

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 26, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, OCTOBER 26, 2010**. 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 Pro Tem Walter Wilson called the meeting to order at 7:01 p.m. William King gave the Invocation and Louis Decker led the Pledge of Allegiance. City Secretary Carol McLemore called roll and certified a quorum. Council Members present were as follows: Mayor Pro Tem Walter Wilson and Council Members Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Mayor Julie Masters and Councilman Charles Suderman were absent. Also present were City Administrator Julie Johnston, Chief Ron Morales, Building Official Kevin Byal, Finance Director Mary Young, Public Works Director Kellis George, Fire Marshal Norman Hicks, Court Administrator Irma Rivera and Court Clerks Connie Mraz, Sylvia Medina and Lucy Winterfield.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Mayor Pro Tem Walter Wilson read a proclamation that declared November 1-5 as "Municipal Court Week" in Dickinson. He presented the proclamation to Court Administrator Irma Rivera. The Court Administrator described the activities she had planned for her office during the week and extended an invitation to City Council to participate in the activities.

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Appreciation to the Court Administrator and her staff for the job they are doing
- Update on Festival of Lights activities
- Upcoming election and reminder to vote
- Congratulations to 20th class of DCPAAA on their graduation and thanks to Tony Valdes for his work with them.
- Health Fair to be held October 30 at God's Household of Faith
- Greater New Hope's Fall Festival on October 30
- Reminder for Safety on Halloween

- Mt. Carmel's Perfectly Pink Event celebrating Breast Cancer Awareness Month
- Veteran's Day Parade on November 6
- TML Conference on October 27 - 29

ITEM 3.) PUBLIC COMMENTS:

There were no public comments.

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 Meeting of October 12, 2010
- B. Approval of Minutes of Regular Council Meeting of October 12, 2010
- C. Award of Bid for Standby Generators for Galveston County Water Control & Improvement District Number 1 Water and Wastewater Facilities to Crescent Electric in the Amount of \$1,042,566.00.
- D. Approval of Resolution Number 1157-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ADOPTING THE CITY OF DICKINSON 2010 DRAINAGE STUDY COMPLETED BY HDR/CLAUNCH & MILLER; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A CUMULATIVE REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**
- E. Approval of Resolution Number 1158-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REPEALING RESOLUTION NUMBER 1040-2009; ADOPTING A REVISED POLICY REGARDING ACCEPTANCE OF DONATIONS TO THE CITY OF DICKINSON; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Neves made a motion to approve the Consent Agenda. Councilwoman Dunbaugh seconded the motion.

VOTE:

5 AYES (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. Update on HVAC Issues.

Fire Marshal Norman Hicks gave a brief update on the continuing HVAC issues with the City Hall.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Public Works Projects

- A. Lovers Lane Reconstruction Project
- B. Avenue J Reconstruction Project
- C. Elm Street Reconstruction Project
- D. Birch Street Reconstruction Project
- E. Water Street Reconstruction Project
- F. Timber Drive Reconstruction Project

City Administrator Julie Johnston and Public Works Director Kellis George gave a brief update on the Public Works projects.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Hurricane Ike CDBG Grant Projects

City Administrator Julie Johnston updated City Council on the Hurricane Ike CDBG Grant Projects.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Bayou Watershed Steering Committee Meeting

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

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 709-2010 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING THE PAY CLASSIFICATION STRUCTURE FOR FULL-TIME EMPLOYEES CONTAINED IN APPENDIX B OF THE CITY OF DICKINSON PERSONNEL POLICY (2005) TO INCLUDE THE POSITIONS OF “ASSISTANT BUILDING OFFICIAL,” “COMMUNICATIONS SUPERVISOR” AND “JAILER” AND PAY RANGES FOR SUCH POSITIONS; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (Second of three readings).**

Mayor Pro Tem Wilson read the ordinance by caption only. Councilman King made a motion to adopt Ordinance Number 709-2010 on second reading, suspending the third reading. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1159-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE OFFICE OF RURAL COMMUNITY AFFAIRS UNDER THE COMMUNITY DEVELOPMENT FUND; AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Pro Tem Wilson read the resolution by caption only. Councilman King made a motion to approve Resolution Number 1159-2010. Councilman Decker seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 11.) PUBLIC HEARING – Regarding a Specific Use Permit to Allow the Additional Use of Sale of Alcoholic Beverages (Beer and Wine) in the “NC” (Neighborhood Commercial) zoning district on ±0.603 acres, legally described as Abstract 36 W G Banks, Lots 9, 10, 11, 12, 13, 14, 15 and 16, generally located South of FM 517 East and west of Grand Boulevard, more commonly known as 5828 FM 517 East (Viva Mexico Restaurant) in the City of Dickinson, Galveston County, Texas

Mayor Pro Tem Wilson opened the Public Hearing at 7:22 p.m.

A. Applicant's Statement

Ismael Guevara, owner of Viva Mexico Restaurant, explained his request for a Specific Use Permit to allow him to sell beer and wine at his establishment located at 5828 FM 517 East.

B. Those in Favor

No one spoke in favor of the specific use permit.

C. Those Opposed

No one spoke in opposition to the specific use permit.

D. Applicant's Rebuttal

There was no rebuttal by the applicant.

E. Adjourn

Mayor Pro Tem Wilson adjourned the Public Hearing at 7:23 p.m.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 711-2010 – **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 2010-5 (SUP 2010-5) SO AS TO ALLOW THE USE OF THE SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) ON ±0.603 ACRES, LEGALLY DESCRIBED AS ABSTRACT 36 W G BANKS, LOTS 9, 10, 11, 12, 13, 14, 15 AND 16, GENERALLY LOCATED SOUTH OF FM 517 EAST AND WEST OF GRAND BLVD., MORE COMMONLY KNOWN AS 5828 FM 517 EAST (VIVA MEXICO 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).**

Mayor Pro Tem Wilson read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 711-2010 on first reading. Councilman King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1160-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING A CHANGE ORDER TO THE AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND REMEDY ROOFING, INC. FOR THE RE-ROOFING OF THE HISTORIC RAILROAD DEPOT AND MUSEUM PROJECT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Wilson read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1160-2010.

Councilman King seconded the motion. Fire Marshal Norman Hicks explained that a basic inspection of the roof did not indicate that there was no decking under the wood shingles, and that the lack of the decking did not become known until shingles were actually removed. Once the issue became apparent, Remedy Roofing brought in the windstorm engineer to determine what would be necessary in order to obtain windstorm certification for the new roof. Based on the direction of the windstorm engineer, a change order in the amount of \$7,500.00 was approved in order to proceed with the installation. Discussion followed. Mayor Pro Tem Wilson stated that he was opposed to paying the change order since the bid specifications stated that it was the responsibility of the bidder to check the deck prior to bidding and include the cost of replacing in their bid. It was the consensus of Council to have the City Administrator negotiate with Remedy Roofing with regard to the price charged to install the required decking. Councilwoman Dunbaugh made a motion to table this matter. Council King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 14.) ADJOURN

Councilwoman Dunbaugh made a motion to adjourn the meeting at 7:47 p.m. Councilman King seconded the motion.

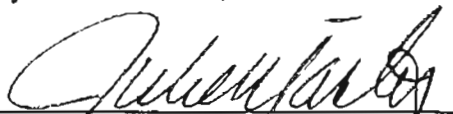
VOTE:

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

0 NAYS


MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 26th day of November, 2010.



Julie Masters, Mayor

ATTEST:



Carol L. McLemore
City Secretary

