

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

**November 8, 2011**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, November 8, 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 7:03 p.m. Deacon Joe Rubio gave the Invocation and Councilman Suderman 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. Councilman William King was absent. Also present were City Administrator Julie Johnston, Chief Ron Morales, Finance Director Mary Young, Public Works Director Kellis George.

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

Council commented on the following topics:

- Welcome to everyone in attendance
- Festival of Lights opens 26th of November and volunteers welcome
- Veterans Day Parade Saturday at 9:00 a.m. in memory of Sam Anzaldua
- Birthday of US Marine Corps
- Recognize high school football coach accomplishing 200 victories
- Condolences to Bubba Wilson's family
- Community Thanksgiving dinner given by Dickinson PD from noon to 2:00 at VFW Hall
- Tuesday before Thanksgiving Interdenominational Prayer Service
- at 7:00 p.m. and donations will be use for the Empty Stocking Fund
- Offering for Empty Stocking Fund
- Everyone welcome to come out and help with Festival of Lights
- Congratulations to Sue Bowen and Eleanor Brown, local artists featured in the *Galveston Daily News*

**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.**

Ed Maroney, 1001 Rosewood, Dickinson – Addressed Council about his concerns in having to pay the City a \$50 permit fee in addition to the charges by his plumber to fix a leak in a pipe coming to his house.

**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 25, 2011
- B. Approval of Minutes of Regular Council Meeting of October 25, 2011
- C. Approval of Resolution Number XXX-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, VOTING IN THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS OF THE GALVESTON CENTRAL APPRAISAL DISTRICT 2012-2013; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters asked that Item C of the Consent Agenda be moved to later in the agenda.

Councilman Wilson made a motion to approve Consent Agenda Items A & B. Councilman Suderman seconded the motion.

**VOTE:**  
5 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker)  
0 NAYS

**MOTION PASSED.**

- C. Approval of Resolution Number 1229-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, VOTING IN THE ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS OF THE GALVESTON CENTRAL APPRAISAL DISTRICT 2012-2013; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Wilson made a motion to cast all 33 votes for Vic Pearson. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**OLD BUSINESS**

- ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Briefing, Discussion and Direction Regarding Revised Recommendations and Project Estimate for Briarglen/Thornwood Drainage Project.

John Peterson with HDR/Claunch & Miller presented Council with an overview of the revised proposed project recommendations. Mr. Peterson explained the scope of the three different cost estimates and addressed Council's concerns and questions. Council directed staff to proceed with identifying funding for the Briarglen/Thornwood Drainage Project and asked City Administrator Julie Johnston to include the project on the list of projects to be submitted in the Round 2.2 Disaster Recovery CDBG application.

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

- A. Lovers Lane Reconstruction Project
- B. Hughes Road Reconstruction Project (Galveston County Bond Program)
- C. Timber Drive and Elm Street Reconstruction Projects
- D. Tropical Gardens Flood and Drainage Project
- E. Owens Drive
- F. Country Club Drive Sanitary Sewer Improvements Project

Public Works Kellis George and City Administrator Julie Johnston presented Council with an update on Public Works Projects.

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

City Administrator Julie Johnston presented Council with an update on the Round 1 projects and shared that she is continuing to work with David Baker of Public Management on those projects. She has also contacted the City Attorney on the Tropical Gardens project. Documents are being executed to do additional work to use up the extra funds on that project. Comments were submitted in the Method of Distribution Public Comment period for Round 2.2. She stated that HGAC plans to take action on the Method of Distribution in the next week. She discussed the new requirements outlined in this application that came out last week that were not required in the two previous applications.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Dickinson Economic Development Corporation Meeting.

Darrell Carney, President of the Dickinson Economic Development Corporation, presented Council with an update. Mayor Masters and Angela Forbes attended the International Conference of Shopping Centers Texas Dealmaking Event in San Antonio. He stated that, as of this date, 39 businesses have signed up with Shop in Dickinson program.

**ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 732-2011 – **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. (Second of Three Readings)**

Mayor Masters read the ordinance by caption only. Councilman Dunbaugh made a motion to approve Ordinance Number 732-2011 in two readings. Councilman Decker seconded the motion.

