

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 28, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JULY 28, 2009**. 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 7:27 p.m. J. T. Floyd gave the Invocation and Mark Townsend led the Pledge of Allegiance. Development Coordinator Angela Forbes called roll and certified a quorum in the absence of City Secretary Carol McLemore. Council Members present were as follows: Mayor Julie Masters, Mayor Pro Tem William King and Council Members Charles Suderman, Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. City Administrator Julie Johnston was absent. Also present were City Attorney, Loren Smith, Police Chief Ron Morales, Director of Public Works Kellis George, Finance Director Mary Young, Fire Marshal Norman Hicks, and Library Director Vicki McCallister.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters recognized Sgt. Mike Anzualda, Officer John Smith and Officer Jack Ferrell and presented them with a plaque of recognition for their efforts in rescuing a driver and passenger from a car fire. Police Chief Ron Morales also presented them with a Medal of Valor for their actions.

Council commented on the following topics:

- Congratulations to Reverend King on the opening of his Church at the new location.
- M. I. Lewis First Annual Garage Sale
- Congratulations to the Police Officers for their efforts in rescuing those involved in a car fire.
- Thanks to Councilman Neves for speaking at the opening of the Greater New Hope Baptist Church.

ITEM 3.) PUBLIC COMMENTS:

Jerry Armstrong, 2901 46th Street, spoke to City Council concerning the loud noises coming from the bass speakers in the vehicles on city streets. He said that the City had done an excellent job of reducing the noise.

Terry Marshall, 1308 Plantation Drive, spoke to City Council concerning fleas coming from his neighbor's yard.

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 Regular Council Meeting of July 14, 2009.
- B. Approval of Minutes of Special Council Workshop of July 22, 2009.
- C. Approval of Resolution Number XXX-2009 – **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 LUCAS CONSTRUCTION CO., INC. AS CONTRACTOR FOR SUNSET DRIVE STREET CONSTRUCTION PROJECT; 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.**

Councilman Neves made a motion to approve the Consent Agenda. Councilman Wilson 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. Keyed Light Switches
- B. HVAC
- C. Status of Building Signage
- D. Status of Electric Door Locks

Fire Marshal Norman Hicks gave a brief update on the items that still need to be completed on the project. Council took no action in this matter.

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

- A. Oleander Bridge Project
- B. Sunset Drive Project

Director of Public Works Kellis George gave an update on the Oleander Bridge Project and the Sunset Drive Project. After some discussion, Council took no action in this matter.

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

Councilman Decker gave a brief report and update on the July 21 meeting of the Dickinson Bayou Watershed Committee. Council took no action in this matter.

NEW BUSINESS

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 673-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS DELETING SECTIONS 1 AND 4, OVERTIME AND COMPENSATORY TIME, RESPECTIVELY, OF CHAPTER 8, COMPENSATION AND BENEFITS, OF THE CITY OF DICKINSON PERSONNEL POLICY (2005) AND SUBSTITUTING THEREFORE A NEW SECTION 1 AND 4, OVERTIME AND COMPENSATORY TIME, RESPECTIVELY, TO PROVIDE THE PAYMENT OF COMPENSATION OF EMPLOYEES IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE** (First of three readings).

Mayor Masters read the ordinance by caption only. Councilman Decker made a motion to approve Ordinance Number 673-2009 on first reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 674-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING CHAPTER 12, OFFENSES – MISCELLANEOUS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS, BY THE ADDITION OF A NEW ARTICLE X TO BE ENTITLED “STORM WATER DRAINAGE SYSTEM REGULATIONS” AND ESTABLISHING DEFINITIONS AND REGULATIONS FOR ILLEGAL DISCHARGES AND CONNECTIONS TO THE CITY’S STORM WATER DRAINAGE SYSTEM; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING**

FOR ENFORCEMENT OF VIOLATIONS OF ANY OF THE REGULATIONS ADOPTED HEREIN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH AND EVERY DAY A VIOLATION HEREOF OCCURS; PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, AND SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (First of three readings).

Mayor Masters read the ordinance by caption only. Councilman Decker made a motion to approve Ordinance Number 674-2009 on first reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 675-2009 – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RENAMING THE PORTION OF 23RD STREET, LOCATED BETWEEN TIMBER DRIVE AND STATE HIGHWAY 3, A PUBLIC ROADWAY, AS J. O. WILLIAMS STREET; PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING THE CITY ADMINISTRATOR TO INSTALL PROPER STREET SIGNAGE RELATED TO THE RENAMING; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE (First of three readings).**

Mayor Masters read the ordinance by caption only. Mayor Pro Tem King made a motion to approve Ordinance Number 675-2009 on first reading. Councilwoman Dunbaugh seconded the motion. It was noted that the street name change only affected six (6) houses in Dickinson and all six had agreed to the name change.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 11.) DISCUSSION AND DIRECTION CONCERNING:** Amending Library Advisory Board enabling ordinance to allow for the appointment of residents and business men/women who own or operate a business within the serving area.

Library Director Vicki McCallister appeared before Council to ask that the ordinance creating the Library Board be revised to allow business owners with a business in the service area to serve on the Library Board. Following some discussion, it was the consensus of Council to amend the ordinance

to allow for business owners in the service area to serve on the board. Staff was instructed to bring an ordinance to Council to facilitate the change.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval for Staff to submit an application to the USDA Emergency Watershed Protection Grant Program for Hurricane Ike for a grant to clear the tributaries of Dickinson Bayou with a City match of \$14, 256.00.

Finance Director Mary Young explained that the purpose in applying for the grant was to be able to clear the tributaries of Dickinson Bayou of the trees and debris that resulted from Hurricane Ike. After some discussion, Councilman Decker made a motion to approve the submission of the application for the grant. Councilman Suderman seconded the motion.

VOTE:

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

MOTION CARRIED.

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appointments to Boards and Commissions:

- A. Appointment of Lawrence P. Kindel to the Building Standards Commission replacing Darren Burris.
- B. Appointment of Jennifer Lawrence to the Dickinson Economic Development Corporation replacing Leslie Boudwin.

Mayor Masters submitted the name of Lawrence P. Kindel to serve on the Building Standards Commission and Jennifer Lawrence to serve on the Economic Development Corporation. Councilman Wilson made a motion to approve Lawrence P. Kindel to the Building Standards Commission as an alternate. Mayor Pro Tem King seconded the motion. Discussion followed. Councilman Wilson withdrew his motion and the second agreed. It was the consensus of Council to table this matter to allow City Council to review the applications submitted for service on Boards and Commissions.

- ITEM 14.) 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 pending litigation or settlement offer, to wit: City of Dickinson v. Jerry Armstrong.

Mayor Masters recessed the meeting into Executive Session at 8:43 p.m.

ITEM 15.) RECONVENE

Mayor Masters reconvened the meeting at 9:07 p.m.

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters discussed in Executive Session.

Council took no action in this matter.

ITEM 17.) ADJOURN

Councilman King made a motion to adjourn the meeting at 9:07 p.m.
Councilman Wilson made the second.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 11th day of August, 2009.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary