

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

**AGENDA**  
City of Dickinson  
**CITY COUNCIL**  
**REGULAR MEETING**

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

**October 25, 2011**

**NOTICE** is hereby given of a **REGULAR MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **TUESDAY, October 25, 2011, at 7:00 p.m.** at: 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM:**

Invocation and Pledge of Allegiance.

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

**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.**

**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 October 11, 2011
- B. Approval of Minutes of Regular Council Meeting of October 11, 2011
- C. Approval of Resolution Number XXX-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AN AGREEMENT OR LEASE OF A FULLY EQUIPPED AND MARKED POLICE MOTORCYCLE BY AND BETWEEN THE CITY OF DICKINSON, TEXAS (LESSEE OR "CITY"), AND OREN DONALDSON (LESSOR) FOR FISCAL YEAR 2011-2012; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- D. Award of Competitive Sealed Bid #1209-02 for Two 2012 Ford Explorers (4 Door with Front-Wheel Drive Base) to David Self Ford In An Amount Not to Exceed \$42,172.00.

## OLD BUSINESS

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

- A. Lovers Lane Reconstruction Project
- B. Owens Drive Reconstruction Project (Galveston County Bond Program)
- C. Timber Drive and Elm Street Reconstruction Projects
- D. Tropical Gardens Flood and Drainage Project

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

## NEW BUSINESS

**ITEM 7.) PUBLIC HEARING:** Concerning A Request for Specific Use Permit for the Sale of Beer and Wine at the Chapala Restaurant Which Is Located in the Neighborhood Commercial ("NC") Zoning District, Legally Described as Abstract 60, E P Epperson, Reserve A, Plantation Estates, Galveston County, Texas, and Generally Located South of FM 517 East Between Meadow Glen Drive and Plantation Bend Street With The Address Being 5202 FM 517 East, Suite A.

- A. Presentation of Proposed Specific Use Permit for Beer and Wine.
- B. Those In Favor.
- C. Those Against.
- D. Adjourn Public Hearing.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-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 SUP-11-0986 SO AS TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) ON 0.359 ACRES LEGALLY DESCRIBED AS ABSTRACT 60, E P EPPERSON, RESERVE A, PLANTATION ESTATES, GALVESTON COUNTY, TEXAS, GENERALLY LOCATED SOUTH OF FM 517 EAST, BETWEEN MEADOW GLEN DRIVE AND PLANTATION BEND STREET WITH THE ADDRESS BEING 5202 FM 517 EAST, SUITE A, (CHAPALA RESTAURANT), 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. (First of Three Readings)**

**ITEM 9.) PUBLIC HEARING:** Concerning An Amendment to Section 18-11, Definitions Of Terms And Phrases, Of Article II, Definitions, Of Chapter 18, Zoning, Of The Code Of Ordinances To Add Definitions For “Tattoo Parlor/Studio,” “Piercing Parlor/Studio,” And “Tobacco Oriented Uses”; Revising Section 18-58, Uses Requiring Specific Use Permit, Of Article V, Specific Uses, Of Chapter 18, Zoning, Of The Code Of Ordinances To Require That Tattoo Parlors/Studios, Piercing Parlors/Studios And Tobacco Oriented Uses In General Commercial And General Industrial Zoning Districts Must Obtain A Specific Use Permit.

- A. Presentation of Proposed Amendments to the Zoning Ordinance
- B. Those In Favor.
- C. Those Against.
- D. Adjourn Public Hearing.

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2011 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING SECTION 18-11, DEFINITIONS OF TERMS AND PHRASES, OF ARTICLE II, DEFINITIONS, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO ADD DEFINITIONS FOR “TATTOO PARLOR/STUDIO,” “PIERCING PARLOR/STUDIO,” AND “TOBACCO ORIENTED USES”;** REVISING SECTION 18-58, USES REQUIRING SPECIFIC USE PERMIT, OF ARTICLE V, SPECIFIC USES, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO REQUIRE THAT TATTOO PARLORS/STUDIOS, PIERCING PARLORS/STUDIOS AND TOBACCO ORIENTED USES IN GENERAL COMMERCIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS MUST OBTAIN A SPECIFIC USE PERMIT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; 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. (First of Three Readings)

**ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2011 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBER 509-2003, CODIFIED AS ARTICLE V, FLOOD HAZARD AREAS, OF CHAPTER 14, PLANNING AND DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON;** PROVIDING FOR THE INCORPORATION OF A PREAMBLE; ADOPTING A NEW ARTICLE V, FLOOD HAZARD AREAS, OF CHAPTER 14, PLANNING AND DEVELOPMENT, OF THE CODE OF ORDINANCE TO ESTABLISH REGULATIONS FOR FLOOD HAZARD AREAS; PROVIDING A REPEALER CLAUSE, A SEVERABILITY

**CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE AND AN EFFECTIVE DATE.** (First of Three Readings)

**ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Rejecting All Bids Received for Competitive Sealed Bid #1209-01 for One (1) Full-Size New 2012 Police Package Sports Utility Vehicle.

**ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Rejecting All Bids Received for Competitive Sealed Bid #1209-03 for One (1) New 2012 Full-Sized ½ Ton Extended Cab Pickup Truck.

**ITEM 14.) 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 212<sup>th</sup> District Court of Galveston County, Texas

**ITEM 15.) RECONVENE**

**ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.

**ITEM 17.) ADJOURN**

**CERTIFICATION**

This is to certify that a copy of the Notice of the Regular City Council meeting for **TUESDAY, October 25, 2011**, was posted on the bulletin board at City Hall, 4403 Highway 3, Texas, on this the 20th day of October, 2011, prior to 6:00 p.m.

/s/ Carolyn E. Anderson  
Carolyn E. Anderson, City Secretary

In compliance with the Americans with Disabilities Act, the City of Dickinson will provide reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-337-6217, or by FAX at 281-337-6190.