

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

AUGUST 11, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, AUGUST 11, 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 7:02 p.m. Mayor Pro Tem William King gave the Invocation and Councilman Suderman 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 Charles Suderman, Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Director of Public Works Kellis George, Fire Marshal Norman Hicks, Finance Director Mary Young, Library Director Vicki McCallister, Municipal Court Director Irma Rivera, and Captain Melvin Mason.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters recognized and presented Certificates of Appreciation and Gratitude to the following who volunteered during Hurricane Ike:

Carolyn Suderman
Ken Suderman
Charles Suderman
Marilyn Decker
Louis Decker
Pasquel "Pete" Velasquez

She also noted that certificates had been prepared and would be sent to those who were unable to be present at the meeting which included:

Penny Krone
Louis Krone
Dale Krone
Krista Krone
Tiffany Krone
Phil Ortiz

Joe Ortiz.

Council commented on the following topics:

- Welcome to Everyone Present and Thanks for Coming
- Groundbreaking at the New Calder Road Elementary School
- Politically Incorrect Dinner held recently
- Upcoming Dickinson Volunteer Fire Department Recognition
- Friends of the Library Upcoming Benefit for Dickinson Library to be held Friday, August 21, from 5:00 p.m. to 7:00 p.m.
- Opening of new Firestone Store at FM 646
- Recent Dickinson Independent School District Board Meeting
- Mainland Surgery Center Open House Celebrating Third Year
- Recent Meeting held by Galveston County to Discuss Possible Hospital District
- Proposed Town Hall Meeting to Disseminate Information on Possible Hospital District
- Proposed DISD Administration Building
- Recent Texas Citizens Police Academy Alumni Association Meeting and awards won by Dickinson CPAAA including Association of the Year and Officer of the Year Tony Valdez.
- Faith Lutheran's appreciation of the Dickinson Public Works Department Displayed recently on their Church Sign.
- Dedication and Opening of Greater New Hope Baptist Church's New Facilities

ITEM 3.) PUBLIC COMMENTS:

Bridget Long, 4423 Scenic Drive, appeared before Council to discuss the ongoing effort with TCEQ regarding the wastewater treatment plant proposed for Gum Bayou. Ms. Long passed out several handouts and reported problems with the water which were experienced recently. She noted the number of wastewater treatment facilities already on Dickinson Bayou and said that no more should be allowed. She introduced Elton Beck who explained that he, another adult and thirteen children were fishing in the water at San Leon and that he had contacted a serious bacterial infection on his skin as a result of coming into contact with the bayou water. He said that there was a strong smell of sewer in the water.

Dudley Long, 4423 Scenic Drive, showed Council the scars on his arm where he had fallen off of his dock and scratched his arm. Mr. Long said that his arm had become infected from the water and left the scars.

Bridget Long spoke again and asked that Council support the funding of their fight to keep the wastewater treatment plant from being built.

Jerry Armstrong, 2901 46th Street, discussed what he considered to be a lack of communication of the Council with each other and with citizens.

Cathy Wilcoxon, 105 Avenue J, discussed the repairs needed to Avenue J. She expressed a frustration in dealing with the Dickinson Economic Development Corporation and asked that Council consider term limits for the Board Members. She again stressed the need for repairs on Avenue J.

ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:

The following items are 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 28, 2009.
- B. Approval of Minutes of Regular Council Meeting of July 28, 2009.
- C. Approval of Minutes of Special Council Workshop of August 3, 2009.
- D. Approval of Resolution Number 1055-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL PROJECT AGREEMENT BETWEEN THE CITY OF DICKINSON, TEXAS, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE TO INSTALL EMERGENCY WATERSHED PROTECTION MEASURES TO RELIEVE HAZARDS CREATED BY HURRICANE IKE IN CERTAIN TRIBUTARIES OF DICKINSON BAYOU WITHIN THE CITY LIMITS OF DICKINSON, TEXAS; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- E. Approval of Resolution Number 1056-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE BROADBAND TECHNOLOGIES PUBLIC COMPUTERS CENTERS PROGRAM PROVIDED TO THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.**

Mayor Pro Tem King made a motion to approve the Consent Agenda. Councilman Decker made the second.

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 Outstanding Items Related to the City Hall/Library Project.

Fire Marshal Norman Hicks gave a brief report on the signage, the card reader installations on the exterior doors and the mechanical work that are being completed.

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Public Works Projects
- A. Oleander Bridge Project
 - B. Sunset Drive Reconstruction Project

Public Works Director Kellis George gave a brief update on the Public Works Projects.

- ITEM 7.) BRIEFING, DISCUSSION AND DIRECTION CONCERNING:** Dickinson Police Department proposal to provide Dispatch and Jail services to the City of Clear Lake Shores Police Department.

Chief Ron Morales informed City Council that the City had been asked to submit a bid to the Clear Lake Shores Police Department to provide dispatch and jail services. After some discussion, it was the consensus of City Council that, if the bid was favorable, they would be in favor of providing the services if the City's cost would be recovered.

- 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 673-2009 on second and final reading, suspending the third 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Decker made a motion to adopt Ordinance Number 674-2009 on second and final reading, suspending the third reading. Councilwoman Dunbaugh 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to adopt Ordinance Number 675-2009 on second and final reading, suspending the third reading.

