

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 27, 2011

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, September 27, 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 7:00 p.m. Councilman Suderman gave the Invocation and Mayor Pro-Tem Wilson 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 Charles Suderman, Kerry Neves, Louis Decker and William King. Council Member Mary Dunbaugh was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Chief Ron Morales, Public Works Director Kellis George, Court Administrator Irma Rivera, Chief Building Official Kevin Byal, and Finance Director Mary Young. Fire Marshal Norman Hicks arrived at 7:22 p.m.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Saturday, October 1st, food distribution Jesse Tree
- Classes for Diabetes in English and Spanish
- Upcoming TML Conference
- October 4th – National Night Out
- Dickinson Bayou Watershed Public Hearing
- Update on the approximately 65 dead trees taken down in Paul Hopkins Park
- Festival of Lights – Kudos to Suderman, Neves and Decker – the Festival will begin moving buildings on Saturday at 8:00 a.m. and every Saturday and Sunday through Saturday after Thanksgiving in preparation for Festival of Lights
- Dickinson High School Band Competition
- Thanks to United Rental in League City for 50-foot man lift at Paul Hopkins Park
- KC Steak Night October 6th from 5:00 to 7:00 p.m.

ITEM 3.) PUBLIC COMMENTS:

There were no comments from the public.

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 September 13, 2011
- B. Approval of Minutes of Regular Council Meeting of September 13, 2011
- C. Award of Request for Proposals for Police Authorized Towing Services to DeWitt Wrecker, Liggio's Wrecker Service, Inc. and Wayne's Pro-Tows, Inc.
- D. Approval of Resolution Number 1215-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DEWITT WRECKER; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
- E. Approval of Resolution Number 1216-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND LIGGIO'S WRECKER SERVICE, INC.; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
- F. Approval of Resolution Number 1217-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND WAYNE'S PRO-TOWS, INC.; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
- G. Approval of Resolution Number 1213-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE RENEWAL OF THE EMPLOYEE ASSISTANCE PROGRAM AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND BAXTER ASSISTANCE SERVICES, INC. FOR FISCAL**

YEAR 2011-2012; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

- H. Approval of Resolution Number 1214-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, PROVIDING FOR THE REAPPOINTMENT OF ELLIS ORTEGO AS MUNICIPAL COURT PROSECUTOR; ESTABLISHING THE TERMS AND CONDITIONS FOR THE PROVISION OF MUNICIPAL COURT PROSECUTOR SERVICES; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- I. Approval of Resolution Number 1218-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DESIGNATING *GALVESTON DAILY NEWS* AS THE OFFICIAL NEWSPAPER FOR THE CITY OF DICKINSON FOR FISCAL YEAR 2011-2012; REQUIRING THAT ALL NOTICES REQUIRED BY LAW TO BE GIVEN TO THE PUBLIC BE PUBLISHED THEREIN; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**
- J. Approval of Resolution Number 1219-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING JANITORIAL SERVICE AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND C&S JANITORIAL SERVICES INC.; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- K. Approval of Resolution Number 1220-2011 – **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 NEFF RENTAL, INC. FOR CONSTRUCTION EQUIPMENT RENTAL (CAT 312 EXCAVATOR, CAT 320 EXCAVATOR, CAT 325 EXCAVATOR, CAT 330 EXCAVATOR, TAKEUCHI TB025 MINI-EXCAVATOR, CAT D4LGP BULLDOZER, CAT D5LGP BULLDOZER, MOTOR GRADER W/12” BLADE, AND A 2,000 GALLON WATER TRUCK) FOR FISCAL YEAR 2011-2012; 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.**
- L. Approval of Resolution Number 1221-2011 - **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 R.B. EVERETT & COMPANY FOR CONSTRUCTION EQUIPMENT RENTAL (CAT SS250B SOIL STABILIZER AND A BOMAG MODEL 100 SOIL STABILIZER) FOR FISCAL YEAR 2011-2012; 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.

- M. Award Quote for Right-of-Way Mowing Services for Fiscal Year 2011-2012 to Parrish & Parrish Tractor Service LLC for All Materials, Labor, Equipment, Supervision, and Incidentals to Mow Rights-of-Way within the City Limits of the City of Dickinson in An Amount Not to Exceed \$30,965.00.
- N. Award of Competitive Sealed Bid # 1108-14 for Construction Equipment Rental to R.B. Everett & Co. for a Cat SS250B Soil Stabilizer and a Bomag Model 100 Soil Stabilizer and to Neff Rental, Inc. for a Cat 312 Excavator, a Cat 320 Excavator, a Cat 325 Excavator, a Cat 330 Excavator, a Takeuchi TB025 Mini-Excavator, a Cat D4LGP Bulldozer, a Cat D5LGP Bulldozer, a Motor Grader w/12" Blade, and a 2,000 Gallon Water Truck for Fiscal Year 2011-2012.

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

VOTE:

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

MOTION PASSED.

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Public Works Projects

- A. Hughes Road Reconstruction Project
Public Works Director Kellis George gave an update on the Hughes Road project. He stated that he has received several calls about the one-way signs. Beginning October 3rd, Lucas Construction will close one lane.
- B. Tropical Gardens Flood and Drainage Project
Public Works Director Kellis George stated that he met with the engineers last Tuesday to review the outstanding work as well as additional items for the project. He advised the Council of the plans for addressing damages to existing pipe that were caused by Lucas Construction. Mayor Masters shared concerns expressed by a citizen concerning the design of the culvert at her property. Mr. George stated that he, along with Mr. Peterson and Mr. Hanks from HDR/Claunch & Miller, will contact the resident concerning the problem.
- C. Timber Drive, Birch Street and Elm Street Reconstruction Projects

Public Works Director Kellis George stated that notices were sent out to the residents on Birch and Elm last week to provide the 60-day notice for the reconstruction of those streets. He stated that he will be meeting with Dickinson Independent School District concerning the Timber Drive project. Mr. George anticipates beginning construction on Birch and Elm during the second week of October.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Hurricane Ike CDBG Grant Projects

City Administrator Julie Johnston shared that the FFAST Form was submitted to the General Land Office on September 16, 2011 but the City has not received any comments yet. In October, Council will workshop the different projects to be submitted in the application for Round 2.2 which is due in December. Councilman Neves shared that the Hurricane Ike Recovery Committee under HGAC will be meeting in the next week or so concerning the new method of distribution and that he anticipates attending the meeting.

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

Councilman Decker gave a brief update on the recent meeting of the Dickinson Bayou Watershed Steering Committee Meeting.

NEW BUSINESS

ITEM 8.) PUBLIC HEARING: Convene a Public Hearing for the Request of a Specific Use Permit (SUP) SUP-11-0629 for a general merchandise store, including department and variety store no greater than 10,000 square feet on 1.553 acres of land on Reserve A (Commercial), Amending Plat of Bayou Village, Plat No. 2004A, Map No. 139; GCMR in the Perry & Austin League, Abstract 19, City of Dickinson, Galveston County, Texas, generally located south of FM 517 West and East of Armand Drive with the approximate address of 408 FM 517 West.

Mayor Masters opened the Public Hearing at 7:16 p.m.

A. Presentation for Permit for a General Merchandise Store

Mr. John Wojtila, 14600 Detroit Avenue, Lakewood, OH.
Mr. Wojtila gave a PowerPoint presentation and provided a proposal booklet for Council's consideration and review. He outlined the history of the development company and the projected plans for the proposed Dollar General project.

B. Those In Favor.

Vijay Mishra, 205 Sunset Dr., Friendswood, Texas
Mr. Mishra, the owner and seller of subject property, provided Council with a history and timeline in trying to obtain a specific use permit to build a Dollar General on his property.

Vaughn Miller, 12415 Sandy Cove Court, Houston 77041
Mr. Miller stated that he is broker with NewQuest Properties who is representing Dollar General in this transaction. He encouraged Council to vote in favor of the specific use permit.

C. Those Against

Brandy Harris - 3711 Rau Drive, Dickinson, Texas

Mrs. Harris stated that she is here to represent her husband John D. Harris. She stated that they have lived on Rau Drive since 1988. She asked that Council consider the impact of large trucks bringing deliveries in close proximity to their neighborhood and the negative impact on their property values. She stated that the residents of the neighborhood are also concerned about the proposed plans for development of the remaining 1.33 acres and how the increased traffic will impact the neighborhood.

Mayor Masters asked if a representative from the Planning & Zoning Commission would like to address the Council concerning the Commission's recommendation. R. G. Reeder, Chairman of the Planning and Zoning Commission, provided the Council with an explanation of the Commission's discussions concerning the requested specific use permit and its recommendation to deny it.

C. Adjourn Public Hearing

Mayor Masters adjourned the Public Hearing at 7:52 p.m.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 731-2011 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER 11-0629 (SUP-11-0629) SO AS TO ALLOW THE USE OF A GENERAL MERCHANDISE STORE, INCLUDING DEPARTMENT AND VARIETY STORES, BUT NOT GREATER THAN 10,000 SQUARE FEET IN GROSS BUILDING FLOOR AREA ON ±1.553 ACRES OF LAND ON RESERVE A (COMMERCIAL), AMENDING PLAT OF BAYOU VILLAGE, PLAT NO. 2004A, MAP NO. 139; GCMR IN THE PERRY & AUSTIN LEAGUE, ABSTRACT 19, CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, GENERALLY LOCATED SOUTH OF FM 517 WEST AND EAST OF ARMAND DR. WITH THE ADDRESS OF 408 FM 517 WEST, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS; DIRECTING A CHANGE**

ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to approve Ordinance Number 731-2011 on first reading with the inclusion of conditions to require vegetative screening and a fence between the southern end of the tract and the abutting neighborhood and to require that no shopping carts be allowed to remain in the parking lot. Councilman King seconded the motion.

VOTE:

4 AYES (Suderman, Neves, Decker and King)

1 NAY (Wilson)

Mayor Masters asked that the record reflect that she is opposed to the ordinance.

MOTION PASSED.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Application by The Demiany Group for Tree Removal Permit for the Removal of 18 Significant Trees in Section 2A of the Bayou Lakes Subdivision.

Councilman Wilson made a motion to approve the application. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 730-2011 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING A SECOND AMENDED BUDGET FOR DICKINSON ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2010-2011; MAKING CERTAIN FINDINGS AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Ordinance Number 730-2011 on first and final reading. Councilman King seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Ordinance Number 729-2011 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING AN AMENDED BUDGET FOR THE CITY OF DICKINSON, TEXAS FOR FISCAL YEAR 2010-2011; MAKING CERTAIN FINDINGS AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Ordinance Number 729-2011 on first and final reading. Councilman Suderman seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Resolution Number 1222-2011 - **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 EMERGICON LLC (d/b/a ADPI-EMERGICON) FOR RESCUE AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Resolution Number 1222-2011. Councilman Suderman seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Resolution Number 1223-2011 - **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 ESO SOLUTIONS (dba ADPI-ESO) FOR ELECTRONIC PATIENT CARE REPORTING SERVICES AND OTHER RELATED PROFESSIONAL SERVICES; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to approve Resolution Number 1223-2011. Councilman Suderman seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Rejecting All Bids Received for Competitive Sealed Bid #1108-15 Annual Contract for Purchase and Delivery of Gasoline and Diesel.

Councilman Decker made a motion to reject all bids received for Competitive Sealed Bid #1108-15. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Designation of Representative and Alternate to Houston-Galveston Area Council 2012 General Assembly.

Councilman Decker made a motion to reappointment Councilman Neves as the Representative and Councilman King as the Alternate. Councilman Suderman seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 17.) 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.

Mayor Masters recessed the meeting into Executive Session at 8:36 p.m.

ITEM 18.) RECONVENE

Mayor Masters reconvened the meeting at 8:56 p.m.

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

No action was taken on matters discussed in Executive Session.

ITEM 20.) ADJOURN

Councilman Suderman made a motion to adjourn the meeting. Councilman Neves seconded the motion.

VOTE:

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

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 11th day of October, 2011.

Julie Masters, Mayor

ATTEST:

Carolyn E. Anderson
City Secretary