

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 9, 2010**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, NOVEMBER 9, 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 Julie Masters called the meeting to order at 7:01 p.m. Carol McLemore gave the Invocation and former Marines Kerry Neves, William King and Ron Morales 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 Walter Wilson and Council Members Charles Suderman, Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Also present were City Attorney Loren Smith, City Administrator Julie Johnston, Chief Ron Morales, Public Works Director Kellis George, Finance Director Mary Young, Fire Marshal Norman Hicks and Building Official Kevin Byal.

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

Council commented on the following topics:

- Thanks for coming and welcome
- Upcoming "Stuff the Bus" event being held by Dickinson ISD to raise money and collect food for M. I. Lewis Center
- County-wide Household Toxic Waste Event at Gulf Greyhound on November 13
- 235<sup>th</sup> Birthday of the U. S. Marine Corps on November 10
- Expressing thanks to Veterans for Veterans' Day on November 11
- Upcoming Community Thanksgiving Feast at the VFW
- Festival of Lights set to begin on November 27
- Dickinson High School Football Team made the playoffs
- Developing a leadership program similar to the one developed by the City of Tyler
- TML Annual Conference held last month in Corpus Christi
- Food Distribution by local Churches on Saturday
- Blue Santa and Empty Stocking Program to provide toys for children at Christmas

- Thanksgiving service at Greater New Hope Missionary Baptist Church
- Thanksgiving dinner at DISD Schools
- Community Thanksgiving service at First United Methodist Church and offering to benefit the Empty Stocking Program
- Volunteer opportunities
- DCPAAA hosting State Convention in Galveston in August
- Condolences to the Arnold Ross Family

**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 of October 26, 2010.
- B. Approval of Minutes of Regular Council Meeting of October 26, 2010.
- C. Approval of Minutes of Special Joint Meeting with Dickinson Economic Development Corporation of November 1, 2010.

Mayor Pro Tem Wilson made a motion to approve the Consent Agenda. Councilman Suderman 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. Update on HVAC Issues.

Fire Marshal Norman Hicks updated City Council on the ongoing HVAC issues with City Hall.

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

- A. Implementation of Drainage Projects Identified in Comprehensive Drainage Study

- B. Lovers Lane Reconstruction Project
- C. Avenue J Reconstruction Project
- D. 44<sup>th</sup> Street Reconstruction Project
- E. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
- F. Oak Ridge Reconstruction Project
- G. 44<sup>th</sup> Street Reconstruction Project
- H. Elm Street Reconstruction Project
- I. Timber Drive Reconstruction Project
- J. Cherry Street Bridge Project

City Administrator Julie Johnston and Public Works Director Kellis George updated City Council on the various Public Works Projects.

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

The City Administrator gave a brief update and noted that the Tropical Gardens street and drainage project was out for bid and should be awarded at the December meeting of the Council.

**ITEM 8.) 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 (Second of three readings).**

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Wilson made a motion to adopt Ordinance Number 711-2010 on second 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:** Resolution Number 1160-2010 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A CHANGE ORDER REVISION BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND REMEDY ROOFING, INC. FOR THE RE-ROOFING PROJECT FOR THE HISTORIC RAILROAD CENTER, COMPETITIVE SEALED BID NUMBER 1007-03; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CHANGE ORDER; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1160-2010. Councilman King seconded the motion.

**VOTE:**

5 AYES (Suderman, Dunbaugh, Neves, Decker and King)  
1 NAY (Wilson)

**MOTION PASSED.**

**NEW BUSINESS**

**ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award of Competitive Sealed Bid #1010-08 for City of Dickinson Street Rehabilitation 2010 44th Street from St Goar to City Library, Oakridge Drive from Oak Drive to Yupon Drive, and Sunset Drive from Timber Drive to Hwy 3 to Drewker Construction, Inc. In An Amount Not to Exceed \$213,481.00.

Mayor Pro Tem Wilson made a motion to approve award of Competitive Sealed Bid #1010-08 for Street Rehabilitation of 44<sup>th</sup> Street, Oakridge, and Sunset to Drewker Construction in an amount not to exceed \$213,481.00. Councilman King seconded the motion.

**VOTE:**

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

**MOTION PASSED.**

**ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1161-2010 – 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 DREWKER CONSTRUCTION, INC. AS CONTRACTOR FOR CITY OF DICKINSON STREET REHABILITATION

**2010 44TH STREET FROM ST GOAR TO CITY LIBRARY, OAKRIDGE DRIVE FROM OAK DRIVE TO YUPON DRIVE, AND SUNSET DRIVE FROM TIMBER DRIVE TO HWY 3; 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.**

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to approve Resolution Number 1161-2010. Councilman 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:**

Cancellation of November 23, 2010 and December 28, 2010 Regular City Council Meetings Due to Holidays.

Councilman Wilson made a motion to cancel the November 23 and December 28 Regular City Council Meetings due to the holidays. Councilman King seconded the motion.

**VOTE:**

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

0 NAYS

**MOTION PASSED.**

**ITEM 13.) 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. Collection of Outstanding Hotel Occupancy Tax Owed by Purushottam H. Patel and Manguben P. Patel.

A. Section 551.072 – Deliberate the purchase, exchange, lease, value or sale of real property.

B. Section 551.074 – Personnel Matters to deliberate the appointment, evaluation, reassignment, duties or dismissal of a public officer or

employee, to wit: the members of the Dickinson Economic Development Corporation.

Mayor Masters recessed the meeting into Executive Session at 7:58 p.m.

**ITEM 14.) RECONVENE**

Mayor Masters reconvened the meeting at 8:42 p.m.

**ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.**

Council took no action on the matters discussed in Executive Session.

**ITEM 16.) ADJOURN**

Councilman King made a motion to adjourn the meeting at 8:43 p.m. Councilman Wilson seconded the motion.

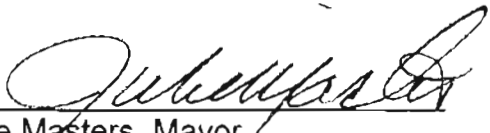
**VOTE:**

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

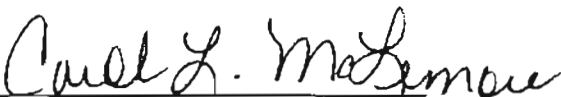
0 NAYS

**MOTION PASSED.**

**PASSED, APPROVED AND ADOPTED** this the 14<sup>th</sup> day of December, 2010.

  
Julie Masters, Mayor

**ATTEST:**

  
Carol L. McLemore  
City Secretary