VOTE:

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

0 NAYS

MOTION PASSED.

NEW BUSINESS

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** 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 AMERICAN TRAFFIC SOLUTIONS FOR THE INSTALLATION AND OPERATION OF AUTOMATED RED LIGHT ENFORCEMENT SYSTEMS AT THE INTERSECTIONS OF FM 517 @ FM 646, FM 517 @ I-45 AND FM 517 @ HIGHWAY 3; 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 Masters read the resolution by caption only. Captain Melvin Mason passed out copies of the agreement with ATS that had been updated and explained the changes. Municipal Court Administrator Irma Rivera spoke on the impact to the Court. After some discussion, it was the consensus of Council that more information was needed and input from the public would be needed. It was suggested that a Public Hearing to take input from the public regarding the use of the cameras be held at the first meeting in October. Council took no formal action in this matter.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 676-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, (“CITY”) APPROVING A SETTLEMENT AGREEMENT BETWEEN THE TNMP CITIES AND TEXAS-NEW MEXICO POWER COMPANY (“TNMP” OR “COMPANY”) REGARDING THE COMPANY'S STATEMENT OF INTENT TO CHANGE ELECTRIC 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; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE (First and only reading).**

Mayor Masters read the ordinance by caption only. The City Administrator explained the settlement agreement. Councilwoman Dunbaugh made a motion to adopt the ordinance on first and final reading. Mayor Pro Tem King 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 1057-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DICKINSON, TEXAS, AND GALVESTON COUNTY TO PARTIALLY FUND IMPROVEMENTS TO CITY STREETS KNOWN AS OWENS DRIVE AND HUGHES ROAD WITHIN THE CITY LIMITS OF DICKINSON, TEXAS; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Chris Tucker, 2304 Hughes Road spoke concerning having a sidewalk and the timing of the work. Councilman Decker made a motion to approve Resolution Number 1057-2009. Mayor Pro Tem King made the second.

VOTE:

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

MOTION PASSED.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 678-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING SUBSECTION (a) OF SECTION 2-111, MEMBERSHIP, OF ARTICLE VI, LIBRARY ADVISORY BOARD, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON TO MODIFY THE REQUIREMENTS FOR MEMBERSHIP; PROVIDING A CUMULATIVE REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (First of three readings).**

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 678-2009 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 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** New Appointment or Reappointment of Shamarion Barber to the Galveston County Community Action Council.

Councilman Neves made a motion to reappoint Shamarion Barber to the Galveston County Action Community Council. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appointments to City Boards and Commissions

- A. Approve moving James Ayers from Alternate to Regular Member of Building Standards Commission

Councilman Wilson made a motion to move James Ayers from alternate to a regular member of the Building Standards Commission. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- B. Appointment of Alternate to Building Standards Commission

Councilman Wilson made a motion to appoint Lawrence Kindel as an alternate to the Building Standards Commission. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- C. Appointment to Economic Development Corporation replacing Leslie Boudwin

Councilman Decker made a motion to appoint Mark Townsend to fill the unexpired term of Leslie Boudwin. Councilman Suderman seconded the motion.

VOTE:

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

1 NAY (Dunbaugh)

MOTION PASSED.

- ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 677-2009 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE 2009 APPRAISAL ROLL; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE** (First and only reading).

Mayor Masters read the ordinance by caption only. Finance Director Mary Young reviewed a revision to the appraisal roll and explained the changes. Councilman Suderman made a motion to adopt Ordinance Number 677-2009 on first and final reading. Councilman Wilson seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Acceptance of Effective Tax Rate of \$0.409717 per \$100 Valuation and Rollback Tax Rate of \$0.409874 per Valuation for the Fiscal Year Beginning October 1, 2009, and Ending September 30, 2010.

Finance Director Mary Young distributed revised information showing that the Effective Tax Rate was \$0.415632 per \$100 Valuation and the Rollback Tax Rate was \$0.414132 per \$100 valuation. Councilwoman Dunbaugh made a motion to approve \$0.415632 as the Effective Tax Rate and \$0.414132 as the Rollback Tax Rate. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Revisions to Recommended FY 2009-2010 Budget Per Council Direction from August 3, 2009 Budget Workshop and Draft Funding Request to Dickinson Management District No. 1.

The City Administrator reviewed the revisions that had been made as a result of the August 3 Budget Workshop. After some discussion, the Council directed that:

- \$4,000 be included in the Travel & Training – Mayor line item (8429) in the Administration Budget
- \$3,000 be included in the Local Meeting – Mayor and Council line item (8441) in the Administration Budget
- The 3% cost-of-living adjustment (COLA) remain in the recommended budget
- Each of the insurance line items be reviewed and adjusted as necessary to reflect projected actual costs
- An evaluation of the costs associated with continuing the motorcycle leases vs. City purchase of motorcycles for the Law Enforcement Department be brought to the August 25 meeting for consideration.
- The current tax rate of \$0.4086 be proposed for FY 2009-2010.

Additionally, the Council approved the draft funding request to the Dickinson Management District Number 1 with the understanding that the salaries and benefits section will be revised and reduced based on changes in the General Fund Budget.

ITEM 20.) ADJOURN

Mayor Pro Tem King made a motion to adjourn the meeting at 9:40 p.m. Councilman Wilson seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 25th day of August, 2009.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary