

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

**JULY 26, 2011**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JULY 26, 2011**. 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. Kevin Byal gave the Invocation and Carol McLemore 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, Chief Ron Morales, Public Works Director Kellis George, Building Official Kevin Byal, Finance Director Mary Young, Incoming City Secretary Carolyn Anderson, and Intern Jessica Rogers.

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

Council commented on the following topics:

- o Welcome to everyone present and thanks for coming
- o Marine's Toys for Tots Program and donations by Bay Colony Chiropractic and Outback Steak House
- o Festival of Lights activities and new concession stand
- o M. I. Lewis Gala and Fundraiser on July 29
- o Friends of the Library Reception on August 5
- o Welcome to incoming City Secretary Carolyn Anderson and farewell to outgoing City Secretary Carol McLemore

**ITEM 3.) PUBLIC COMMENTS:**

There were no comments from the public.

**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 July 12, 2011
- B. Approval of Minutes of Regular Council Meeting of July 12, 2011
- C. Approval of Resolution Number 1200-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING AN ENGAGEMENT LETTER FOR LEGAL SERVICES WITH BICKERSTAFF HEATH DELGADO ACOSTA LLP; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- D. Approval of Resolution Number 1201-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AN ENGAGEMENT LETTER BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND NULL-LAIRSON, P.C. TO PERFORM AN AUDIT OF THE FINANCIAL STATEMENTS OF THE CITY OF DICKINSON FOR FISCAL YEARS 2010-2011; AUTHORIZING EXECUTION OF THE ENGAGEMENT LETTER BY THE MAYOR; 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:** Update on Public Works Projects

- A. Cherry Street Bridge Project
- B. Plantation Drive Drainage Project
- C. Owens Drive Street Reconstruction Project

Public Works Director Kellis George gave a brief update on the various Public Work projects.

**ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Hurricane Ike CDBG Grant Projects

City Administrator Julie Johnston gave a brief update on the Hurricane Ike CDBG Grant Projects.

**ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Dickinson Bayou Watershed Steering Committee Meeting.

Councilman Louis Decker gave a brief update on the July meeting of the Dickinson Bayou Watershed Steering Committee Meeting.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appeal of Building Standards Commission's Order to Demolish Structure at 4901 36<sup>th</sup> Street by Jorge Lopez.

Building Official Kevin Byal gave a report on the inspection he had completed of the inside of the structure at 4901 36<sup>th</sup> Street. He reported that the interior of the structure was in bad repair with severe water damage and rotted wood, along with holes in the floor. He also noted that there was exposed plumbing and wiring that was damaged and not up to City Codes. Councilman Neves made a motion to uphold the Building Standards Commission's order to demolish the structure. Councilman King seconded the motion. Jorge Lopez spoke to Council and appealed to them to overturn the decision of the Building Standards Commission to demolish the structure. He stated that it was part of his means of income and he needed the building for his business. Mr. Lopez's attorney, Mark Aronowitz, arrived during the discussion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**NEW BUSINESS**

**ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appointments/Reappointments to Boards and Commissions

**A. Dickinson Economic Development Corporation**

Councilman Neves made a motion to reappoint John Simsen, Libby Moreno, Chris Tucker and Ira Alexander to Dickinson Economic Development Corporation. Councilman King seconded the motion. There was a discussion on the attendance of the board members.

**VOTE:**

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

1 NAY (Suderman)

**MOTION PASSED.**

**B. Dickinson Management District #1**

Councilwoman Dunbaugh made a motion to reappoint Bill Jakeway, Perry Fulcher and Wayne Browne and to appoint Rene Casey to fill the unexpired term of Diane Groh on the Dickinson Management District #1. Councilman Decker seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

C. Planning and Zoning Commission

Councilwoman Dunbaugh made a motion to move Edward Mikowski from Alternate Member to Regular Member replacing Bill Miller and to appoint Ryan Loofboro as an Alternate Member on the Planning and Zoning Commission. Councilman Suderman seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Accepting the Rates and Plans Offered by BLUE CROSS BLUE SHIELD OF TEXAS for Plan Year 2011-2012 as Recommended by FWD through the Interlocal Agreement Approved by the City by Resolution Number 784-2005 (PREVIOUSLY KNOWN AS H-GAC Region 1).

Councilman King made a motion to accept the rates and plans offered by Blue Cross Blue Shield of Texas for Plan Year 2011-2012 as recommended. Councilman Suderman seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award of Competitive Sealed Bid #1106-12 for City of Dickinson Street Rehabilitation 2011 Birch Drive from FM 517 E to Dead End, Elm Drive from FM 517 E to Dead End, and Timber Drive from FM 517 E to 44<sup>th</sup> Street to Drewker Construction, Inc. in an amount not to exceed \$113,094.00.

Councilwoman Dunbaugh made a motion to award the bid for the street rehabilitation of Birch, Elm and Timber to Drewker Construction in an amount not to exceed \$113,094.00. 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:** Resolution Number 1202-2011 – **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, INC. AS CONTRACTOR FOR CITY OF DICKINSON STREET REHABILITATION 2011 BIRCH DRIVE FROM FM 517 E TO DEAD END, ELM DRIVE FROM FM 517 E TO DEAD END, AND TIMBER DRIVE FROM FM 517 E TO 44<sup>TH</sup> STREET; 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.**

Mayor Pro Tem Wilson read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1202-2011. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1203-2011 - **A RESOLUTION OF THE CITY OF DICKINSON, TEXAS FINDING THAT CENTERPOINT ENERGY ENTEX'S ("CENTERPOINT'S" OR "COMPANY'S") COST OF SERVICE ADJUSTMENT ("COSA") FILING; WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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 THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Wilson read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1203-2011. Councilman King 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 1204-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REVISING SECTION 2 OF RESOLUTION**

**NUMBER 998-2008 TO AUTHORIZE THE BOARD OF DICKINSON MANAGEMENT DISTRICT NO. 1 TO CONTINUE TO LEVY AND COLLECT A ONE-HALF CENT SALES TAX UNTIL FURTHER ACTION BY THE CITY COUNCIL; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Pro Tem Wilson read the resolution by caption only. Councilman King made a motion to approve Resolution Number 1204-2011. Councilwoman Dunbaugh 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 pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

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

Mayor Pro Tem Wilson recessed the meeting into Executive Session at 7:54 p.m.

**ITEM 16.) RECONVENE**

Mayor Pro Tem Wilson reconvened the meeting at 8:21 p.m.

**ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.

Council took no action on matters discussed in Executive Session.

**ITEM 18.) ADJOURN**

Councilwoman Dunbaugh made a motion to adjourn the meeting at 8:21 p.m. Councilman Suderman seconded the motion.

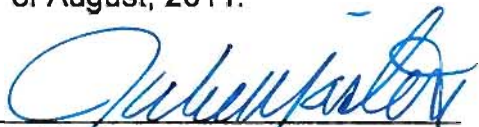
**VOTE:**

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


0 NAYS

**MOTION PASSED.**

**PASSED, APPROVED AND ADOPTED** this the 9<sup>th</sup> day of August, 2011.

  
Julie Masters, Mayor

**ATTEST:**

  
Carolyn E. Anderson  
City Secretary

