

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

JULY 13, 2010

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, JULY 13, 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 7:01p.m. Carol McLemore gave the Invocation and Mary Dunbaugh 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 Mary Dunbaugh, Kerry Neves, and Louis Decker. Council Members Charles Suderman and William King were absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Police Chief Ron Morales, Public Works Director Kellis George, Finance Director Mary Young, Building Official Kevin Byal, Fire Marshal Norman Hicks, Library Director Vicki McCallister and Library Assistant Scottie Baugh.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming.
- Two New Trucks purchased by Dickinson Volunteer Fire Department.
- New Book written by Ernie Deats received a good review by Galveston Daily News and proceeds benefit DISD Education Foundation.
- Recent Donations made to Dickinson Historical Society
- Condolences to family of Mac Tolbert.
- Introduction of Mike Sofia, new principal of True Cross School
- Friends of the Library Gala on August 20th with book signing by Ernie Deats
- M. I. Lewis Gala this month

ITEM 3.) PUBLIC COMMENTS:

Jim Oullette, 3928 Amanda Drive, spoke to City Council concerning the trash from the Go Cart Track on I-45 and the lack of attention to the landscaping at City Hall.

Damon Brown, 4118 Grand Boulevard, discussed the drainage problem and FM 517 at the entrance to the Tropical Gardens Subdivision.

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 City Council Joint Special Meeting with DEDC of June 17, 2010
- B. Approval of City Council Regular Meeting Minutes of June 22, 2010.

Mayor Pro Tem Wilson made a motion to approve the consent agenda. Councilwoman Dunbaugh seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves and Decker)
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.
- B. Update on Installation of Manual Emergency Transfer Switch at Dickinson City Hall.

Fire Marshal Norman Hicks gave a brief update on the HVAC issues and the installation of the manual emergency transfer switch. Council took no action in this matter.

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

- A. Winding Brook Drainage Project
- B. Thornwood Circle Drainage Project
- C. Outfall Drainage Ditch at 29th Street and California
- D. Lovers Lane Reconstruction Project
- E. Avenue J Reconstruction Project
- F. 44th Street Reconstruction Project
- G. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
- H. Oak Ridge Reconstruction Project
- I. Repairs to Railroad Crossing on FM 517 East

City Administrator Julie Johnston and Public Works Director Kellis George gave a brief update on the Public Works projects. Council took no action in this matter.

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

- A. Comprehensive Drainage Study
- B. Round 1 Infrastructure Projects

City Administrator Julie Johnston updated City Council on the Hurricane Ike CDBG Projects. Council took no action in this matter.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 699-2010 - **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 A SPECIFIC USE PERMIT NUMBER 2010-1 (SUP2010-1) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±7.381 ACRES OF LAND ON ABSTRACT 19, LOT 135 AND 3.046 ACRES OF LOT 168 OF DICKINSON ADDITION "D", 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 200 FM 517 WEST, AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF FM 517 WEST AND MEDICAL PARK DRIVE, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED NEIGHBORHOOD 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** (Second of three readings).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Wilson made a motion to adopt Ordinance Number 699 on second reading, suspending the third reading. Councilman Decker seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves and Decker)

0 NAYS

MOTION PASSED.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 700-2010 - **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 A SPECIFIC USE PERMIT NUMBER 2010-2 (SUP2010-2) SO AS TO ALLOW THE USE OF CHURCH AND RELIGIOUS SERVICES ON ±0.625 ACRES OF LAND ON ABSTRACT 19, LOT 6, BLOCK 144 AND PART OF 159 OF DICKINSON ADDITION “D”, 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 1621 FM 517 EAST, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF FM 517 EAST AND YUPON 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 (Second of three readings).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Wilson made a motion to adopt Ordinance Number 700-2010 on second reading, suspending the third reading. Councilman Neves seconded the motion.

VOTE:

3 AYES (Wilson, Neves and Decker)

1 NAY (Dunbaugh)

MOTION PASSED.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: The Appointment of a Council Member to Serve as the City of Dickinson’s Representative to the Galveston County Transit District.

Mayor Pro Tem Wilson made a motion to appoint Mayor Julie Masters as the City’s representative on the Galveston County Transit District. Councilwoman Dunbaugh seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves and Decker)

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Revising Official Position Concerning Mariposa at Calder Road Development on the North Side of FM 517 and West of FM 646 in League City.

Stuart Shaw, President of Bonner Carrington, spoke to City Council to explain the proposed Mariposa at Calder Road Development. He explained

that the project was not rent subsidized, but that he received tax credits for renting the units out to low income. He said that the project was for seniors and that no one under 55 could live there. He passed out brochures and information on his company and the product. After some discussion with City Council, Mayor Pro Tem Wilson made a motion to revise City Council's position concerning the Mariposa at Calder Road Development and to support the project. Councilwoman Dunbaugh seconded the motion.

VOTE:

3 AYES (Dunbaugh, Wilson and Masters)

2 NAYS (Neves and Decker)

MOTION PASSED.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Revised Recommendations for Use of Unexpended Fund Balance for Fiscal Year 2008-2009 as of July 7, 2010.

City Administrator Julie Johnston presented revised recommendations for the use of the unexpended fund balance for FY 2008-2009. Councilwoman Dunbaugh made a motion to approve the recommendation. Councilman Decker seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves and Decker)

0 NAYS

MOTION PASSED.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Continuation of Allowing Temporary Housing for Hurricane Ike Victims.

Belinda Rodgers, 4132 Grand, appeared before City Council to ask for their consideration in allowing a 90-day extension for her FEMA trailer. She said that she had been notified that she would receive a grant to replace her home and asked that she be able to stay on the property while the house was being rebuilt.

The following citizens spoke against allowing the extension citing that nothing had been done in the last two years and that the property had not been cleaned up:

Dennis Craft, 4143 Grand Boulevard
Damon Brown, 418 Grand Boulevard
Sherry Jones, 4300 Scenic Drive

Craig Ritter, 4132 Grand, asked Council to grant the request

Belinda Rodgers spoke again and explained that the grant was not available until February of this year. She stated that she did not receive enough insurance money to replace her house and had been waiting on the grant. She said that she had been instructed not to demolish the structures by the County.

After much discussion and questions, Council took no action in this matter.

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 701-2010 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBER 656-2008; PROVIDING FOR THE INCORPORATION OF PREAMBLE, A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE** (First of three readings).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Wilson made a motion to approve Ordinance Number 701-2010 on first reading. Councilman Neves seconded the motion.

VOTE:

3 AYES (Wilson, Neves and Decker)

1 NAY (Dunbaugh)

MOTION PASSED.

- ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1134-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS SUSPENDING THE AUGUST 6, 2010 EFFECTIVE DATE OF CENTERPOINT ENERGY HOUSTON ELECTRIC LLC'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; APPROVING COOPERATION WITH THE GULF COAST COALITION OF CITIES; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Masters read the resolution by caption only. Councilman Neves made a motion to approve Resolution Number 1134-2010. Mayor Pro Tem Wilson seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves and Decker)

0 NAYS

MOTION PASSED.

ITEM 16.) 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 litigation related to code enforcement issues on properties located at 4419 St. Goar.

Mayor Masters recessed the meeting into Executive Session at 8:54 p.m.

ITEM 17.) RECONVENE

Mayor Masters reconvened the meeting at 9:07 p.m.

ITEM 18.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

Council took no action on matters discussed in Executive Session.

ITEM 19.) ADJOURN

Mayor Pro Tem Wilson made a motion to adjourn the meeting at 9:08 p.m. Councilwoman Dunbaugh seconded the motion.

VOTE:

4 AYES (Dunbaugh, Wilson, Neves and Decker)

0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 27th day of July, 2010.

Julie Masters, Mayor

ATTEST:

Carol L. McLemore, City Secretary