

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 11, 2008

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, NOVEMBER 11, 2008**. The meeting was held in the City Council Chambers located at 1621 FM 517 East, 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 7:04 p.m. Mayor Pro Tem King gave the Invocation 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, Police Chief Ron Morales, Director of Public Works, Kellis George, Fire Marshal Norman Hicks, Administrative Services Coordinator Kathryn Taylor, Community Development Coordinator Angela Forbes, Captain Steve Krone and Building Inspector Mike Ingalsbe.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- 233rd Birthday of U. S. Marines
- Veteran's Day
- Festival of Lights opening on November 29 and Snow Day on December 13
- Help from the many volunteers in working on Festival of Lights including Bay Area Recovery
- Ecumenical Thanksgiving Service to be held Tuesday, November 25
- Empty Stocking Program
- Juried Art Show to be held at the Historic Railroad Depot
- Model Train Exhibition to be held at the Historic Railroad Depot
- Congratulations to DHS Football Team for making the playoffs
- Rotary Christmas Parade to be held December 4
- United Way Donations needed because of Hurricane Ike
- Annual Thanksgiving Dinner to be held at VFW on November 22

- Recent TML Meeting in San Antonio
- Upcoming Holiday Season
- EDC Board Members attending ICSS Conference in San Antonio
- Texas Recycles Day on Saturday November 15 at Space Center Houston
- TML Legislative Policy Committee Meeting held recently

ITEM 3.) PUBLIC COMMENTS:

Mark Townsend, 2703 Yorktown, expressed appreciation to the Veterans who had served the United States. He also spoke concerning the City's budget, the loss of Finance Director Usha Mathew and the use of DEDC funds being used to balance the City's budget.

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 Special Council Workshop Meeting of October 28, 2008.
- B. Approval of Minutes of Regular Council Meeting of October 28, 2008.

Councilman Neves made a motion to approve the Consent Agenda. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project.

Fire Marshal Norman Hicks gave a brief update on the progress of the City Hall/Library Project.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Oleander Bridge Project Update.

Director of Public Works Kellis George gave a brief update on the Oleander Bridge Project.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Rodeo Bend Bridge Update.

Director of Public Works Kellis George gave a brief update on the Rodeo Bend Bridge Project.

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Hurricane Ike Recovery Update.

Chief Ron Morales and Captain Steve Krone gave an update on the brush and debris pickup.

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Review of Requests for Proposals for Audit Services and award of same.

- ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1006-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, PROVIDING FOR THE APPOINTMENT OF A CITY AUDITOR; APPROVING AN ENGAGEMENT LETTER BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND NULL-LAIRSON, P.C. TO PERFORM AN AUDIT OF THE FINANCIAL STATEMENTS OF THE CITY OF DICKINSON FOR FISCAL YEAR 2007-2008; AUTHORIZING EXECUTION OF THE ENGAGEMENT LETTER BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters combined items 9 and 10. She read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1006-2008. Mayor Pro Tem King seconded the motion. Discussion followed.

VOTE:

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

MOTION PASSED.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1007-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AN AGREEMENT FOR INTERIM DIRECTOR OF FINANCE SERVICES BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND TEXAS FIRST GROUP REPLACEMENT SERVICE, INC.; AUTHORIZING ITS EXECUTION BY THE MAYOR; PROVIDING FOR 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 1007-2008. Mayor Pro Tem 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: Ordinance Number 652-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, TO REZONE LOT 1 OF PART OF LOT 154 OF THAMAN’S 1ST SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 231, PAGE 6 IN THE OFFICE OF THE GALVESTON CLERK OF GALVESTON COUNTY, TEXAS. (MORE COMMONLY KNOWN AS 307 FM 646 NORTH) FROM RURAL RESIDENTIAL (RR) TO NEIGHBORHOOD COMMERCIAL (NC), WITH A SPECIFIC USE PERMIT TO ALLOW THE ADDITIONAL USE OF A CHILD DAYCARE FACILITY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 AND THAT EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; PROVIDING FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO THE PUBLIC HEALTH AND SAFETY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE (Second of three readings).**

