

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

SEPTEMBER 9, 2008

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, SEPTEMBER 9, 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 7:05 p.m. Mayor Pro Tem King gave the Invocation and DISD Government Student Amanda Bedillio 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, Officer Tim Cromie, Officer Jim Johnson, Officer Craig Fos, Finance Director Usha Mathew, Director of Community Development John McDonald, Fire Marshal Norman Hicks, Director of Public Works Kellis George, and Library Director Vicki McCallister.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters read and presented a proclamation to Connie Ogden and Rosemary Fritz of DAR proclaiming September 17 – 23, 2008 as “Constitution Week” in the City of Dickinson.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Friday night football game and performance by band
- Work on upcoming Festival of Lights
- Hearings in Galveston on wastewater treatment plant proposed by Marlin Atlantis
- Welcome to DISD Government Students in attendance at meeting.
- Hurricane Ike
- Dickinson Beautiful Retreat and upcoming projects
- Upcoming Community Round Table
- Italian Heritage Festival
- Tutoring available for TAKS at Dickinson High School.

ITEM 3.) PUBLIC COMMENTS:

Mark Townsend, 2703 Yorktown, commented on the proposed budget and city hall project.

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 Special Council Workshop of August 26, 2008.

B. Approval of Minutes of Regular Council Meeting of August 26, 2008.

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

VOTE:

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

0 NAYS

MOTION PASSED.

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

City Administrator Julie Johnston updated City Council on the progress of the project.

Chris Tucker, 2340 Hughes Road and Brenda Boyce, 4719 38th Street, spoke concerning the change orders, offering suggestions for saving money.

Bill Hall and Susan Dieterich, of Hall Barnum Lucchesi Architects discussed the change orders with Council. Norman Hicks discussed the alternative parking proposals.

A. PCC No. 10/ASI No.3 – Revise West Drive Entrance off Highway 3

Mayor Pro Tem King made a motion to reject PCC No. 10/ASI No. 3 and to close the Highway 3 entrance. Councilman Suderman seconded the motion. After some discussion, Mayor Pro Tem King withdrew his motion. The second agreed. Mayor Pro Tem King made a motion to reject PCC No. 10/ASI No. 3. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

B. PCC No. 11R1/RFP No. 2 – Revisions to Council Chambers Millwork & Solid Surface

Councilwoman Dunbaugh made a motion to reject the solid surface portion of PCC No. 11R1/RFP No. 2. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

Councilwoman Dunbaugh made a motion to approve deleting the base cabinets and extending the Council platform in PCC No. 11R1/RFP No. 2. Mayor Pro Tem Wilson seconded the motion.

VOTE:

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

MOTION PASSED

C. PCC No. 4R2/RFP No. 4RI – Add Additional Parking to the North and East of City Hall

Mayor Pro Tem King made a motion to approve Durotech's price for concrete parking with the lighting. Councilman Suderman seconded the motion.

Following some discussion, Councilman Decker made a motion to table this matter. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

Item numbers 10, 11, 12, and 13 were moved up on the agenda at the consensus of City Council.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Options for Reconstruction of Sunset Drive from Timber to Geisler's Gully.

Kellis George explained the proposals received for the contractor providing the labor and the City providing the materials for concrete and for the City providing labor and materials for asphalt. After some discussion,

Councilman Wilson made a motion to table this matter. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION CARRIED.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 647-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, FINDING AND DETERMINING THAT THE PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF MELVIN UTLEY ROAD LYING EAST OF THE PUBLIC ROAD KNOWN AS BAKER DRIVE AND WEST OF THE PUBLIC ROAD KNOWN AS OWENS DRIVE LOCATED IN THE F. P. SURVEY, ABSTRACT NO. 60, GALVESTON COUNTY, TEXAS, AS DESCRIBED IN A DEED FROM DICKINSON INDEPENDENT SCHOOL DISTRICT TO THE CITY OF DICKINSON, TEXAS RECORDED AT FILM CODE NO. 006-77-0466 OF THE OFFICIAL PUBLIC RECORDS OF GALVESTON COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PORTION OF MELVIN UTLEY ROAD; AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, A QUIT CLAIM DEED IN CONSIDERATION FOR THE PAYMENT TO THE CITY OF FAIR MARKET VALUE THEREFOR; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT** (Second of three readings).