**VOTE:**

5 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker)  
0 NAYS

**MOTION PASSED.**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 733-2011 – **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. (Second of Three Readings)**

Mayor Masters read the ordinance by caption only. Councilman Neves made a motion to approve Ordinance Number 733-2011 in two readings. Councilman Dunbaugh seconded the motion.

**VOTE:**

5 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker)  
0 NAYS

**MOTION PASSED.**

**ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 734-2011 – 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. (Second of Three Readings)**

Mayor Masters read the ordinance by caption only. Councilman Neves made a motion to approve Ordinance Number 734-2011 in two readings. Councilman Decker seconded the motion.

**VOTE:**

5 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker)  
0 NAYS

**MOTION PASSED.**

## NEW BUSINESS

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award of Competitive Sealed Bid #1210-04 for Annual Contract for Purchase and Delivery of Gasoline and Diesel to Pumpelly Oil Acquisition, LLC.

Mayor opened the meeting for discussion. Mr. Nelson with Pumpelly was present to address questions of Council.

Councilman Neves made a motion to award the bid to Pumpelly Oil Acquisition, LLC. Councilman Dunbaugh seconded the motion.

**VOTE:**

3 AYES (Dunbaugh, Neves, Decker)  
2 NAYS (Suderman and Wilson)

**MOTION PASSED.**

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1230-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND PUMPELLY OIL ACQUISITION LLC FOR ANNUAL CONTRACT FOR PURCHASE AND DELIVERY OF GASOLINE AND DIESEL FOR FISCAL YEAR 2011-2012; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Neves made a motion to approve Resolution Number 1230-2011. Councilman Dunbaugh seconded the motion.

**VOTE:**

3 AYES (Dunbaugh, Neves, Decker)  
2 NAYS (Suderman and Wilson)

**MOTION PASSED.**

- ITEM 14.) PUBLIC HEARING:** Concerning the City of Dickinson's Proposed Fair Housing Activity Statement Form – Texas ("FHA Form") and Revised Long-Term Plan for Affirmatively Furthering Fair Housing.

Mayor Masters opened the Public Hearing at 7:58.

- A. Presentation of Proposed FHA Form and Revised Long-Term Plan for Affirmatively Furthering Fair Housing.

Deacon Joe Rubio, Chairman of the Fair Housing Work Group, presented Council with an overview of the process utilized to develop the proposed FFAST form process and review the revisions to the Revised Long-Term Plan for Affirmatively Furthering Fair Housing. He asked that Council approve both the FFAST Form and the Revised Long-Term Plan for Affirmatively Furthering Fair Housing for the Calendar Years 2010 to 2015.

B. Those In Favor.

None

C. Those Against.

None

D. Adjourn Public Hearing. 8:03

**ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1227-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A FAIR HOUSING ACTIVITY STATEMENT – TEXAS FORM (“FFAST FORM”) AND REVISED LONG-TERM PLAN FOR AFFIRMATIVELY FURTHERING FAIR HOUSING FOR CALENDAR YEARS 2010-2015; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1227-2011. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1228-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS DISASTER RELIEF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE GENERAL LAND OFFICE 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 Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1228-2011. Councilman Decker seconded the motion.

**VOTE:**

5 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker)  
0 NAYS

**MOTION PASSED.**

**ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:**  
Cancellation of November 22, 2011 and December 27, 2011 Regular City Council Meetings Due to Holidays.

Councilman Wilson made a motion to cancel the Regular City Council Meetings of November 22 and December 27, 2011. Councilman Suderman seconded the motion.

**VOTE:**

5 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker)  
0 NAYS

**MOTION PASSED.**

**ITEM 18.) 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.
- B. Section 551.072 – Deliberate the purchase, exchange, lease, value or sale of real property.

The Executive Session was not convened due to the absence of the City Attorney Loren Smith.

**ITEM 19.) RECONVENE**

None..

**ITEM 20.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Matters discussed in Executive Session.


No action taken.

**ITEM 21.) ADJOURN**

Councilman Suderman made a motion to adjourn the meeting at 8:05 p.m.  
Councilman Wilson seconded the motion.

**PASSED, APPROVED AND ADOPTED**, this the 13<sup>th</sup> day of December, 2011.



  
Julie Masters, Mayor

**ATTEST:**

  
Carolyn E. Anderson  
City Secretary