

Julie Masters, Mayor
Charles Suderman
Mary Dunbaugh
Walter Willson, Mayor Pro Tem

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Kerry Neves
Louis Decker
William H. King III
Julie M. Johnston, City
Administrator

August 23, 2011

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, August 23, 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 Julie Masters called the meeting to order at 7:01 p.m. Kevin Byal gave the Invocation and Councilman Neves led the Pledge of Allegiance. City Secretary Carolyn E. Anderson called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro Tem Walter Wilson and Council Members Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Councilman Charles Suderman was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Finance Mary Young, Building Official Kevin Byal, Library Director Vicki McCallister, Public Works Kellis George, Captain Jay Jaekel, Fire Marshal Norman Hicks

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

A. Library Card Sign-Up Month – Library Director Vicki McCallister and Dickinson Public Library Advisory Board Member Margaret Carney

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Successful health fair and blood drive at the Greater New Hope Missionary Baptist Church last Saturday. Councilman King and his wife also celebrated 19 years in the City of Dickinson.
- Attendance at the public hearings regarding the redistricting efforts by Commissioner Holmes
- Texas Citizens Police Academy Alumni Association Annual Conference at the Moody Convention Center – Thanks to Chaplain Nelda Harles, Dickinson Police Department, and Councilman Suderman for their influence in the operation and organizational efforts to the success of the convention
- Councilman Decker shared a letter dated 8/3/2010 and sent to the Mayor and Council regarding a possible rehab house on Manor Lane
- Condolences to the family of former Mayor Malloy
- School is starting – be aware of school zones and cell phone usage

- Councilman Neves presented on the creation of 501(c)(3) organizations to the Texas Citizens Police Academy Alumni Association Annual Conference
- Encourage everyone to carry a library card
- Conserve water usage and pray for rain
- Fish Fry at KC Hall on Friday

ITEM 3.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

Mark Sturman – 3741 Manor Lane – Mr. Sturman presented a petition to City Council signed by the 11 homeowners on Manor Lane concerning a house on Manor Lane that he believes is operating as a half-way house. Mr. Sturman stated that Manor Lane is a small street and that the amount of traffic being generated by the half-way house is causing problems for the homeowners. There is not adequate parking and people are parking in front of their homes, blocking their access to their own property. After further comments from the homeowners, Mayor Masters thanked all of the homeowners for coming. Julie Johnston, City Administrator, stated that she has visited with Chief Building Official Kevin Byal concerning this matter and that citations will be issued and that the matter is being addressed. Mayor Masters asked Mr. Byal to visit with the homeowners outside of Council Chambers to update them on the efforts being taken by the City to correct this problem.

ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:
The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

- A. Approval of Minutes of Special Council Workshop of August 9, 2011
- B. Approval of Minutes of Regular Council Meeting of August 9, 2011

Councilman Wilson made a motion to approve the consent agenda. Councilman King seconded the motion.

VOTE:

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

MOTION PASSED.

Mayor Masters asked that Item 10 be moved up on the agenda for discussion. Council concurred.

ITEM 10.) BRIEFING AND DISCUSSION CONCERNING: Presentation by Excess Foreclosure Funds by Jason Murray, Galveston County District Clerk.

Mr. Neves shared with the Council that Mr. Murray sent his apologies for his absence, but that he had been called to Austin unexpectedly. Mr. Neves explained that the purpose of Mr. Murray's request to be present was to present the City with a check in the amount of \$3,105.52. The check represents excess foreclosure proceeds that had been held in registry of the court for a number of foreclosure cases in which Dickinson had a share of funds.

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project including the following items:

- A. Review of Available Funds in Capital Projects Fund
City Administrator Julie Johnston presented an updated recap of the funds available for the City Hall/Library Project.
- B. Status of Procurement of Additional Signage for City Hall/Library Complex, Including Electronic Marquee Signs
Ms. Johnston stated that she, Mayor Masters and Fire Marshal Norman Hicks met with Daktronics regarding the electronic marquee sign. Ms. Johnston stated that Daktronics appears to be the company of choice for any kind of electronic signs in the area. She also shared that Atlas Signs is on BuyBoard and consequently it will not be necessary for the City to go through the bid process. A general discussion followed about the design and regulations affecting the signs.
- C. Consideration of Installation of Additional Cameras at Dickinson Public Library
Ms. Johnston stated that, due to a recent situation that occurred at the Library, it is recommended that additional cameras be installed in the Library. Capt. Mason contacted ADT and submitted a proposal in the amount of \$3,496.00 to install six additional cameras in the Library. A discussion followed about the final charges and the directional view of each camera. Councilman Wilson asked for a clarification on the existing security on the computers. After further discussion, Councilman King made a motion to approve the proposal from ADT for the installation of six additional cameras for \$3,496.00. Councilman Decker seconded the motion.

VOTE:

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

MOTION PASSED.

D. Consideration of Repairs to Sidewalk at Dickinson Public Library

Ms. Johnston explained that, during the installation of the rain garden, the City's backhoe had caused damage to the sidewalk. The cost of the repair is \$1,200.00. After a brief discussion, Councilwoman Dunbaugh made a motion to approve the expenditure, seconded by Councilman Wilson.

VOTE:

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

MOTION PASSED.

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

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

- A. Hughes Road Reconstruction Project
- B. Tropical Gardens Flood and Drainage Project
- C. FM 517 Railroad Crossing

- D. Repairs to Sidewalks Along South Side of FM 517 from Spruce Drive to Timber Drive

City Administrator Julie Johnston presented the Council with an overview of the issue with the sidewalks along the south side of FM 517 from Spruce Drive to Timber Drive. Public Works Director Kellis George outlined the scope of the work and the proposed estimate for the work submitted by Concrete Raising Corporation in an amount \$3,731.20. A general discussion followed concerning the allocation of the required funds.

Councilwoman Dunbaugh made a motion to approve the proposal by Concrete Raising Corporation in the amount of \$3,731.20 for the repairs to the sidewalks along the south side of FM 517 from Spruce Drive to Timber Drive. The motion failed due to lack of a second.

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

City Administrator Julie Johnston updated Council with regard to requirements imposed upon the City in order to be eligible for Round 2.2 Disaster Recovery CDBG funds.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Revisions to FY 2011-2012 Recommended Budget Pursuant to Council Direction from August 9, 2011 Budget Discussion.

City Administrator Julie Johnston presented Council with the updated budget document, including updated fuel numbers as discussed during the August 9, 2011 Council meeting. The drainage projects for FY 2011-2012 have been included in the budget for the Municipal Drainage Utility Fund, and the estimate for the Thornwood Circle/Briarglen drainage project will be included in the budget once it has been received.

Ms. Johnston advised the Council that a revised estimate for the tractor/mower for Public Works based on Council's direction during the August 9, 2011 budget discussion had been included in the agenda packet. All of the funds needed for the purchase of the Public Works tractor/mower are available from the Vehicle Equipment Replacement Fund, and no additional funds are needed out of the Municipal Drainage Utility Fund.

With regard to the Galveston County Health District ("GCHD") request for additional funding for animal services, Ms. Johnston advised the Council that the Animal Services Advisory Committee had met on August 18, 2011 to discuss revisions to the current Interlocal Agreement as well as the request for additional funding. During that meeting, the Committee voted to approve additional funding for 2.5 full-time employees for GCHD using the historical allocation and the estimated population projection from Texas State Data Center, with Ms. Johnston voting in opposition on behalf of the City of Dickinson. A discussion followed concerning the use of the 2010 Census population numbers versus the estimated population projections from Texas State Data Center in calculating the individual allocations related to animal services. The population numbers to be used in the future is one of the issues that will be addressed in the drafting of a new Interlocal Agreement. There was some discussion concerning options for the City to contract with another City or entity for animal control services; however, there are no other options available to the City at this time.

It was the consensus of Council to approve an increase for Animal Services in the amount of \$4,644.00 which represents the City's allocation utilizing the 2010 Census population instead of the estimated population projection from Texas State Data Center. The Animal Services line item in the Recommended FY 2011-2012 Budget will be increased by \$4,644.00, and

the Recommended FY 2011-2012 Budget will be presented for final approval at the Regular Council meeting on September 13, 2011.

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance 725-2011 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, DELETING APPENDIX "B", DRAINAGE CRITERIA, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS, AND ADOPTING A NEW APPENDIX "B", DRAINAGE CRITERIA, AND ESTABLISHING DESIGN STANDARDS FOR THE USE IN PREPARATION OF DRAINAGE PLANS; ESTABLISHING A FEE FOR A PLAN EXTENSION; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Ordinance 725-2011 in two readings. Councilman King seconded the motion.

VOTE:

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

MOTION PASSED.

NEW BUSINESS

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Ordinance Number 727-2011 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE ADDENDUM (TRAFFIC CONTROL DEVICE INVENTORY – SCHEDULE III) TO SUBSECTION (g) OF SECTION 10-3, TRAFFIC-CONTROL DEVICES, OF CHAPTER 10, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES BY ADDING THERETO THE DESIGNATION OF "NO PARKING" ZONES ON SECTIONS OF BIG AL DRIVE WITHIN THE CITY OF DICKINSON; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 727-2011. Councilman King seconded the motion.

After clarification of the ordinance, Mayor Masters called for the vote.

VOTE:

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

MOTION PASSED.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Resolution Number 1207-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEXAS ALCOHOLIC BEVERAGE COMMISSION AND THE CITY OF DICKINSON, TEXAS PROVIDING FOR THE USE OF APPROXIMATELY 140 SQUARE FEET OF OFFICE SPACE WITHIN DICKINSON CITY HALL BY TABC; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE MOU BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman King made a motion to approve Resolution Number 1207-2011. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Proposing a Tax Rate of \$0.4086 Per \$100 Valuation for the Fiscal Year Beginning October 1, 2011, and Ending September 30, 2012; Scheduling the Public Hearing On and Adoption of the FY 2011-2012 Budget and Tax Rate for September 13, 2011, With Such Meeting To Be Held at 7:00 pm, at Dickinson City Hall, Located at 4403 State Highway 3, Dickinson, Texas.

Councilman Wilson made a motion to approve a proposed tax rate of \$0.4086 per \$100 valuation for the Fiscal Year beginning October 1, 2011, and ending September 30, 2012, and scheduling the public hearing on and adoption of the FY 2011-2012 budget and tax rate for September 13, 2011. Councilman King seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves, and King)
1 NAYS (Decker)

MOTION PASSED.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of a Contribution of \$94,500.00 from the Tax Anticipation Note Proceeds to Galveston County Water Control & Improvement District No. 1 for the

Construction of a Concrete Turnaround at the End of Country Club Drive as Part of the Country Club Sanitary Sewer Improvements Project.

Councilman Wilson made a motion to approve the contribution of \$94,500.00 from the Tax Anticipation Note Proceeds to Galveston County Water Control & Improvement District No. 1 as proposed. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: A Request for Final Plat Approval of the Amending Plat of .550 acres out the Nicholstone Subdivision, Legally Described as Abstract 78 R Hall, Lots 13 Through 20, block 265, City of Dickinson, Galveston County, Texas, also know as 4217 35th Street.

Councilman King made a motion to approve the final plat. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: A Request for Approval for the Final Plat submitted by Dickinson Independent School District for the Oak Park Facility, 24.60 Acres Out of Blocks 152, 153 & 189, Addition D, City of Dickinson, Galveston County, Texas and Consisting of 2 Lots and 1 Reserve.

Councilman Wilson made a motion to approve the final plat. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution 1208-2011 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, CREATING AND APPOINTING MEMBERS TO A

FAIR HOUSING WORK GROUP AS NECESSARY TO PARTICIPATE IN THE DISASTER RECOVERY PROGRAM ADMINISTERED BY THE STATE OF TEXAS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1208-2011. Councilman Dunbaugh seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 18.) 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 or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.
- B. Section 551.074 – Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

Mayor Masters recessed the meeting into Executive Session at 8:11 p.m.

ITEM 19.) RECONVENE

Mayor Masters reconvened the meeting at 8:39.

ITEM 20.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters discussed in Executive Session.

Council took no action on matters discussed in Executive Session.

ITEM 21.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 8:40 p.m. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 13th day of September, 2011.


Julie Masters, Mayor

ATTEST:


Carolyn E. Anderson
City Secretary

