

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

NOVEMBER 10, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, NOVEMBER 10, 2009**. 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 7:03p.m. Jim Floyd gave the Invocation and Mayor Pro Tem King and Councilman Neves 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, Finance Director Mary Young, Director of Public Works Kellis George, Fire Marshal Norman Hicks, Building Official Kevin Byal, Library Director Vicki McCallister and Captain Arnold Moreno.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Congratulations on the 234th Marine Corps Birthday
- Service Honoring Veterans at VFW on November 11 at 11:00 a.m.
- Parade Honoring Veterans on November 14 at 10:00 a.m.
- Festival of Lights opening on November 28, and Special Ceremony on December 5 at 6:30 p.m. to salute Veterans
- Friends of the Library Used Book Sale on November 14
- 21st Community-wide Thanksgiving Service on November 21
- Keep Dickinson Beautiful E-waste Recycle Day on November 21 from 8:30 to 1:30 at the old Fire Station on FM 517
- Community-wide Thanksgiving Service at Trinity Episcopal Church on November 24
- Condolences to the Bud Saunders Family
- Dickinson High School Gator Football playoffs on November 14 at 2:00 p.m.
- Dickinson Historical Society's new Christmas Ornament on sale at the Depot Gift Shop

- Prayers for families and victims at Fort Hood.

ITEM 3.) PUBLIC COMMENTS:

Jeanette Gregory, 1722 Oleander Drive, expressed appreciation for the completion of the Oleander Bridge.

Janice and Brian Finney, 2109 Holly Drive, asked for consideration in fixing Holly Street.

ITEM 4.) 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 Regular Council Meeting of October 27, 2009

B. Approval of Resolution Number 1080-2009 – **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 HERTZ EQUIPMENT RENTAL (R. ELDREDGE GUIDROZ) FOR CONSTRUCTION EQUIPMENT RENTAL (CAT D4C BULLDOZER, CAT D5C BULLDOZER AND A 2,000 GALLON WATER TRUCK) FOR FISCAL YEAR 2009-2010; 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.**

C. Approval of Resolution Number 1080-2009 – **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 R.B. EVERETT & COMPANY FOR CONSTRUCTION EQUIPMENT RENTAL (CAT 312 EXCAVATOR, CAT 320 EXCAVATOR AND CAT SS250B SOIL STABILIZER) FOR FISCAL YEAR 2009-2010; 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.**

D. Approval of Resolution Number 1082-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A NON-REAL ESTATE DONATION AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND FRIENDS OF THE DICKINSON PUBLIC LIBRARY ASSOCIATION FOR THE DONATION OF \$3,496.96 FOR**

THE PURCHASE, DELIVERY AND INSTALLATION OF 8 SINGLE-FACED STEEL SHELVING SECTIONS WITH CANOPY TOPS AND END CAPS; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

- E. Approval of Resolution Number 1083-2009 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A NON-REAL ESTATE DONATION AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND FRIENDS OF DICKINSON PUBLIC LIBRARY ASSOCIATION FOR THE DONATION OF \$3,160.06 TO BE USED FOR THE PURCHASE, DELIVERY AND INSTALLATION OF 20 STEEL END PANELS; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- F. Approval of Resolution Number 1084-2009 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE MAYOR IN EXECUTING AND APPROVING AN AGREEMENT FOR STATE TO INSTALL, OPERATE AND MAINTAIN INDIVIDUAL SIGNALS IN CITY UNDER 50,000 OR FREEWAY SIGNALS IN CITY OVER 50,000 POPULATION FOR THE PURPOSE OF INSTALLING PRE-EMPTION SIGNAL ON FM 517 AT TEXAS AVENUE AT DICKINSON CENTRAL FIRE STATION; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- G. Approval of Resolution Number 1085-2009 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE MAYOR IN EXECUTING AND APPROVING AN AGREEMENT FOR STATE TO INSTALL, OPERATE AND MAINTAIN INDIVIDUAL SIGNALS IN CITY UNDER 50,000 OR FREEWAY SIGNALS IN CITY OVER 50,000 POPULATION FOR THE PURPOSE OF INSTALLING PRE-EMPTION SIGNAL ON FM 517 BETWEEN KELLNER AND PABST AT DICKINSON VOLUNTEER FIRE DEPARTMENT STATION 2; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- H. Approval of Resolution Number 1086-2009 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING AND APPROVING THE SUBMISSION OF A NOTICE OF INTENT TO**

ACCEPT THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM ALLOCATION UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) TO THE STATE ENERGY CONSERVATION OFFICE; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

- I. **Approval of Resolution Number 1087-2009 - 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 2010-2011; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Wilson made a motion to approve all items on the Consent Agenda. Councilman King 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 VAV Boxes/HVAC System

Norman Hicks gave a brief update on the progress in resolving the problems with the heating and air conditioning system.

