

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

October 11, 2011

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, October 11, 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. Kevin Byal gave the Invocation and Carolyn Anderson led the Pledge of Allegiance. City Secretary Carolyn 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, Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Finance Director Mary Young, Public Works Director Kellis George, and Chief Building Official Kevin Byal.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Attendance at National Night Out on October 4th.
- Thanks to all City Staff
- Welcome to Students in attendance from the Civics Class
- This Sunday Shrine of True Cross Festival
- Festival of Lights moving along – thanks to Mike Liggio for helping to move buildings
- Reminder that Festival of Lights will start the Saturday after Thanksgiving
- Volunteers needed every Saturday and Sunday – lunch provided on Saturdays
- Congratulations to the First United Methodist Church on the opening of their new church facility
- Dickinson Historical Society reception on October 22nd at 6:00 p.m.
- Festival of Lights crew cut down 51 trees - thanks to community for their help
- Welcome Pastor of First Baptist Church

- Tropical Gardens Community grateful to City and thanks to Ms. Johnston and her staff
- TML this week at George R. Brown Convention Center
- Thanks to Mayor Masters as new President of TML Region 14
- Condolences to the family of Freddie Morgan
- Condolences to the Benoist family
- Dickinson Gators homecoming parade Wednesday, October 11

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.**

John Overton and Pastor Richard Robeson of First Baptist Church in Dickinson – They have met with several churches to come together to unite in prayer for the City of Dickinson. Contact has also been made with civic leaders and business leaders in the community. Pastor Robeson shared that a big difference can be made in the community through the heart of prayer.

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 27, 2011.
- B. Approval of Minutes of Regular Council Meeting of September 27, 2011.
- C. Approval of Resolution Number 1224-2011 – **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 ULTRA JANITORIAL SERVICES INC.; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- D. Approval of Resolution Number 1211-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, JOINING SOUTHEAST TEXAS COOPERATIVE PURCHASING ORGANIZATION AND APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATIVE PURCHASING LETTER OF COMMITMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND SOUTHEAST TEXAS COOPERATIVE PURCHASING ORGANIZATION; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE LETTER OF**

COMMITMENT BY THE CITY ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE.

Councilman 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: Update on Public Works Projects

- A. Hughes Road Reconstruction Project
- B. Owens Drive

Public Works Director Kellis George and City Administrator gave an update on the various Public Works projects.

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

City Administrator Julie Johnston gave a brief update on the Hurricane Ike CDBG projects and the projected timeline for the Round 2.2 Method of Distribution development and application submission.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Activities of Dickinson Economic Development Corporation.

City Administrator Julie Johnston gave a brief update on the Dickinson Economic Development Corporation meeting. Councilwoman Dunbaugh commented on the excellent news releases about the Shop In Dickinson Program launched last week.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ratification of Corrected Ordinance Number 728-2011 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING THE 2011 AD VALOREM TAX (DEBT) RATE AND LEVY OF \$0.07551 PER HUNDRED DOLLARS OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AND APPROVING THE 2011 AD VALOREM TAX (MAINTENANCE AND OPERATION) RATE AND LEVY OF \$0.3331 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 2011 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 Final Reading)

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to approve Corrected Ordinance Number 728-2011. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

1 NAY (Decker)

MOTION PASSED.

- 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. (Second of Three Readings)**

Mayor Masters read the ordinance by caption only and then allowed for additional comments by citizens. The following citizens provided comments on the agenda item:

Wally Deats, 3723 Rau Drive, Dickinson, Texas, stated that he is opposed to the Dollar General proposed site and the use of special use permits. He asked that at least two Council Members consider changing their vote and vote against the ordinance.

David McDaniel, 3736 Almond Drive, Dickinson, Texas, stated that he is the president of the Homeowners Association. Mr. McDaniel shared that he is in concurrence with Mr. Deats. He asked that Council consider if they are representing the citizens of Dickinson or representing commercial interests and to reconsider the approval of the Dollar General Store.

John Harris, 3711 Rau Drive, Dickinson, Texas, voiced strong opposition to the approval of the Dollar General store. He stated that the neighbors that he had canvassed also shared his concern.

Mayor Masters called for the vote. Councilman Decker made a motion to approve Ordinance Number 731-2011 in two readings. Councilman Neves seconded the motion. A general discussion by Council members followed.

VOTE:

4 AYES (Suderman, Neves, Decker and King)

2 NAYS Dunbaugh and Wilson

MOTION PASSED.

NEW BUSINESS

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Briefing, Discussion and Direction Regarding Revised Recommendations and Project Estimate for Briarglen/Thornwood Drainage Project.

City Administrator Julie Johnston introduced John Peterson from HDR/Claunch & Miller to review his revised recommendations for completing the Briarglen/Thornwood Drainage Project. Mr. Peterson proposed the use of interlocking revetment blocking instead of a fully-lined concrete ditch. Councilman Wilson asked questions concerning the use of a mixed application that included piping as was previously discussed with Rich Gallegos of HDR/Claunch & Miller. After further discussion, Ms. Johnston indicated that Mr. Peterson and Mr. George would discuss the previous recommendations from Mr. Gallegos and this item would be brought back to Council.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Resolution Number 1225-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AN AGREEMENT FOR LEASE OF A FULLY EQUIPPED AND MARKED POLICE MOTORCYCLE BY AND BETWEEN THE CITY OF DICKINSON, TEXAS (LESSEE OR “CITY”), AND WAYNE STEWART (LESSOR) FOR FISCAL YEAR 2011-2012; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Decker made a motion to approve Resolution Number 1225-2011 utilizing the corrected Lease Agreement. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 12.) 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.

1. Cause No. 11-CV-0805; *City of Dickinson, Texas v. Purushottam H. Patel, et al*; In the 212th District Court of Galveston County, Texas.

Mayor Masters recessed the meeting into Executive Session at 8:16 p.m.

ITEM 13.) RECONVENE

Mayor Masters reconvened the meeting at 8:32.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters discussed in Executive Session.

No action was taken on matters discussed in Executive Session.

ITEM 15.) ADJOURN

Councilman Suderman made a motion to adjourn the meeting at 8:32 p.m. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 25th day of October, 2011.

Julie Masters, Mayor

ATTEST:

Carolyn E. Anderson, City Secretary