

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

**OCTOBER 13, 2009**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, OCTOBER 13, 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. Mayor Pro Tem William King gave the Invocation and Councilwoman 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 William King and Council Members Charles Suderman, Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. Also present were City Attorney, Bobby Gervais, City Administrator Julie Johnston, Director of Public Works, Kellis George, Police Chief Ron Morales, Finance Director Mary Young, Fire Marshal, Norman Hicks, Court Administrator Irma Rivera, Library Director Vicki McCallister, Building Official Kevin Byal and Police Captain Melvin Mason.

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

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Fill the Bus Food Drive for M. I. Lewis Social Services Center
- Dickinson High School Football Game
- National Night Out
- Congratulations to Dickinson Police Department and the F.B.I. on the solving of the Jennifer Schuett Abduction Case
- Dickinson Historical Society Membership Reception
- Dickinson High School sponsoring UIL Region 17 Marching Band Competition on October 28 and the need for volunteers to help.
- 84<sup>th</sup> Birthday of Margaret Thatcher
- Thanks to the press for the handling of the red light camera issues
- DHS Football Helmet to be on Display at the new Cowboy's Football Stadium
- Introduction of Keith and Holly Lilly, new owners of Dickinson Barbeque

- Keep Dickinson Beautiful clean up of gazebo area on October 24, National Make a Difference Day
- Dickinson Bayou Watershed Committee Meeting held on Monday, October 12
- Work beginning on Festival of Lights

**ITEM 3.) PUBLIC COMMENTS:**

Karen Post, 4527 49<sup>th</sup> Street East, passed out information on extermination of crazy ants.

**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.

- Approval of Minutes of Special Council Workshop of September 22, 2009.
- Approval of Minutes of Regular Council Meeting of September 22, 2009.
- Award of Competitive Sealed Bid # 0908-03 for Construction Equipment Rental to R.B. Everett & Co. for a Cat 312 Excavator, a Cat 320 Excavator and a Cat SS250B Soil Stabilizer and to Hertz Equipment Rental for a Cat D4C Bulldozer, a Cat D5C Bulldozer and a 2,000 Gallon Water Truck for Fiscal Year 2009-2010.
- Award of Competitive Sealed Bid Number 2010-PD-01 for Five (5) New 2010 Police Package Vehicles to McRee Ford for a Total Amount Not to Exceed \$109,277.15.
- Award of Competitive Sealed Bid Number 2010-PD-02 for One (1) New 2010 Full-Sized ½ Ton Extended Cab Truck to Helfman Ford in an Amount Not to Exceed \$17,999.
- Award of Competitive Sealed Bid Number 2010-CD-01 for Two (2) New 2010 Full-Sized ½ Ton Extended Cab Trucks to Helfman Ford in an Amount Not to Exceed \$35,998.
- Approval of Resolution Number 1074-2009 – **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 INCLUDE FEES FOR MINOR AND ADMINISTRATIVE PLATS; AND PROVIDING AN EFFECTIVE DATE.**

- H. Approval of Resolution Number 1075-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, PROVIDING FOR THE APPOINTMENT OF A CITY AUDITOR; APPROVING AN ENGAGEMENT LETTER BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND NULL-LAIRSON, P.C. TO PERFORM AN AUDIT OF THE FINANCIAL STATEMENTS OF THE CITY OF DICKINSON FOR FISCAL YEARS 2008-2009 AND 2009-2010; AUTHORIZING EXECUTION OF THE ENGAGEMENT LETTER BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- I. Approval of Resolution Number 1076-2009 - **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 2009-2010; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- J. Approval of Resolution Number 1077-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING RATIFICATION OF THE UNANIMOUS SETTLEMENT AGREEMENTS IN PUBLIC UTILITY COMMISSION OF TEXAS DOCKET NOS. 36918 AND 37200 REGARDING CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATIONS FOR APPROVAL OF HURRICANE RESTORATION COSTS AND A FINANCING ORDER AUTHORIZING SECURITIZATION OF SUCH COSTS; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**
- K. Approval of Resolution Number 1078-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AMENDMENT NO. 1 TO PROJECT AGREEMENT BETWEEN CITY OF DICKINSON, TEXAS AND THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE TO INSTALL EMERGENCY WATERSHED PROTECTION MEASURES TO RELIEVE HAZARDS CREATED BY HURRICANE IKE IN CERTAIN TRIBUTARIES OF DICKINSON BAYOU WITHIN THE CITY LIMITS OF DICKINSON TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; AUTHORIZING EXECUTION OF AMENDMENT NO. 1 BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

City Administrator Julie Johnston asked that Item C be removed from the Consent Agenda and reconsidered at a later date. Mayor Pro Tem King

made a motion to approve Items A, B, D, E, F, G, H, I, J and K on the Consent Agenda. Councilman Wilson 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. Approval of HVAC System Air and Water Balancing Services by Mesah Commissioning in an Amount Not to Exceed \$15,125.00.

Fire Marshal Norman Hicks appeared before Council to discuss the two bids that were received for HVAC System Air and Water Balancing services. He noted that there may be some additional funds required if materials or parts are needed for the balancing, but the additional amount should be minimal. After some discussion, Councilwoman Dunbaugh made a motion to approve the quote of Mesah Commissioning in an amount not to exceed \$16,000.00. The motion died for lack of a second. Councilman Neves made a motion to approve the quote of Mesah Commissioning in an amount not to exceed \$15,125.00. Councilman Wilson seconded the motion.

**VOTE:**

4 AYES (Dunbaugh, Wilson, Neves and King)

2 NAYS (Suderman and Decker)

**MOTION PASSED.**

- B. Update on TxDOT Landscaping

City Administrator Julie Johnston gave a brief update on the landscaping to be done by TxDOT and noted that, because of the weather and delays on the Lake Jackson and Angleton projects, the work in Dickinson would probably not begin until mid-November.

- C. Update on Electronic Card Swipe Installation

Fire Marshal Norman Hicks noted that everything was in place and the doors were working. He said that everyone would be contacted to have their picture made and the access cards processed.

D. Review of Analysis of Funds

The City Administrator reviewed the analysis of funds with City Council.

Mayor Pro Tem King left the meeting at 7:20 p.m.

**ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Public Works 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 report on the Public Works Construction Projects.

**ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appeal of Building Standards Commission's Order to Demolish Structure at 3608 Oak by Phillip Barbaria.

Sam Finnegan, Attorney for Phillip Barbaria, appeared before City Council representing Mr. Barbaria. Mr. Finnegan explained the reasons for the delays and asked that Council give Mr. Barbaria additional time to complete the work on the structure at 3608 Oak. Jim K. Shroff, JSA Consulting, provided a report on the structure and the work that still needs to be done to bring it into compliance. Building Official Kevin Byal gave a brief history of the project and the reasons for the Building Standards Commission's decision to condemn the property and order it for demolition. Herman Gana, Chair of the Building Standards Commission, also addressed Council regarding the demolition order issued by the Building Standards Commission. Douglas Cable, Jason Williams and Matthew Guthrie spoke on behalf of Mr. Barbaria and asked Council's consideration in allowing Mr. Barbaria more time to complete the work on the property. Larry Tindel informed City Council that more than \$18,000 in back taxes are owed on the property. After much discussion, Councilman Neves made a motion to uphold the demolition order issued by the Building Standards Commission. Councilman Suderman seconded the motion.

**VOTE**

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

0 NAYS

**MOTION PASSED.**

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 686-2009 – AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, SO AS TO REZONE ± 0.166 ACRES OF LAND ON LOT EIGHTEEN (18) OF BLOCK SEVEN (7) OF THE WEEKES ADDITION, A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 297, PAGE 127 MORE COMMONLY KNOWN AS 2602 45<sup>TH</sup> STREET FROM CONVENTIONAL RESIDENTIAL (CR) TO GENERAL COMMERCIAL (GC), GENERALLY LOCATED ON THE SOUTH SIDE OF 45<sup>TH</sup> STREET BETWEEN ILLINOIS STREET AND NEVADA STREET; 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 Pro Tem King returned to the meeting at 8:20 p.m.

