

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 14, 2008

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, OCTOBER 14, 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 7:16 p.m. Usha Mathew gave the Invocation and Dickinson High School Student Tiffany Newport 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, Finance Director Usha Mathew, Administrative Services Coordinator Kathryn Taylor, Fire Marshal Norman Hicks, Community Development Coordinator Angela Forbes, Director of Public Works Kellis George, Building Inspector Mike Ingalsbe, Captain Arnold Moreno, Captain Melvin Mason and Captain Steve Krone.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- Thanks to Staff for work before, during and after Hurricane Ike.
- Festival of Lights and thanks to Steve Krone for his help.
- Request from Councilman Suderman to place the Community Development Director's position on the agenda for November 11.
- DHS Band received first place at the Galena Park Marching Festival and received a first division rating at the Aldine Marching Festival in their first 5A competitions.
- Tutoring available for TAKS test at Dickinson High School Library on Tuesdays and Thursdays at 6:00 p.m.
- DHS Football Team record of 5-0 for the season.
- DHS Homecoming Parade to be held on Wednesday.
- October is Breast Cancer Awareness Month and City Administrator's four-year anniversary of being cancer-free.

ITEM 3.) PUBLIC COMMENTS:

Art Martin, 5231 Kingwood, spoke on behalf of his sister, Tammy Martin, 4321 Scenic, requesting that she be allowed to place a trailer on her property until the storm damage to her home is repaired.

Jeanette Gregory, 1722 Oleander, complimented City Council on the great job done after Hurricane Ike. She asked that the pick-up of storm debris be extended beyond October 26.

ITEM 4.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Proposal to the City of Dickinson for Creation of a Dickinson War Memorial to be completed as an Eagle Scout Project by Abraham Kluksdahl, BSA, Troop 696, Dickinson, Texas.

Boy Scout Abraham Kluksdahl gave a power point presentation explaining the project to create a Dickinson War Memorial. Councilman Wilson made a motion to grant permission to use city property at the gazebo to create the memorial and to waive any permit fees associated with the project. Councilman Suderman seconded the motion. Members of Council congratulated Abraham on his presentation.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Emergency Management Update.

Chief Ron Morales gave a brief update on the progress of the debris pick-up and noted that setting the deadline for pick-up for October 26, was because FEMA would not pay for anything picked up after that date. He said that while the date may be extended by FEMA, it may not be and the City needed to be ready to halt the debris pick-up.

ITEM 6.) 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 September 23, 2008.

B. Approval of Minutes of Regular Council Meeting of September 23, 2008.

- C. Approval of Resolution Number 999-2008 - **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 OREN D. DONALDSON (LESSOR); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- D. Approval of Resolution Number 1000-2008 - **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); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- E. Approval of Resolution Number 1001-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A FIRE PROTECTION SERVICES AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DICKINSON VOLUNTEER FIRE DEPARTMENT FOR THE PURPOSE OF ESTABLISHING THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF THE PARTIES IN PROVIDING FIRE PROTECTION SERVICES; AUTHORIZING ITS EXECUTION BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- F. Approval of Resolution Number 1002-2008 - **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 2008-2009; 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.**

Councilman Neves made a motion to approve items A through F on the consent agenda. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

Councilman Wilson requested that the following items be removed from the Consent Agenda for discussion.

- G. Approval of Resolution Number 1003-2008 – **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.**

Mayor Masters read the Resolution by caption only. Councilman Wilson asked questions regarding how the cost for service of each building was calculated. Carlos Amezquita of C & S Janitorial Services explained that the cost was calculated based a formula that took square footage, number of restrooms and floor covering into consideration. Councilman Wilson made a motion to approve Resolution Number 1003-2008. Councilwoman Dunbaugh made the second.

VOTE:

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

MOTION PASSED.

- H. Approval of Resolution Number 1004-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A CONTRACT FOR FLOODPLAIN ADMINISTRATOR SERVICES BY AND BETWEEN THE CITY OF DICKINSON, TEXAS (“CITY”), AND MIKE LOOMIS; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Wilson asked how much this was going to cost and if FEMA did not reimburse, how would it be paid for. Carol McLemore responded that Mr. Loomis had said that each inspection of each structure would take approximately 1 hour and that at this point there were four structures to be inspected. The City Administrator noted that it would probably be necessary to have other structures inspected and that it was not possible to say just how much it would cost but noted that the work had to be done. She also said that if FEMA did not reimburse, the City would take the money out of the general fund reserve. Councilwoman Dunbaugh made a motion to approve Resolution Number 1004-2008. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 7.) PUBLIC HEARING - Second Public Hearing on an Adopted Tax Rate of \$0.4086 per \$100 in Assessed Value for FY 2008-2009.

Mayor Masters opened the Public Hearing at 7:57 p.m.

- A. Those in Favor
No one spoke in favor of the tax rate.
- B. Those Opposed
Brenda Boyce, 4719 East 38th Street, spoke against a tax increase.
- C. Adjournment
Mayor Masters adjourned the Public Hearing at 7:58 p.m.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project

- A. PCC No. 8/RFP#2 – Revise area above windows to include arch.

Bill Hall of Hall, Barnum Luchessi, informed Council that when the arch areas above the windows were removed last year, the credit was never given to the City. He noted that the City would now have a credit of \$34,289 in the contingency, bringing the total contingency at this point to \$59,217. He outlined the costs involved in putting the arches back in, both in glass panels and stucco panels. Council took no action in this matter.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2008 - AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS APPROVING AN ELECTRIC POWER CONTRACT WITH CITIES AGGREGATION POWER PROJECT, INC. (“CAPP”) FOR ELECTRIC CAPACITY AND ENERGY, PROVIDING CAPACITY PAYMENTS AS PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS OF THE CITY, PLEDGING AND LEVYING AN AD VALOREM TAX TO SUCH PAYMENTS, PROVIDING FOR ENERGY PAYMENTS FOR ELECTRIC ENERGY SUBJECT TO ANNUAL APPROPRIATION BY THE CITY, PROVIDING FOR THE ASSIGNMENT OF SUCH CAPACITY PAYMENTS TO SUPPORT DEBT ISSUED BY CAPP INCURRED TO ACQUIRE ELECTRIC CAPACITY RIGHTS FROM LUMINANT GENERATION COMPANY AND RELATED ENTITIES PURSUANT TO A 24-YEAR POWER PURCHASE AGREEMENT (“PPA”); AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE MEMBER CONTRACT; FURTHER AUTHORIZING THE MAYOR TO SIGN ADDITIONAL AGREEMENTS ARRANGED BY CAPP FOR ELECTRIC POWER NEEDED BY THE CITY IN THE PERIOD 2009-2013 IN EXCESS OF THE AMOUNT OBTAINED UNDER THE MEMBER CONTRACT;

ACKNOWLEDGING, AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND RETURN CAPP'S DISCLOSURE LETTER; FURTHER AUTHORIZING THE MAYOR TO ACCEPT CONFORMING CHANGES TO THE MEMBER CONTRACT DEPENDENT ON THE FINAL TERMS OF THE CAPP PPA; PROVIDING FOR VALIDITY AND SUFFICIENCY OF MAYOR'S SIGNATURE IF THE MAYOR LEAVES OFFICE OR EMPLOYMENT PRIOR TO THE DELIVERY OF THE MEMBER CONTRACT; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT (First of three readings.)

The City Administrator asked that this item be removed from the agenda since CAPP had advised that they were not ready to proceed. Councilman Wilson made a motion to remove this item from the agenda. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of 2008-2013 Capital Improvement Program.

Council discussed the proposed 2008-2013 Capital Improvement Program. Mayor Pro Tem King made a motion to table this item to the next meeting. Councilman Wilson 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 650-2008 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING SECTION 7, LONGEVITY, OF CHAPTER 8, COMPENSATION AND BENEFITS, OF THE CITY OF DICKINSON PERSONNEL POLICY (2005) TO PROVIDE FOR AN ANNUAL PAYMENT OF LONGEVITY PAY IN THE MONTH OF NOVEMBER EACH YEAR; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (First of three readings).**

Mayor Masters read the ordinance by caption only. Following some discussion, Councilman Suderman made a motion to approve Ordinance

Number 650-2008 on first 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: Recommendations for Use of Unreserved/Undesignated Fund Balance from Fiscal Year 2006-2007 as of October 14, 2008.

City Council reviewed a recommendation from the City Administrator to transfer the \$150,000 approved for a comprehensive plan from the FY 2006-2007 Unreserved/Undesignated Fund Balance to the Disaster Contingency Plan. Following some discussion, Councilman Wilson made a motion to approve the recommendation. 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: Salary Adjustments for the Captains in the Police Department.

Police Chief Ron Morales presented a recommendation to increase the salaries of the Police Captains by 15% in order to bring them in line with the recent increases given to the Police Collective Bargaining employees. He noted that because of the increases given to the sergeants, they would make more than the Captains who supervise them. Discussion followed. Mayor Masters asked that it be entered into the record that she was opposed to giving raises to the Captains because the rest of the city employees only received 2% cost of living adjustment and that was cut back from the 3% which was requested in the budget. She stated that she felt the economy was not going to be strong over the next few years and the extra expense did not need to be added to the budget. She also pointed out that the cost of Hurricane Ike and the impact it would have on the budget was still not known. Councilwoman Dunbaugh also stated that she was not in favor of giving the raises because it was not fair to the other non-collective bargaining employees. More discussion followed. Councilman Wilson made a motion to approve the 15% salary adjustments for the Police Captains as recommended by the Chief. Councilman Suderman seconded the motion.

VOTE:

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

1 NAY (Dunbaugh)

MOTION PASSED.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 651-2008 - **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 2008-2009; 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.**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 651-2008 on first and final reading. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 15.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 8:50 p.m. Councilman Suderman seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

PASSED AND APPROVED this 28th day of October, 2008.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore, City Secretary