

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 12, 2008**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, AUGUST 12, 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 7:02 p.m. Councilman Suderman gave the Invocation and Rick Miller 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, Walter Wilson, Kerry Neves, and Louis Decker. Councilwoman Mary Dunbaugh was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Community Development Director John McDonald, Fire Marshal Norman Hicks, Finance Director Usha Mathew, Director of Public Works Kellis George, Building Inspector Mike Ingalsbe, Court Administrator Irma Rivera, Community Development Coordinator Angela Forbes, Administrative Services Coordinator Vernon Thompson, and Administrative Services Coordinator Kathryn Taylor.

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

Mayor Masters read a proclamation proclaiming September 1, 2008, as "MDA Day" in the City of Dickinson. She presented the proclamation to Holly Hicks of the Muscular Dystrophy Association.

Council commented on the following topics:

- Welcome to everyone and thanks for coming.
- Thanks to Department Heads on their efforts to reduce the expenditures in the proposed budget.
- 50<sup>th</sup> Anniversary Celebration of Mainland Medical Center's Auxiliary and presentation of first Kathryn Bailey Nursing Scholarship by Senator Kay Bailey Hutchison.
- Condolences to family of Darrell Baldwin, former Post Commander of Dickinson VFW.
- Dickinson Italian Heritage Festival at Historic Depot on Saturday and Sunday, September 13 and 14.
- Hurricane Eduardo

- Beginning of New School Year and reminder to slow down in school zones.

**ITEM 3.) PUBLIC COMMENTS:**

Jeanette Gregory, 1722 Oleander, expressed her appreciation that trash on 42<sup>nd</sup> Street had been cleaned up, but reported, that no one had contacted her regarding resolution of the complaint.

**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 and no Council member requested that there be a separate discussion, therefore they were all considered with one motion.

- A. Approval of Minutes of Special Council Workshop of July 22, 2008.
- B. Approval of Minutes of Regular Council Meeting of July 22, 2008.
- C. Approval of Resolution Number 990-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN DICKINSON INDEPENDENT SCHOOL DISTRICT AND THE CITY OF DICKINSON FOR LIAISON OFFICER SERVICES FOR THE PERIOD OF AUGUST 25, 2008, THROUGH JUNE 4, 2009; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

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

**VOTE:**

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

**MOTION PASSED.**

**ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** City Hall/Library Project

- A. RFP #1 for Revisions to Break Room on WCID Side of Building (to be funded by WCID)
- B. Ratification of City Administrator's Approval of RFP #3 for 4" Conduit
- C. RFP #4 for Additional Parking Spaces
- D. RFP #5 for Carpet Substitution
- E. RFP #6 for an Electric Door at the Library Entry

- F. RFP #7 to Add a Door on the WCID Side of Building (to be funded by WCID)
- G. Addition of Two Counter Roll-Down Doors (cost to be shared by City and WCID)

City Administrator Julie Johnston gave a brief update on the progress of the construction and explained the proposed change orders. She noted that WCID#1 had not approved RFP#1 and it was not ready for approval.

Brenda Boyce, 4719 38<sup>th</sup> Street, made several suggestions for funding the change orders.

After some discussion, Councilman Neves made a motion to approve ratification of the City Administrator's approval of RFP#3 and to approve RFP Numbers 4, 5, 6, 7, and the addition of two counter roll-down doors. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

City Council directed the City Administrator to have the architect to re-calculate the parking required for the complex based on use of the different areas of the building, to look for a less expensive and more ecologically friendly means of paving and possibly reduce the parking lot lighting to see if costs could be reduced. They also requested that the Architect be at the next meeting and any future meetings when change orders are discussed.

**ITEM 6.) PUBLIC HEARING:** To Receive Public Input Regarding a Zoning Change from Rural Residential (RR) to Neighborhood Commercial (NC) and Request for Specific Use Permit to Allow the Additional Use of the Operation of a Child Daycare Facility located at 307 FM 646 (Approximately 2 miles south of the intersection of FM 517 West and FM 646 on the east side of FM 646).

Mayor Masters opened the Public Hearing at 7:48 p.m.

- A. Applicant's Statement  
Rick Miller made an opening statement explaining the use of the facility.
- B. Those in Favor – No one spoke in favor.
- C. Those Opposed – No one spoke opposed.
- D. Applicant's Rebuttal – There was no rebuttal.

E. Adjourn – Mayor Masters adjourned the public hearing at 7:50 p.m.

- ITEM 7.) 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Decker made a motion to adopt the ordinance on second reading, suspending the third reading. Councilman Suderman seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Options for Reconstruction of Sunset Drive from Timber to Geisler's Gully (Concrete vs. Asphalt).

Public Works Director Kellis George presented figures to Council for the reconstruction of Sunset Drive in asphalt and concrete. He noted that the price for concrete did not take into consideration a water or sewer line that may have to be moved. Brenda Boyce spoke on behalf of the Dickinson Concerned Citizens' Committee and presented their thoughts on paying for the reconstruction. After some discussion, Council took no formal action but instructed Mr. George to bring back a price for a concrete street with and without a pedestrian lane. They also asked that the price be shown for outsourcing the labor and the City paying for the materials.

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award RFP Number 0806-01 for Preparation of Comprehensive Plan to Kendig Keast Collaborative in an amount not to exceed \$159,825.

Mayor Masters asked that this item be removed from the agenda since a representative of Kendig Keast could not be present at the meeting. Councilman Suderman asked if it could be left on the agenda and discussed. Discussion followed as to whether or not the Mayor could remove something from the agenda. Mayor Masters asked that the Council move down to Item 13 while the City Attorney researched whether the item could be removed by the Mayor.

**ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 991-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DETERMINING THAT LAND IS NEEDED FOR CONSTRUCTION, INSTALLATION, MAINTENANCE, OPERATION, INSPECTION, REPLACEMENT, REPAIR, AND REMOVAL OF CERTAIN DRAINAGE FACILITIES FOR THE CITY OF DICKINSON, TEXAS; AND AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS.**

Mayor Masters read the resolution by caption only. Councilman Neves made a motion to approve Resolution Number 991-2008. Councilman Wilson seconded the motion. Brenda Boyce, 4719 38<sup>th</sup> Street, asked questions about the eminent domain proceedings. The City Administrator responded to her questions.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award RFP Number 0806-01 for Preparation of Comprehensive Plan to Kendig Keast Collaborative in an amount not to exceed \$159,825.

The City Attorney ruled that unless a majority of the Council wanted to remove the item from the agenda, it could not be removed by the Mayor. Councilman Wilson made a motion not to approve the award of RFP Number 0806-01 for the preparation of a comprehensive plan to Kendig Keast. Councilman Decker made the second.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number XXX-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE**

**CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT FOR PLANNING SERVICES BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND KENDIG KEAST COLLABORATIVE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Since the Council did not award the RFP to Kendig Keast, no action was taken on this resolution.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Corrected Revised Recommendations for Use of Unreserved/Undesignated Fund Balance from Fiscal Year 2006-2007.

The City Administrator noted that approval of this action was for correction only since the last time it was approved, the information provided was incorrect. She went over the correct figures. Councilman Suderman made a motion to approve the corrected revised recommendations for the use of unreserved/undesignated fund balance from FY 2006-2007. Mayor Pro Tem King seconded the motion.

**VOTE:**

3 AYES (Suderman, Wilson and King)

2 NAYS (Neves and Decker)

**MOTION PASSED.**

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Wastewater Litigation

The City Administrator gave an update on the activities in July, including her deposition. She also noted that a hearing has been scheduled for September 8 in Galveston to hear the merits of the case.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 646-2008 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE 2008 APPRAISAL ROLL; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only and asked questions regarding the figures in Section 3. After some discussion with Finance Director Usha Mathew, it was determined that the Section 3 was not necessary to the passage of the ordinance. Councilman Suderman made a motion to remove Section 3, re-number the remaining sections and adopt Ordinance Number 646-2008 on first and final reading. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

- ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Acceptance of Effective and Rollback Tax Rates.

Councilman Suderman made a motion to accept the effective and rollback tax rates. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

- ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Reappointment of Jasper Liggio, Darrell Carney and Mike Reinschmidt to the Dickinson Economic Development Corporation Board.

Mayor Masters recommended that Jasper Liggio, Darrell Carney and Mike Reinschmidt be reappointed to the Dickinson Economic Development Corporation Board. Councilman Decker made a motion to approve the recommendation. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

- ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Support for Immediate Transit Funding/Implementation.

The City Administrator reviewed a request from Barry Goodman asking for the City's support for immediate transit funding and implementation. Councilman Neves made a motion to approve support as requested. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

**MOTION PASSED**

- ITEM 18.) DISCUSSION AND DIRECTION:** Recommended FY 2008-2009 Budget and Tax Rate and Capital Improvement Program.

A. Retention of Collection Company to Pursue Outstanding Fees for Service.

Fire Marshal Norman Hicks gave a brief presentation on the collection rates for ambulance services and explained the proposal to retain a collection company to pursue outstanding fees. After some discussion, Council was in consensus to retain a collection company to collect outstanding fees for service.

The Council had a lengthy discussion regarding the proposed FY2007-2008 Budget, Tax Rate and Capital Improvement Program. They took no formal action, but requested additional information for the next budget workshop.

**ITEM 19.) 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.
- B. Section 551.071 – Consultation with Attorney Regarding a Matter in which the Duty of the City Attorney Requires To Be Discussed in Closed Meeting.

Mayor Masters recessed the meeting into Executive Session at 10:42 p.m.

**ITEM 20.) RECONVENE**

Mayor Masters reconvened the meeting at 11:25 p.m. Council took no action.

**ITEM 21.) ADJOURN**

Councilman Suderman made a motion to adjourn the meeting at 11:25 p.m. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

Approved and adopted this the 26<sup>th</sup> day August, 2008.

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Julie Masters, Mayor

**ATTEST:**

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Carol L. McLemore  
City Secretary