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to adopt Ordinance Number 686-2009 on second and final reading, suspending the third reading. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 687-2009 – 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 A SPECIFIC USE PERMIT NUMBER 2009-12 (SUP2009-12) SO AS TO ALLOW THE USE OF USED AUTOMOTIVE SALES ON ±0.876 ACRES OF LAND ON LOTS 133 AND 134, OF DICKINSON ADDITION “D”, A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 MORE COMMONLY KNOWN AS 223 FM 517 WEST, AND GENERALLY LOCATED ON THE NORTHSIDE OF FM 517 WEST AND EAST OF BORDEN GULLY DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL; 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. Councilman Wilson made a motion to adopt Ordinance Number 687-2009 on second and final reading, suspending the third reading. Councilman Decker seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 688-2009 – **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 A SPECIFIC USE PERMIT NUMBER 2009-13 (SUP2009-13) SO AS TO ALLOW THE USE OF A PUBLIC EDUCATION SUPPORT CENTER ON ±8.833 ACRES OF LAND ON LOT 185 (185-1), OF DICKINSON ADDITION “D”, A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 MORE COMMONLY KNOWN AS 2218 FM 517 EAST, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF FM 517 EAST AND TIMBER DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED CONVENTIONAL RESIDENTIAL; 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. Councilman Wilson made a motion to adopt ordinance number 688-2009 on second final reading, suspending the third reading. Councilman Suderman seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 689-2009 - **AN ORDINANCE OF THE CITY OF DICKINSON,**

**TEXAS AMENDING SECTION 6, PLAT REQUIREMENTS AND PROCEDURES, OF APPENDIX "A", SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS, BY THE ADDITION OF A NEW SUBSECTION D AND SUBSECTION E TO PROVIDE FOR AMENDING AND ADMINISTRATIVE PLATS AND ESTABLISHING PROCEDURES THEREFOR; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$200.00 FOR EACH DAY OF VIOLATION HEREOF; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE (Second of three readings).**

Mayor Masters read the ordinance by caption only. Mayor pro tem King made a motion to adopt ordinance number 689-2009 on second and final reading, suspending the third reading. Councilman Suderman 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 690-2009 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING SUBSECTION (a) OF SECTION 5-02, BUILDING STANDARDS COMMISSION CREATED, OF CHAPTER 5, BUILDINGS, OF THE CODE OF ORDINANCES TO PROVIDE THAT REGULAR AND ALTERNATE MEMBERS OF THE BUILDING STANDARDS COMMISSION ARE TO BE APPOINTED BY THE CITY COUNCIL; 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 690-2009 on second and final reading, suspending third 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 691-2009 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING THE FIRST PARAGRAPH OF SUBSECTION (b) OF SECTION 18-14, PLANNING AND ZONING COMMISSION, OF CHAPTER**

**18, ZONING, OF THE CODE OF ORDINANCES TO PROVIDE THAT REGULAR AND ALTERNATE MEMBERS OF THE PLANNING AND ZONING COMMISSION ARE TO BE APPOINTED BY THE CITY COUNCIL; 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 Decker made a motion to adopt Ordinance Number 691-2009 on second and final reading, suspending third reading. Councilman Wilson seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**NEW BUSINESS**

**ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request from Bruce Henderson, 5429 Thornwood, concerning overgrown drainage ditch adjacent to his property.

Bruce Henderson, 5329 Thornwood, appeared before City Council and presented pictures of his yard and the erosion problem he is having at the rear of his property because of a drainage ditch. He outlined the steps he has taken to try to control the erosion and told Council that nothing has helped. After some discussion, Mayor Masters informed Mr. Henderson that staff would look at the problem and consult with the City's engineer to develop a solution to the problem.

**ITEM 15.) PUBLIC HEARING –** Concerning Possible Implementation of Proposed Red Light Camera Program Within the City of Dickinson.

Mayor Masters opened the public hearing at 8:46 p.m.

Brenda Boyce, 4719 East 38<sup>th</sup> Street spoke in favor of a red light camera program.

The following spoke in opposition to the red light cameras:

Ed Moroney, 1001 Rosewood  
Joseph Gray, Power Field Services  
Jim Ash, College Station, Texas  
Jason Williams, Austin, Texas  
Richard Ash, 5911 Santa Fe Circle

David Jackson of ATS responded to several comments made regarding the red light camera program.

City Council members responded individually with their comments on the red light cameras and no one indicated a willingness to pursue such a program at this time.

Mayor Masters recessed the Public Hearing at 9:40 p.m. and said that there would be no further consideration of a red light camera program.

**ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:**  
Appointment of One Council Member to City's Investment Committee.

Councilman Wilson made a motion to appoint Kerry Neves to the City's Investment Committee. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

1 NAY (Neves)

**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 potential or contemplated litigation or 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 reported that the Executive Session would not be held.

**ITEM 18.) RECONVENE**

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

**ITEM 20.) ADJOURN**

Councilman Decker made a motion to adjourn the meeting at 9:45 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 27<sup>th</sup> day of October, 2009.

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Julie Masters, Mayor

**ATTEST:**

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Carol L. McLemore  
City Secretary