Mayor Masters read the ordinance by caption only. Councilman Wilson made a motion to adopt Ordinance Number 652-2008 on second reading, suspending the third reading. Councilman Decker seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 653-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS DELETING SUBSECTION A, SCHEDULE OF FEES, AND SUBSECTION D(10), APPROVAL OF PLANNING COMMISSION, BOTH CONTAINED IN SECTION 6, PROCEDURE TO SCHEDULE REVIEW AND APPROVAL OF PLAT, OF APPENDIX “A”, SUBDIVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS;**

ADOPTING A NEW SUBSECTION A, SCHEDULE OF FEES, OF SECTION 6, PROCEDURE TO SCHEDULE REVIEW AND APPROVAL OF PLAT, OF APPENDIX "A", SUBDIVISIONS, OF THE CODE OF ORDINANCES; ADOPTING A NEW SUBSECTION D(10), OF SECTION 6, PROCEDURE TO SCHEDULE REVIEW AND APPROVAL OF PLAT, OF APPENDIX "A", SUBDIVISIONS, OF THE CODE OF ORDINANCES TO BE ENTITLED "COMMISSION AND COUNCIL APPROVAL"; PROVIDING FOR THE INCORPORATION OF PREAMBLE; 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 Decker made a motion to adopt Ordinance Number 653-2008 on second and final reading, suspending the third reading. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 654-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS AMENDING THE SUBDIVISION ORDINANCE BY THE ADDITION OF A DEFINITION OF "ADMINISTRATIVE OFFICIAL"; ESTABLISHING REQUIREMENTS RELATING TO COMPLETENESS DETERMINATIONS FOR PLAT AND DEVELOPMENT APPLICATIONS; PROVIDING FOR PROCEDURES; AMENDING THE SUBDIVISION ORDINANCE TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO APPLICATIONS FOR PLAT APPROVAL; ESTABLISHING FEES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE (Second of three readings).**

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to adopt Ordinance Number 654-2008 on second reading, suspending the third reading. Councilman Neves made the second.

VOTE:

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

MOTION PASSED.

ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 655-2008 - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RENAMING THE PORTION OF 27TH STREET, LOCATED BETWEEN TIMBER DRIVE AND STATE HIGHWAY 3, A PUBLIC ROADWAY, AS SUNSET DRIVE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING THE CITY ADMINISTRATOR TO INSTALL PROPER STREET SIGNAGE RELATED TO THE RENAMING; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE** (Second of three readings).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem King made a motion to suspend the third reading and adopt Ordinance Number 655-2008 on second and final reading. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 657-2008 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING ORDINANCE NUMBER 605-2007 TO DELETE SUBSECTION (E) OF SECTION 1 THROUGH WHICH A 20 MPH SCHOOL ZONE WAS ESTABLISHED ALONG FM 517 FROM 158 FEET WEST OF WAGON ROAD TO 474 FEET EAST OF TIMBER DRIVE; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE** (First of three readings).

Mayor Masters read the ordinance by caption only. Councilwoman Dunbaugh made a motion to approve Ordinance Number 657-2008 on first reading. Councilman Suderman seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1008-2008 - **A RESOLUTION OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. (CAPP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY AND NECESSARY, RELATED SERVICES EFFECTIVE JANUARY 1, 2009; AUTHORIZING**

CAPP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; APPROVING CAPP CONTRACTING WITH FPL ENERGY AND DIRECT ENERGY AND AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2009; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS BEGINNING JANUARY 1, 2009 THROUGH DECEMBER 31, 2013; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Kristen Doyle of Lloyd Gosselink, discussed the CAPP project and the process used to negotiate an electrical supply agreement with FPL Energy and Direct Energy. After some discussion, Councilwoman Dunbaugh made a motion to approve Resolution Number 1008-2008. Mayor Pro Tem King seconded the motion.

VOTE:

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

MOTION PASSED.

- ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 658-2008 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS APPROVING AN ELECTRIC POWER CONTRACT WITH CITIES AGGREGATION POWER PROJECT, INC. ("CAPP") FOR ELECTRIC CAPACITY AND ENERGY, PROVIDING CAPACITY PAYMENTS AS PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS OF THE CITY, PLEDGING AND LEVYING AN AD VALOREM TAX TO SUCH PAYMENTS, PROVIDING FOR ENERGY PAYMENTS FOR ELECTRIC ENERGY SUBJECT TO ANNUAL APPROPRIATION BY THE CITY, PROVIDING FOR THE ASSIGNMENT OF SUCH CAPACITY PAYMENTS TO SUPPORT DEBT ISSUED BY CAPP INCURRED TO ACQUIRE ELECTRIC CAPACITY RIGHTS FROM LUMINANT GENERATION COMPANY AND RELATED ENTITIES PURSUANT TO A 24-YEAR POWER PURCHASE AGREEMENT ("PPA"); AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE MEMBER CONTRACT; FURTHER AUTHORIZING THE MAYOR TO SIGN ADDITIONAL AGREEMENTS ARRANGED BY CAPP FOR ELECTRIC POWER NEEDED BY THE CITY IN THE PERIOD 2009-2013 IN EXCESS OF THE AMOUNT OBTAINED UNDER THE MEMBER CONTRACT; ACKNOWLEDGING, AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND RETURN CAPP'S DISCLOSURE LETTER; FURTHER AUTHORIZING THE MAYOR TO ACCEPT CONFORMING CHANGES TO THE MEMBER CONTRACT DEPENDENT ON THE FINAL TERMS OF THE CAPP PPA; PROVIDING FOR VALIDITY AND SUFFICIENCY OF MAYOR'S SIGNATURE IF THE MAYOR LEAVES OFFICE OR**

EMPLOYMENT PRIOR TO THE DELIVERY OF THE MEMBER CONTRACT; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT (First of three readings).

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to approve Ordinance Number 658-2008 on first reading. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Additional 1% Cost of Living Adjustment for Non-collective Bargaining Employees other than Police Captains.

Councilman Neves made a motion to remove this item from the table. Councilman Wilson seconded the motion and it passed unanimously.

Councilwoman Dunbaugh made a motion to approve an additional 1% cost of living increase for all non-collective bargaining employees except Police Captains who have more than one year of service, to make the increase retroactive to November 1, 2008, and to offset the increase to the budget with the increased contribution from the DEDC. Mayor Pro Tem King seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

ITEM 20.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Recommendations and Funding for Drainage Work on Tanglebriar Drive Project.

Public Works Director Kellis George and Travis Sellers of Pate Engineers explained the three alternatives for drainage work that needed to be done on Tanglebriar and outlined the costs associated with each alternative. After a lengthy discussion with City Council, it was the consensus of City Council to proceed with the street replacement on Tanglebriar without doing the drainage work.

ITEM 21.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1009-2008 - **A RESOLUTION OF THE CITY COUNCIL OF THE**

CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT FOR OPERATING AND ENGINEERING COSTS FOR THE DICKINSON BAYOU WATERSHED STEERING COMMITTEE; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Masters read the resolution by caption only. Councilman Wilson made a motion to remove the item from the table. Councilwoman Dunbaugh made the second and the motion was approved unanimously. After some discussion, Mayor Pro Tem King made a motion to approve Resolution Number 1009-2008. Councilman Decker seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 22.) DISCUSSION CONCERNING: Elimination of position of Director of Community Development Department and elimination of funding for position of Director of Community Development Department from the remainder of the fiscal year 2008-2009 budget.

After some discussion, Council took no action on this matter. Councilman Suderman requested that this item be placed on the December 9 City Council Meeting as an action item.

ITEM 23.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Cancellation of November 25, 2008 and December 23, 2008 Regular City Council Meetings due to Holidays.

Mayor Pro Tem King made a motion to cancel the November 25, 2008 and December 23, 2008 City Council Meetings due to holidays. Councilman Wilson seconded the motion.

VOTE:

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

MOTION PASSED.

ITEM 24.) 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 551.074 – Discuss or deliberate regarding the evaluation of the City Administrator.

Mayor Masters recessed the meeting into Executive Session at 10:12 p.m.

ITEM 25.) RECONVENE

Mayor Masters reconvened the meeting at 11:40 p.m. and reported that no action was taken by the City Council.

ITEM 26.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 11:40 p.m. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

Approved and adopted this the 9th day of December, 2008.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore
City Secretary