

Mayor Masters adjourned the Public Hearing at 8:19 p.m.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 645-2008 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ("CITY") APPROVING A SETTLEMENT AGREEMENT BETWEEN THE GULF COAST COALITION OF CITIES AND CENTERPOINT ENERGY ENTEX ("CENTERPOINT" OR "THE COMPANY") REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.**

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 645-2008 on first and final reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 989-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DECLARING THE DICKINSON PUBLIC LIBRARY TO BE A DEPARTMENT OF THE CITY OF DICKINSON; PROVIDING FOR THE INCORPORATION OF PREMISES AND AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 989-2008. The motion was seconded by Mayor Pro Tem King.

VOTE:

5 AYES (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 551.087- Discuss or deliberate regarding commercial or financial information that the Dickinson City Council has received from a business prospect that the Dickinson City Council seeks to have locate, stay or expand in or near the City and which the Dickinson City Council is conducting economic development negotiations.

Mayor Masters recessed the meeting into Executive Session at 8:21 p.m.

- ITEM 16.) RECONVENE**

Mayor Masters reconvened the meeting at 8:58 p.m. noting that no action was taken by City Council.

- ITEM 17.) ADJOURN**

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

VOTE:

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

0 NAYS

MOTION PASSED.

Passed, approved and adopted this the 12th day of August, 2008.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary