

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 25, 2009**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, AUGUST 25, 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 7:00 p.m. Councilman Charles Suderman gave the Invocation and Mayor Julie Masters 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, Building Official Kevin Byal, Court Administrator Irma Rivera, Finance Director Mary Young, Library Director Vicki McCallister, and Services Coordinator Angela Forbes.

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

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- Dickinson Volunteer Fire Department Awards Banquet held recently and Surprise Honor for Jasper Liggio for his 25 years as Chief.
- Friends' of the Library recent Reception and Fundraiser held at Dickinson Public Library.
- Formation of a Complete Count Committee for the 2010 Census.
- Jobs available for census workers.
- Reminder that school has started and to slow down in school zones and also that use of cell phones is now prohibited in school zones.
- Beginning of Football Season for the Dickinson High School Gators
- Upcoming Back to School Carnival for school supplies.

**ITEM 3.) PUBLIC COMMENTS:**

Jerry Armstrong, 2901 46<sup>th</sup> Street distributed pictures of various code violations within several blocks of his property. He noted that nothing was

being done regarding these problems. He stated that the City had singled him out and not looked at other problems in the area.

**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 Regular Council Meeting of August 11, 2009
- B. Approval of Minutes of Special Council Workshop Meeting of August 18, 2009.
- C. Award of Competitive Sealed Bid #0907-02 for Demolition and Clearing for 2213 Ave. H and 4915 E. 29<sup>th</sup> St to Ambush Demolition in an Amount Not to Exceed \$3800.00.
- D. Approval of Resolution Number 1059-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AMENDING RESOLUTION NUMBER 764-2004 AND THE MASTER FEE SCHEDULE OF THE CITY WITH REGARD TO DEVELOPMENT FEES FOR BUILDING, ELECTRICAL, MECHANICAL, AND PLUMBING PERMITS; PLANNING AND ZONING FEES; MISCELLANEOUS & ACCESSORY FEES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Decker asked that Items E and F be removed from the consent agenda for discussion. Councilman Wilson made a motion to approve Items A through D on the consent agenda. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

- E. Award of Bid on Galveston County WCID #1 2007-2008 CDBG Sewer Project to P. M. Construction & Rehab L.P. in the Amount of \$326,465.00

Councilman Decker asked how many bids were received. The City Secretary responded that eight (8) bids were received. Councilman Neves made a motion to approve award of bid on Galveston County WCID #1 2007-2008 CDBG Sewer Project to P. M. Construction and Rehab, L. P. in the amount of \$326,465.00. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- F. Approval of Resolution Number 1060-2009 - **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 CROWDERGULF, INC. AS CONTRACTOR FOR REMOVAL OF DEBRIS THAT RESULTED FROM HURRICANE IKE FROM THE DICKINSON BAYOU TRIBUTARIES; 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 Decker asked how many bids were received. Director of Public Works Kellis George noted that two bids were received. Councilman Neves made a motion to approve Resolution Number 1060-2009. Councilwoman Dunbaugh 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. Update on Landscaping

City Administrator Julie Johnston gave an update on the landscaping noting that she and the Mayor had attended a pre-construction meeting with Texas Department of Transportation and the contractor on Friday, August 21, 2009. She noted that the contractor was scheduled to begin working in Lake Jackson and Angleton first and the work in Dickinson would probably not begin until October. Fire Marshal Norman Hicks gave a brief update on the signs and balancing of the air conditioning.

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Public Works Construction Projects.

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

C. County Clearing of Dickinson Bayou – NRCS Grant/Hurricane Ike

Director of Public Works Kellis George gave a brief update on all three Public Works Construction Projects.

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

Councilman Decker gave a report on the meeting of the Dickinson Bayou Watershed Committee meeting held August 18, 2009.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Bid to Clear Lake Shores for Dispatch and Jail Services.

Chief Ron Morales informed Council that he had heard “unofficially” that the bid had been awarded to Galveston County Sheriff’s Office.

**ITEM 9.) 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to adopt Ordinance Number 678-2009 on second and final reading. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**NEW BUSINESS**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request from Joan Barrett Representing St. Edmunds Green Home Owners Association to Begin Discussions with City for Potentially Gating St. Edmunds Green Subdivision

Tommy Choate, 2016 St. Edmunds Crossing, gave a power point presentation explaining the request from the St. Edmunds Green Homeowners Association to install a gate at Jernigan Ford and Rodeo Bend Drive and at Bess Road and Gill Road. He noted that this would still leave

access to the subdivision from FM 646. After some discussion, the City Administrator pointed out that the entrance on Jernigan Ford to St. Edmunds Green Subdivision was the only entrance from Dickinson to the subdivision. She noted that by gating the entrance, it would prohibit entrance to the subdivision by other citizens in Dickinson and would essentially close the streets to the public in Dickinson. After some discussion, a consensus of Council indicated that they would be open to gating the subdivision at Jernigan Ford and releasing the streets to the Homeowner's Association; however, Council indicated that they would like to hold a public hearing to see if there was opposition from the citizens for closing the streets to the public. They also asked Mr. Choate to have the Homeowner's Association vote on whether or not they would be willing to accept the streets before proceeding further.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 679-2009 – Amend Personnel Policy – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE CITY OF DICKINSON PERSONNEL POLICY (2005) BY ADDING A NEW CHAPTER 19, FRAUD, WASTE, AND ABUSE POLICY; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE** (First of three readings).

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Ordinance Number 679-2009 on first reading. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 680-2009 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ("CITY") APPROVING NEGOTIATED RESOLUTION BETWEEN THE GULF COAST COALITION OF CITIES AND CENTERPOINT ENERGY ENTEX ("CENTERPOINT" OR "COMPANY") REGARDING THE COMPANY'S COST OF SERVICE ADJUSTMENT ("COSA") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED RESOLUTION AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING**

**AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL** (First and only reading).

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to adopt Ordinance Number 680-2009 on first and only 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:** Ordinance Number 681-2009 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS AUTHORIZING AND ORDERING THE ISSUANCE OF CITY OF DICKINSON, TEXAS, TAX NOTES, SERIES 2009; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTES; AND CONTAINING OTHER MATTERS INCIDENT AND RELATED THERETO** (First and only reading).

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to adopt Ordinance Number 681-2009 on first and only reading. Mayor Pro Tem King seconded the motion. Margo White of Andrews Kurth appeared before Council to answer questions regarding the issuance of the tax anticipation notes. Discussion followed. Mark Townsend, 2703 Yorktown, spoke regarding the actions taken by a previous City Council when the remodeling or building of a new city hall was discussed years ago. After some discussion, Mayor Pro Tem King called for the question.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 682-2009 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE DICKINSON ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2009-2010; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH FISCAL YEAR AS REFLECTED IN SAID BUDGET; PROVIDING FOR THE INCORPORATION OF PREAMBLE; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE** (First and only reading).

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 682-2009 on first and final reading. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Consider Proposing A Tax Rate Of \$0.4086 Per \$100 Valuation For The Fiscal Year Beginning October 1, 2009, And Ending September 30, 2010; Scheduling The September 8, 2009 Public Hearing On The Budget And Tax Rate; Scheduling The September 8, 2009 Adoption Of The FY 2009-2010 Budget And Tax Rate With All Meetings To Be Held At 7:00 PM, At Dickinson City Hall, Located At 4403 State Highway 3, Dickinson, Texas.

Councilman Suderman made a motion to propose a tax rate of \$0.4086/\$100 valuation for the fiscal year beginning October 1, 2009 and ending September 30, 2010, to schedule the public hearing on the budget and tax rate and the adoption of the budget and tax rate for September 8, 2009. Councilman Wilson seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Revisions to Recommended FY 2009-2010 Budget Per Council Direction from August 18, 2009 Budget Discussion.

A. Evaluation of Information Concerning Motorcycle Lease Agreements vs. City Purchase of Motorcycles.

The City Administrator reviewed the budget revisions with Council. Council reviewed information provided by the Police Chief regarding purchasing vs. leasing motorcycles. After some discussion, it was the consensus of Council to continue leasing motorcycles instead of purchasing them. No additional revisions to the budget were requested by the Council. The City Administrator advised that the budget and tax rate would be adopted by the Council on September 8, 2009.

**ITEM 17.) 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 551.071 – Consultation with Attorney regarding pending litigation or settlement offer.
  - 1. City of Dickinson v. Jerry Armstrong.
  
- 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.
  - 1. Status of Negotiations with Dickinson Volunteer Fire Department.

Mayor Masters recessed the meeting into Executive Session at 9:16 p.m.

**ITEM 18.) RECONVENE**

Mayor Masters reconvened the meeting at 10:19 p.m.

**ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.

Councilman Neves made a motion to approve the compromise settlement agreement and release of all claims in the case of the City of Dickinson v. Jerry Armstrong as arrived at in mediation. Councilman Suderman seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

Mayor Masters also noted that a draft agreement with the Dickinson Volunteer Fire Department had been discussed and several changes were proposed to the draft that would be reviewed and incorporated by the City Attorney. The revised draft will be reviewed by the City Council in executive session on September 8 and then a workshop will be scheduled with the Volunteer Fire Department.

**ITEM 20.) ADJOURN**

Councilman Wilson made a motion to adjourn the meeting at 10:20 p.m. Mayor Pro Tem King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**PASSED, APPROVED AND ADOPTED** this the 8<sup>th</sup> day of September, 2009.

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Julie Masters, Mayor

**ATTEST:**

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Carol L. McLemore  
City Secretary