

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

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

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

SEPTEMBER 14, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, SEPTEMBER 14, 2010**. 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. William King gave the Invocation and Mary Dunbaugh 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 Walter Wilson and Council Members Charles Suderman, Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Chief of Police Ron Morales, Fire Marshal Norman Hicks, Finance Director Mary Young, Public Works Director Kellis George, Library Director Vicki McCallister and Development Coordinator Angela Forbes.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Masters read a proclamation proclaiming the week of September 23 as POW-MIA week in the City of Dickinson. Mayor Masters also presented a certificate of appreciation from the Census Bureau to Library Director Vicki McCallister and Library Advisory Board Chair Margaret Carney.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Reminder to slow down in School Zones
- Work beginning to set up Festival of Lights
- Dickinson Historical Society Membership Reception on October 16
- Dickinson High School Lighted Window, Open Doors Program to give tutoring for students
- Meeting on September 24 to plan County-wide Household Hazardous Waste Day which will be held November 13 at Gulf Greyhound Park
- Dickinson Beautiful First Annual Healthy 5K Fun Run/Walk to be held September 25.

- Photographs exhibited at the Friends of the Library Gala with thanks to DISD for providing the flats to display the photos and thanks to Public Works for picking up and returning the flats
- Congratulations to Mayor Masters on being elected Second Vice President of TML Region 14
- The need for a handrail on the Library steps.
- Knights of Columbus steak night on the first Thursday of each month.

ITEM 3.) PUBLIC COMMENTS:

Jeanette Gregory, 1722 Oleander, expressed her appreciation in the patch work that was done on Oleander Street.

Pastor Richard Robeson, new Senior Pastor of First Baptist Church, introduced himself and invited the Council to a block party the church was holding on September 19.

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 24, 2010
- B. Approval of Minutes of Regular Council Meeting of August 24, 2010
- C. Approval of Minutes of Special Council Workshop of August 31, 2010
- D. Approval of Resolution Number 1138-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN CITY OF DICKINSON, CITY OF FRIENDSWOOD, AND CITY OF WEBSTER FOR SECURING GROUP HEALTH BENEFITS FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- E. Approval of Resolution Number 1139-2010 - **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 THE CITY OF DICKINSON AND DICKINSON MANAGEMENT DISTRICT NO. 1 FOR THE PROVISION OF SERVICES BY THE CITY OF DICKINSON TO DICKINSON MANAGEMENT DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Wilson made a motion to approve the consent agenda. Councilman King 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 HVAC Issues.
Fire Marshal Norman Hicks gave a brief update on the continuing HVAC issues.

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

- A. Winding Brook Drainage Project
Public Works Director Kellis George gave a brief update on the Winding Brook Drainage Project.

- B. Outfall Drainage Ditch at 29th Street and California
Mr. George reviewed the quotes he had from the various contractors to clean the outfall ditch. He noted that the low quote contractor intended to use manual labor to clean the ditch which will be problematic. Mr. George recommended award of quote to JM Resources, Inc. in the amount of \$34,200.00. He informed Council that he had met with the owner, Joe Matlock, and he was aware of the scope of the project. After some discussion, Mayor Pro Tem Wilson made a motion to award the quote to JM Resources, Inc. in the amount of \$34,200.00. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

- C. Lovers Lane Reconstruction Project
City Administrator Julie Johnston updated City Council on the recent property owners' meeting. She noted that the drainage work would require an additional five feet of easement on each side of the existing easement. She noted that the property owners were divided on the issue and were going to get back with her by the end of the month to let her know their decision as to how they wish to proceed. She informed the Council that regardless of whether an additional 5' drainage easement is granted by the property owners, the City will need to

proceed with a request for variance to the subdivision regulations for the width of the street pavement.

- D. Avenue J Reconstruction Project
Kellis George informed Council that the bids had been received for the Avenue J reconstruction project and an award of bid would be on the agenda for the next regular council meeting.
- E. 44th Street Reconstruction Project
- F. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
- G. Oak Ridge Reconstruction Project
Ms. Johnston and Mr. George updated City Council on the status of 44th Street, Sunset Drive and Oak Ridge reconstruction projects.
- H. Hughes Road from Highway 3 to Humble Camp – Galveston County Bond Project
Mayor Masters and City Administrator Julie Johnston gave a brief report on the meeting with Galveston County. She noted that the estimates to pave Hughes Road were over the amount budgeted in the bond issue and that the City will need to discuss with Galveston County any additional funding that may ultimately be required for the project.

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

City Administrator Julie Johnston reported on the recent training session she had attended and the compromises made with the Fair Housing advocates.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Economic Development Corporation Meeting

Mark Townsend, President of the Dickinson Economic Development Corporation reported on the September meeting.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Ordinance Number 705-2010 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING SUBSECTION (6) OF SECTION 5-05, PROCEDURE FOR DETERMINATION AND ABATEMENT; NOTICE; HEARING; APPEAL, OF CHAPTER 5, BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON TO CLARIFY A DUAL APPEAL PROCESS; PROVIDING FOR THE INCORPORATION OF PREAMBLE, 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 705-2010 on second and final

reading, suspending third reading. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

NEW BUSINESS

ITEM 10.) PUBLIC HEARING with regard to the submission of an application for disaster recovery activities through the Texas Community Development Block Grant Program 2008 Supplemental Disaster Recovery Fund as administered by the Texas Department of Rural Affairs and to obtain citizen views and comments concerning:

1. Efforts to affirmatively further fair housing
2. Development of disaster recovery needs
3. Amount of funding available
4. Eligible activities under the CDBG Disaster Recovery Program
5. Use of Past CDBG contract funds
6. Estimated funds to serve low to moderate income persons
7. Plans to minimize displacement of persons

Mayor Masters opened the Public Hearing at 8:05 p.m. David Baker of Public Management, the City's Grant Administrator for the Hurricane Ike CDBG Program, briefly explained that the purpose of the Public Hearing was to take input from the public on the types of projects that they felt were needed. No one spoke at the public hearing. Mayor Masters closed the Public Hearing at 8:07 p.m.

ITEM 11.) PUBLIC HEARING ON BUDGET AND TAX RATE: Convene a Public Hearing Regarding the Proposed Fiscal Year 2010-2011 Budget and Tax Rate.

Mayor Masters opened the Public Hearing at 8:07 p.m.

- A. Presentation of Proposed Budget and Tax Rate.
- B. Those In Favor.
- C. Those Against.
- D. Adjourn Public Hearing.

No one spoke in favor of or in opposition to the proposed budget and tax rate. Mayor Masters closed the Public Hearing at 8:08 p.m.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 706-2010 – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING A**

BUDGET FOR THE CITY OF DICKINSON, TEXAS, FOR FISCAL YEAR 2010-2011; 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 Suderman made a motion to adopt Ordinance Number 706-2010 on the first and only reading. Councilman 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 707-2010 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING THE 2010 AD VALOREM TAX (DEBT) RATE AND LEVY OF \$0.07889 PER HUNDRED DOLLARS OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AND APPROVING THE 2010 AD VALOREM TAX (MAINTENANCE AND OPERATION) RATE AND LEVY OF \$0.32971 PER HUNDRED DOLLARS OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR THE ASSESSMENT, LEVY AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF DICKINSON, TEXAS, FOR THE YEAR 2010 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; AUTHORIZING EXEMPTIONS; AND PROVIDING A REPEALER CLAUSE AND AN EFFECTIVE DATE (First and only reading).**

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to adopt Ordinance Number 707-2010 on first and only reading. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ratification of Increased Property Tax Revenues Reflected in the FY 10-11 Budget Adopted Pursuant to Ordinance Number 706-2010

Councilman Suderman made a motion to ratify the increased property tax revenues reflected in the FY 2010-2011 Budget adopted pursuant to Ordinance Number 706-2010. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Award of Competitive Sealed Bid Number 1007-03 for the Historic Railroad Center Re-Roofing Project.

Mayor Masters moved this item up on the agenda to have it considered prior to approving the budget for the DEDC. Norman Hicks reviewed the bids received with City Council. After some discussion, Mayor Pro Tem Wilson made a motion to award the bid to Remedy Roofing for Exhibit A in the amount of \$79,811.30. Councilman 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: Ordinance Number 708-2010 - **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 2010-2011; 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. City Administrator Julie Johnston explained that the cost of re-roofing the Depot was not included in the budget that had been approved by the Economic Development Corporation. She said that the \$79,811.30 could be added to the expense side of the budget and then \$79,811.30 could be moved from the fund balance to the revenues to offset the expense. After some discussion,

Councilman Neves made a motion to approve Ordinance Number 708-2010 on first and final reading with the budget figures changed to reflect the additional expenditure and revenue of \$79,811.30. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

MOTION PASSED

ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1140-2010 - **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS SUSPENDING THE OCTOBER 1, 2010 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; DIRECTING TNMP TO REIMBURSE THE CITY'S RATE CASE EXPENSES ON A MONTHLY BASIS; 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 the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1140-2010. Councilman Decker 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 Resignation of Jasper Liggio from the Board of Adjustments and Appeals and Appointments to fill Vacancy Created by Resignation and Vacancy of Alternate Member.

Councilman Wilson made a motion to accept the resignation of Jasper Liggio. Councilman King seconded the motion.

VOTE:

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

MOTION PASSED

Councilwoman Dunbaugh made a motion to appoint Richard Weeks to the Board of Adjustments and Appeals replacing Jasper Liggio. Councilman Decker seconded the motion.

VOTE

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

1 NAY (Wilson)

MOTION PASSED

- ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Casting Ballot for TML-IRP Board of Trustees Election.

Councilman King made a motion to cast a vote for John Mitchiner in Place 7. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED

- ITEM 20.) 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 potential or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

1. City of Dickinson, Texas v. Scott Shearer.

Mayor Masters recessed the meeting into Executive Session at 8:31 p.m.

- ITEM 21.) RECONVENE**

Mayor Masters reconvened the meeting at 8:39 p.m.

- ITEM 22.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.

Council took no action on matters discussed in Executive Session.

- ITEM 23.) ADJOURN**

Councilman Suderman made a motion to adjourn the meeting at 8:40 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 28th day of September, 2010.



Julie Masters, Mayor

ATTEST:



Carol L. McLemore
City Secretary