Mayor Masters read the ordinance by caption only. Councilman Decker made a motion to approve Ordinance Number 647-2008 on second reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Casting Ballot for TML-IRP Board of Trustees Election.

Mayor Pro Tem King made a motion to cast votes for Robert Herrera for Position One and John Mitchiner for Position Two. Councilwoman Dunbaugh 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 994-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS SUSPENDING THE OCTOBER 3, 2008 EFFECTIVE DATE OF TEXAS-NEW MEXICO POWER COMPANY'S ("TNMP'S") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH OTHER TNMP CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read Resolution Number 994-2008 by caption only. Councilman Wilson made a motion to approve Resolution Number 994-2008. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

Item numbers 8 and 9 were moved up on the agenda at the consensus of Council.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 993-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DICKINSON, TEXAS AND DICKINSON POLICE OFFICERS ASSOCIATION FOR FISCAL YEAR 2008-2011; PROVIDING FOR THE INCORPORATION OF PREMISES; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 993-2008. Councilman Suderman seconded the motion. Officer Tim Cromie, President of the Dickinson Police Officers' Association expressed thanks to the City Administrator and Finance Director for their assistance in the bargaining process. He also stated that the DPOA members have agreed unanimously to the agreement.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number XXX-2008 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, PERTAINING TO THE DICKINSON MANAGEMENT DISTRICT NO. 1, APPOINTING THE INITIAL FIVE VOTING MEMBERS OF THE BOARD OF DIRECTORS, AND AUTHORIZING THE BOARD TO BEGIN COLLECTING A ONE-HALF CENT SALES TAX AT ITS EARLIEST OPPORTUNITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Trey Lary of Allen Boone Humphries Robinson, LLP addressed the Council regarding the Management District and appointing members to the Board of Directors. Council discussed the possibility of adding a “sunset” provision to the collection of the sales tax to be authorized so it would be reviewed for necessity after a certain time period. After some discussion, Council took no action in this matter but requested that a three year “sunset” provision be added for the sales tax.

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** FY 2008-2009 Budget and Tax Rate.

The City Administrator outlined the changes made to the proposed budget as requested by Council at the last meeting and also pointed out several scenarios that were included for discussion.

Chris Tucker, 2430 Hughes Road, asked several questions regarding the budget. The City Administrator responded to his questions.

After some discussion, Council took no action. Councilman Decker requested that an Executive Session be placed on the next agenda to discuss personnel.

- ITEM 7.) PUBLIC HEARING:** First Public Hearing on a Proposed Tax Rate of \$0.424574 per \$100 in Assessed Value for FY 2008-2009.

Mayor Masters opened the Public Hearing at 9:45 p.m.

- A. Those in Favor
No one spoke in favor of the proposed budget.
- B. Those Opposed
The following spoke in opposition to the budget:

Mark Townsend, 2703 Yorktown
Chris Tucker, 2340 Hughes Road
Jeanette Gregory, 1722 Oleander

Mayor Masters made the following statement, "The City of Dickinson's tax rate is scheduled for adoption on Tuesday, September 23, 2008, at 7:00 p.m., at a Regular City Council Meeting, to be held in the City of Dickinson Council Chambers, located at 1621 FM 517 East, Dickinson, Texas 77539."

- C. Adjournment
Mayor Masters adjourned the Public Hearing at 9:50 p.m.

ITEM 14.) ADJOURN

Councilman Suderman made a motion to adjourn the meeting at 9:50 p.m.
Councilman Wilson seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

Approved and adopted this the 23rd day of September, 2008.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary