

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

DECEMBER 8, 2009

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, DECEMBER 8, 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 7:03 p.m. Mayor Pro Tem King gave the Invocation and Councilman Decker 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 Mary Dunbaugh, Walter Wilson, Kerry Neves, and Louis Decker. Councilman Charles Suderman was absent. 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 Community Development Coordinator Samson Babalola.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Veterans' Day Parade
- Men's Breakfast at Faith United Church
- Mayor Pro Tem King's mother's 80th Birthday
- Festival of Lights
- Dickinson Gator Football Team's loss in second round of playoffs
- Community Thanksgiving Dinner held at the VFW
- Re-election of Councilman Decker to the 911 Board of Directors
- Holiday Train Show at the Historic Railroad Depot
- Pilot Club Tour of Homes
- Thanks to Staff and especially Mary Young for Christmas Decorations
- Empty Stocking Program
- Foster Kids Christmas Party
- Merry Christmas and Happy New Year to all

ITEM 3.) PUBLIC COMMENTS:

Melvin Scott, 4141 Lover's Lane, spoke to the City Council concerning the poor street condition on Lover's Lane.

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 of November 10, 2009
- B. Approval of Minutes of Regular Council Meeting of November 10, 2009
- C. Resolution Number 1089-2009 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE MAYOR IN EXECUTING AND APPROVING AN ENVIRONMENTAL SERVICE PROVIDER WORK ORDER FOR TIM F. GLENDENING & ASSOCIATES, INC. RELATED TO TxCDBG CONTRACT NUMBER DRS010039; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- D. Resolution Number 1090-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING THE ACTIONS OF THE MAYOR IN EXECUTING AND APPROVING CONTRACT NUMBER DRS010039 FOR CDBG DISASTER RECOVERY NON-ENTITLEMENT GRANT PROGRAM BETWEEN CITY OF DICKINSON, TEXAS AND TEXAS DEPARTMENT OF RURAL AFFAIRS; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- E. Resolution Number 1091-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN CITY OF DICKINSON AND GALVESTON COUNTY FOR EMERGENCY MEDICAL RESPONSE SERVICES IN UNINCORPORATED PORTIONS OF GALVESTON COUNTY ADJACENT TO THE CITY OF DICKINSON; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- F. Resolution Number 1092-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, AMENDING RESOLUTION NUMBER 1072-2009 TO ADOPT A REVISED EXHIBIT "A", QUALIFIED BROKERS, TO THE CITY'S ADOPTED**

INVESTMENT POLICY; PROVIDING FOR INCORPORATION OF PREMISES AND AN EFFECTIVE DATE.

- G. Resolution Number 1093-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A COMPROMISE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS BETWEEN THE CITY OF DICKINSON AND ROBERT BAGOT SETTling ALL MATTERS RELATED TO AN EMINENT DOMAIN BROUGHT AGAINST ROBERT BAGOT SEEKING ACQUISITION OF AN EASEMENT FOR DRAINAGE PURPOSES ON A TRACT OF LAND LOCATED AT 2001 OLEANDER WITHIN THE CITY OF DICKINSON; ACCEPTING THE GRANTING OF AN EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM ROBERT BAGOT ACROSS THE PROPERTY LOCATED AT 2001 OLEANDER WITHIN THE CITY OF DICKINSON, TEXAS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Neves made a motion to approve the Consent Agenda. Mayor Pro Tem King 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. Approval of Demolition and Removal of Old Drives Adjacent to Highway 3 and Placement of 6" Curb to Drewker Construction in an Amount Not to Exceed \$4,600.00.
- B. Update on Status of Landscaping through TxDOT Grant
- C. Approval of Surveying and Plat Preparation Services for City Hall Complex by Ellis Surveying Services in an Amount Not to Exceed \$4,900.00.

Fire Marshal Norman Hicks updated City Council on the status of the landscaping project through the grant awarded to Keep Dickinson Beautiful by TxDOT. Mr. Hicks also reviewed the recommendations by staff for award of quotes to Drewker Construction for demolition and removal of old drives along Highway 3 and to Ellis Surveying for surveying services and plat preparation for City Hall complex. Councilman Wilson made a motion to

approve items A and C as recommended by staff. Mayor Pro Tem King made the second.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Dickinson Bayou Watershed Steering Committee Meeting.

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

- 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 Wilson made a motion to table this matter. Mayor Pro Tem King seconded the motion.

VOTE:

3 AYES (Wilson, Neves and King)

2 NAYS (Dunbaugh and Decker)

MOTION PASSED.

NEW BUSINESS

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request from Ron Bastien on behalf of the Bay Area V- Twins to Discuss Motorcycle Safety and Erecting "Share the Road" signs at Major Entrances and Exits to the City.

Lester Jackson, Rick Nizol and Ron Bastien appeared before Council on behalf of the Bay Area V-Twins to request that City Council erect "Share the Road" signs at major entrances and exits to the State Highways in the City to promote more awareness of motorcycle safety. Council agreed to the installation of the signs and asked Chief Ron Morales and Public Works

Director Kellis George to recommend locations for the installation of the signs.

ITEM 9.) PUBLIC HEARING: Regarding a Specific Use Permit to Allow the Additional Use Church and Religious Services on ± 0.375 Acres of Land on Lot 3 of the Keyworth Special Subdivision More Commonly Known as 1837 FM 517 East in the City of Dickinson, Texas.

Mayor Masters opened the public hearing at 7:34 p.m.

A. Applicant's Statement

Myron Smith, pastor of The Crossing, gave a brief history of his church and discussed the use of the building.

B. Those in Favor

No one spoke in favor of the permit.

C. Those Opposed

No one spoke in opposition to the permit.

D. Applicant's Rebuttal

There was no rebuttal.

E. Adjourn

Mayor Masters adjourned the public hearing at 7:36 p.m.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 692-2009 - **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 A SPECIFIC USE PERMIT NUMBER 2009-14 (SUP2009-14) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±0.375 ACRES OF LAND ON LOT 3, OF THE KEYWORTH SPECIAL SUBDIVISION, A SUBDIVISION IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 155, PAGE 10 MORE COMMONLY KNOWN AS 1837 FM 517 EAST, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF FM 517 EAST AND CEDAR DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL; 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 Masters read the ordinance by caption only. Mayor Pro Tem King made a motion to approve Ordinance Number 692-2009 on first reading. Councilman Wilson seconded the motion.

VOTE:

4 AYES (Wilson, Neves, Decker and King)

1 NAY (Dunbaugh)

MOTION PASSED.

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1094-2009 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ADOPTING A POLICY REGARDING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Neves made a motion to approve Resolution Number 1094-2009 with a revision to remove the application filing period of February through April. Councilwoman Dunbaugh seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approve moving Larry Kindel from Alternate to Regular Member of Building Standards Commission to replace Frank Stansfield.

Councilman King made a motion to move Larry Kindel from alternate to regular member of the Building Standards Commission to replace Frank Stansfield. Councilman Decker seconded the motion.

VOTE:

5 AYES (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.
2. Status of litigation related to code enforcement issues on properties located at 2922 45th Street and 4419 St. Goar.
3. Status of United States of America, Republic State of Texas v. Legal Eagles, et. al., Case No. 3:07-cv-00206, U.S. District Court, Southern District of Texas, Galveston Division.
4. Hamdi Bilici and Lutchminia Bilici vs. Odell Ammon Broom et al., Case No. E81090253, Justice of the Peace 8-1, Galveston County, Texas.

B. Section 551.074 – Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Administrator.

Mayor Masters recessed the meeting into Executive Session at 7:49 p.m.

ITEM 14.) RECONVENE

Mayor Masters reconvened the meeting at 8:40 p.m.

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

Mayor Pro Tem King made a motion to remove Item 7 from the table. Councilman Neves seconded the motion.

VOTE:

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

0 NAYS

MOTION PASSED.

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.**

City Council discussed the agreement with Mark Townsend of the Dickinson Volunteer Fire Department. After some discussion, Council took no action in this matter.

ITEM 16.) ADJOURN

Mayor Pro Tem King made a motion to adjourn the meeting at 8:55 p.m. Councilman Wilson seconded the motion.

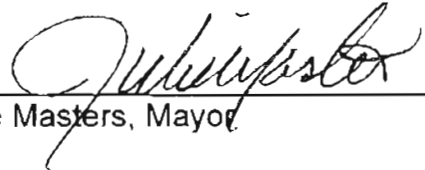
VOTE:

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

0 NAYS

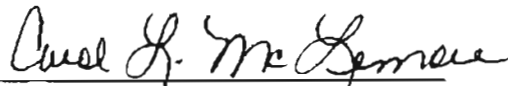
MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 12th day of January, 2010.



Julie Masters, Mayor

ATTEST:



Carol L. McLemore
City Secretary

