

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 27, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JULY 27, 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 Julie Masters called the meeting to order at 7:02 p.m. William King gave the Invocation and Ron Morales 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 Walter Wilson and Council Members Charles Suderman, Kerry Neves, Louis Decker and William King. Councilwoman Mary Dunbaugh was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Public Works Director Kellis George, Fire Marshal Norman Hicks, Finance Director Mary Young and Building Official Kevin Byal.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- International Conference of Police Chaplains held in Sacramento, California recently.
- Juneteenth Breakfast.
- New "Café" operated by Chief Ron Morales.
- Condolences to families of Thelma Pate, Ruby Micheletti, and Richard Diehl.

ITEM 3.) PUBLIC COMMENTS:

Brenda Boyce, 4719 38th Street, addressed City Council concerning some structures in her neighborhood that are not being cared for and need attention. She addressed several code enforcement issues.

Karen Post, 4527 29th Street East, asked about the increase in sewer fees. Mayor Masters told her to contact Water Control and Improvement District #1.

Mark Townsend, President of the Dickinson Economic Development Corporation, gave a brief report on the actions of the DEDC at their recent meeting.

ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:
The following items were considered routine by the City Council and were enacted by one motion.

- A. Approval of Minutes of Special Council Workshop of June 29, 2010.
- B. Approval of Minutes of Regular Council Meeting of July 13, 2010.

Mayor Pro Tem Wilson made a motion to approve the consent agenda. Councilman King made the second.

VOTE:

5 AYES (Suderman, 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 remaining HVAC issues and installation of the manual emergency transfer switch.

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

- A. Winding Brook Drainage Project

Robert Ellis with Ellis Surveying gave a report on the survey work that was done for the drainage easement on Winding Brook. He reported that the survey indicated several structures within the easement, including fencing, driveway, air conditioning unit and a garage.

Mayor Masters recessed the meeting into Executive Session at 7:21 p.m. 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. Litigation related to right-of-way encroachment on properties located at 5210 and 5208 Winding Brook.

Mayor Masters reconvened the meeting at 7:48 p.m. and stated that the City Administrator would contact the property owners regarding the issue.

- B. Thornwood Circle Drainage Project
- C. Outfall Drainage Ditch at 29th Street and California
- D. Lovers Lane Reconstruction Project
- E. Avenue J Reconstruction Project
- F. 44th Street Reconstruction Project
- G. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
- H. Oak Ridge Reconstruction Project

The City Administrator and Director of Public Works updated City Council on the status of the remaining Public Works projects. Council took no action in this matter.

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

The City Administrator reported that she would be attending a Public Hearing at HGAC on Wednesday regarding the Method of Distribution proposed by HGAC for Round 2 of the Hurricane Ike CDBG funds.

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

Councilman Decker gave a report of the July 20 meeting of the Dickinson Bayou Watershed Committee Meeting.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 701-2010 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBER 656-2008; PROVIDING FOR THE INCORPORATION OF PREAMBLE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE** (Second of three readings).

Mayor Masters read the ordinance by caption only. Damon Brown, 4118 Grand Boulevard, spoke to Council on behalf of several other neighbors present at the Council meeting and asked that the ordinance be passed.

Councilman Neves made a motion to adopt Ordinance Number 701-2010 on second and final reading, suspending the third reading. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 10.) 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 ±0.322 acres of land on Abstract 19, Lot 114 of Addition “D” to Dickinson, 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 3210 State Highway 3, and generally located south of Falco Street and west of State Highway 3.

Mayor Masters opened the Public at 7:55 p.m.

A. Applicant’s Statement

Jared Dawsey, Pastor of Bethel Evangelistic Church asked Council’s consideration in granting an SUP to allow a church at 3210 Highway 3.

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.

E. Adjourn

Mayor Masters closed the Public Hearing at 7:56 p.m.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 702-2010 - **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 2010-3 (SUP2010-3) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±0.322 ACRES OF LAND ON ABSTRACT 19, LOT 114 OF ADDITION “D” TO DICKINSON, 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 3210 STATE HIGHWAY 3, AND GENERALLY LOCATED SOUTH OF FALCO STREET AND WEST OF STATE HIGHWAY 3, 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).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Wilson made a motion to approve Ordinance Number 702-2010 on first reading. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 12.) PUBLIC HEARING – Regarding a Specific Use Permit to Allow the Additional Use of Child Day Care Center in the “NC” (Neighborhood Commercial) zoning district on ±.322 acres of land on Abstract 19, Lot 114 of Addition “D” to Dickinson, 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 3210 State Highway 3, in the City of Dickinson, Galveston County, Texas and generally located south of Falco Street and west of State Highway 3.

Mayor Masters opened the Public Hearing at 7:58 p.m.

A. Applicant’s Statement

Misty Dawsey asked Council’s consideration in granting an SUP to allow a child care center at 3210 Highway 3.

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.

E. Adjourn

Mayor Masters closed the Public Hearing at 7:59 p.m.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 703-2010 – **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 2010-4 (SUP2010-4) SO AS TO ALLOW THE ADDITIONAL USE OF A CHILD DAY CARE CENTER ON ±.322 ACRES OF LAND ON ABSTRACT 19, LOT 114 OF ADDITION "D" TO DICKINSON, 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 3210 STATE HIGHWAY 3, AND GENERALLY LOCATED SOUTH OF FALCO STREET AND WEST OF STATE HIGHWAY 3, 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).

Mayor Masters read the ordinance by caption only. Councilman King made a motion to approve Ordinance Number 703-2010 on first reading. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1135-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS DENYING CENTERPOINT ENERGY ENTEX GAS'S ("CENTERPOINT'S" OR "COMPANY'S") COST OF SERVICE ADJUSTMENT ("COSA") FILING WITHIN THE CITY; 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 Masters read the resolution by caption only. Councilman Suderman mad a motion to adopt Resolution Number 1135-2010. Councilman King seconded the motion.

VOTE:

5 AYES (Suderman, 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:

B. 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.

2. Status of litigation related to code enforcement issues on properties located at 4419 St. Goar.

Mayor Masters recessed the meeting into Executive Session at 8:01 p.m.

ITEM 16.) RECONVENE

Mayor Masters reconvened the meeting at 8:13 p.m.

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

Council took no action.

ITEM 18.) ADJOURN

Mayor Pro Tem Wilson made a motion to adjourn the meeting at 8:14 p.m. Councilman King made the second.

VOTE:

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

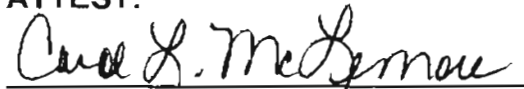
0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 10th day of August, 2010.


Julie Masters, Mayor

ATTEST:



Carol L. McLemore, City Secretary