- B. Review of Available Funds in Capital Projects Fund
- C. Purchase of Stove/Range for Kitchen
- D. Purchase of Table and Hutch for Dickinson Public Library
- E. Purchase of Christmas Lighting for City Hall and Library Buildings

City Administrator reviewed the available funds in the capital projects fund and outlined the requests for purchases. After some discussion, Council took no formal action but agreed by consensus to the purchase of a stove/range for the City Hall Kitchen, a table and hutch for the Library and Christmas lighting for City Hall and the Library.

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

- A. Oleander Bridge Project

B. Sunset Drive Construction Project

Director of Public Works, Kellis George gave an update on both projects and said that both projects were substantially complete. He noted that the Department would do more work on the shoulders of Sunset Drive when the ground dries out.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2009 – **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.**

Mayor Masters read the Resolution by caption only. Councilman Neves made a motion to table this matter. Councilman Decker seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 8.) DISCUSSION AND DIRECTION CONCERNING: Revisions to Proposed Policy Concerning Appointments to City Boards and Commissions as Directed During October 27, 2009 Council Meeting.

The City Administrator reviewed the revisions made to the proposed policy as per the direction of City Council at the October 27 meeting. After some discussion, it was the consensus of City Council to further revise the policy to include:

- Clarification of language as to how the vacancies are to be advertised to the citizens and communicated to City Council.
- Clarification that alternate board members are given first consideration in replacing members who resign prior to the end of their appointment.

The City Administrator said she would incorporate the changes and bring the policy back to City Council at the December meeting.

NEW BUSINESS

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Request from Rudy Steiger to discuss Rehab Center located at 3111 Yupon.

Mr. Steiger was not present.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Request from Anthony Emmite to discuss Drainage Issues on Hill Street in Connection with Work Planned by DISD at old McAdams Junior High Site.

Mr. Anthony Emmite, 3502 Hill Street, discussed the drainage on Hill Street and the history of drainage work done in and around the old McAdams Junior High site. He asked for Council's consideration in making sure that the drainage problems are corrected when the site is converted to a bus barn.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1088-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING AN AGREEMENT FOR CONSTRUCTION WITH PHASE 1 CONSTRUCTION AND REMODELING FOR THE PURPOSE OF PERFORMING REPAIRS TO THE PUBLIC WORKS BUILDING RESULTING FROM HURRICANE IKE; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the Resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1088-2009. Councilman Decker made the second.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Cancellation of November 24, 2009 and December 22, 2009 Regular City Council Meetings due to Holidays.

Councilman Wilson made a motion to cancel the November 24, 2009 and December 22, 2009 Regular Council Meetings due to the Thanksgiving and Christmas Holidays. Councilwoman Dunbaugh made the second.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 13.) EXECUTIVE SESSION: The City Council held 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. Status of Negotiations with Dickinson Volunteer Fire Department.

Mayor Masters recessed the meeting into Executive Session at 8:11 p.m.

ITEM 14.) RECONVENE

Mayor Masters reconvened the meeting at 9:08 p.m.

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

City Council took no action.

ITEM 16.) ADJOURN

Mayor Pro Tem King made a motion to adjourn the meeting at 9:09 p.m. Councilman Suderman seconded the motion.

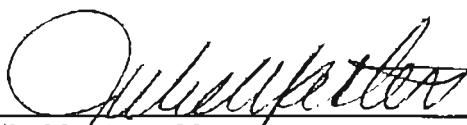
VOTE:

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


0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 8th day of December, 2009.


Julie Masters, Mayor

ATTEST:


Carol L. McLemore
City Secretary

