

Julie Masters, Mayor
Charles Suderman
Bruce Henderson
Walter Wilson

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Wally Deats, Mayor Pro Tem
Louis Decker
William H. King III
Julie M. Robinson, City
Administrator

June 28, 2016

NOTICE is hereby given of a **REGULAR MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **TUESDAY, June 28, 2016, at 7:00 p.m.** at: 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM:

Invocation and Pledge of Allegiance.

Mayor Masters called the meeting to order at 7:07 p.m. Council Member King gave the invocation, and Council led the Pledge of Allegiance. City Secretary Alun Thomas called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters and Council Members Bruce Henderson, Louis Decker, Walter Wilson, and William H. King, III. Mayor Pro-Tem Wally Deats and Council Member Charles Suderman were absent. Also present were City Administrator Julie Robinson, City Attorney David Olson, Administrative Services Manager Stephanie Russell, Director of Community Development Zachary Meadows, Director of Public Works Paul Booth, Fire Marshal Lee Darrow and EMS Director Derek Hunt.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council Comments:

- Welcome and thank you to all attending.
- School is out for the summer, and children are out and active.
- Condolences to the families of the two law enforcement officers who recently died. Everyone is encouraged to pray for the men and women of our armed services, as well as those men and women who serve and protect our cities.
- Parts of the city have lost power in each of the past four electrical storms, and next time Texas-New Mexico Power is at a Council meeting, it should be discussed.
- Condolences to the Jack family for the loss of Joseph Jack, one of the City's Assistant Fire Marshals, who passed away a few days ago.

ITEM 3.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

Rose Marie Maroul, 5500 Luning Drive, Dickinson, Texas: Ms. Maroul is concerned about the large volume of trash that one of her neighbors, Ken Armstrong, generates during his parties. Mr. Armstrong lives on Calvert Lane and places his trash near his elderly neighbor's home, making it difficult for his neighbor to safely leave. Last weekend, he had 50-100 bags of trash placed by the curb for collection. Ms. Maroul also has concerns about damage that Mr. Armstrong has caused to infrastructure in the area. She believes he is damaging the street paving, the culverts and the drainage areas, and has knocked over the stop sign on Luning Drive.

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 the Minutes of the Workshop Council Meeting of June 14, 2016.
- B. Approval of the Minutes of the Regular Council Meeting of June 14, 2016.

Council Member Wilson made a motion to approve the Consent Agenda. Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:
4 AYES (Wilson, Henderson, Decker and King)
0 NAYS
MOTION PASSED

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Activities of Houston-Galveston Area Council.

Council Member King provided an update of the activities of the Houston-Galveston Area Council meeting of June 21, 2016.

NEW BUSINESS

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** An Appeal Of The Building Standards Commission's Order To Demolish The Structure At 2901 46th Street By Jerry D. Armstrong Jr.

Director of Community Development Zachary Meadows presented the appeal to Council and detailed the timeline of events leading up to the appeal. Mr. Armstrong asked Council for the opportunity to bring the structure up to code and make it livable in lieu of demolishing it. Ann Gana, a resident of 2927 46th Street, addressed Council and said that Mr. Armstrong has maintained the property in its current state for years, so he has already had time to bring the structure up to code and did not do it.

Council Member Henderson made a motion to deny the appeal. Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Wilson, Henderson, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 7.) PUBLIC HEARING CONCERNING:** Zoning Case SUP-16-0372, A Request For A Specific Use Permit On Approximately 2.001 Acres For A "Restaurant That Serves Alcohol" In The "NC" (Neighborhood Commercial) Zoning District, Legally Described As Dickinson Crossing (2006) Abstract 19, Lot A, 2.001 Acres, Generally Located South Of FM 517 And West Of Evergreen, With The Address Being 614 FM 517 West, Dickinson Texas 77539.

Mayor Masters opened the Public Hearing at 7:26 p.m.

A. Staff Presentation of Zoning Case

Director of Community Development Zachary Meadows presented the request for a Specific Use Permit to Council.

B. Applicant's Statement

None.

C. Those In Favor

None.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Mayor Masters adjourned the Public Hearing at 7:27 p.m.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 – **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 SUP-16-0372 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A RESTAURANT THAT SERVES ALCOHOL; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 2.001 ACRES IN DICKINSON CROSSING (2006) ABSTRACT 19, LOT A, 2.001 ACRES, MORE COMMONLY KNOWN AS 614 FM 517 WEST, GENERALLY LOCATED SOUTH OF FM 517 AND WEST OF EVERGREEN IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED NEIGHBORHOOD COMMERCIAL (“NC”); PROVIDING FOR THE INCORPORATION OF PREAMBLE; 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. Council Member Wilson made a motion to approve the ordinance on first reading, and Council Member Decker seconded the motion. The applicant addressed the questions of Council pertaining to the proposed alcohol sales. There being no further discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Wilson, Henderson, Decker and King)

0 NAYS

MOTION PASSED

ITEM 9.) PUBLIC HEARING CONCERNING: Proposed Chapter 2, Land Use, Of The New Comprehensive Plan Of The City of Dickinson.

Mayor Masters opened the Public Hearing at 7:31 p.m.

A. Presentation of Proposed Ordinance.

Director of Community Development Zachary Meadows provided Council with an overview of the changes to the Land Use Chapter as outlined in the agenda cover sheet.

B. Those In Favor.

None.

C. Those Against.

None.

D. Adjourn Public Hearing.

Mayor Masters adjourned the Public Hearing at 7:33 p.m.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 – AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, ADOPTING CHAPTER 2, LAND USE, OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING 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. Council Member King made a motion to approve the ordinance on first reading, and Council Member Henderson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Wilson, Henderson, Decker and King)

0 NAYS

MOTION PASSED

ITEM 11.) PUBLIC HEARING CONCERNING: A Proposed Text Amendment to Subsection (a), Permitted Uses, of Section 18-55, General Commercial "GC" District, Of Article IV, Zoning Districts, Of Chapter 18, Zoning, Of The Code Of Ordinances Of The City Of Dickinson, Texas, To Delete Subsection (21), Hotels, Motels, Rooming And Boarding Houses, And Other Lodging Places, As A Permitted Use And Revising Section 18-58, Uses Requiring Specific Use Permit, Of Article V, Specific Uses, Of Chapter 18, Zoning, Of The Code Of Ordinances To Include "Hotels, Motels, Rooming And Boarding Houses, And Other Lodging Places" In General Commercial (GC) Zoning Districts As One Of The Uses That Must Obtain A Specific Use Permit.

Mayor Masters opened the Public Hearing at 7:34 p.m.

A. Presentation of Proposed Text Amendment.

Director of Community Development Zachary Meadows provided Council with an overview of the proposed text amendment.

B. Those In Favor.

None.

C. Those Against.

None.

D. Adjourn Public Hearing.

Mayor Masters adjourned the Public Hearing at 7:36 p.m.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING SUBSECTION (a), PERMITTED USES, OF SECTION 18-55, GENERAL COMMERCIAL “GC” DISTRICT, OF ARTICLE IV, ZONING DISTRICTS, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON, TEXAS, TO DELETE SUBSECTION (21), HOTELS, MOTELS, ROOMING AND BOARDING HOUSES, AND OTHER LODGING PLACES, AND TO RENUMBER THE REMAINING SUBSECTIONS ACCORDINGLY; REVISING SECTION 18-58, USES REQUIRING SPECIFIC USE PERMIT, OF ARTICLE V, SPECIFIC USES, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO INCLUDE “HOTELS, MOTELS, ROOMING AND BOARDING HOUSES, AND OTHER LODGING PLACES” IN GENERAL COMMERCIAL (GC) ZONING DISTRICT AS ONE OF THE USES THAT MUST OBTAIN A SPECIFIC USE PERMIT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; 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. Council Member Henderson made a motion to approve the ordinance on first reading, and Council Member Decker seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Wilson, Henderson, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2016 – **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF DICKINSON, TEXAS, TO EMBRACE AND INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF DICKINSON, TEXAS, ALL OF THE TERRITORY WITHIN SUCH BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH TERRITORY; MAKING FINDINGS; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.**
(First of Three Readings)

Mayor Masters read the ordinance by caption only. Council Member Wilson made a motion to approve the ordinance on first reading, and Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

4 AYES (Wilson, Henderson, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 14.) BRIEFING, DISCUSSION AND DIRECTION CONCERNING:** Fiscal Year 2016-2017 Proposed Transfer To The City From The Dickinson Economic Development Corporation.

Administrative Services Manager Stephanie Russell presented the proposed transfer to the Council. Council discussed Dickinson Economic Development Corporation's proposal to reduce its funding of the City Administrator's salary from 25% to 15%, and to reduce its funding of the City Secretary's funding from 10% to 0%. City Administrator Julie Robinson and Administrative Services Manager Stephanie Russell addressed the questions of Council. Mrs. Robinson supports the reduction in the funding of the City Secretary, with the understanding that DEDC staff would then have to perform all of the work for packets, agendas, and postings. Mrs. Robinson noted that the City Secretary is the official records manager for the City and that DEDC is required to comply with the City's records management and retention policies, meaning that the City Secretary will still have to be involved with the DEDC. Furthermore, one of the City Secretary's goals for this year is improving records management across all City departments, including DEDC. Mrs. Robinson advised that if the removal of DEDC funding for the City Secretary were granted, any error in the posting of required notices would become the sole responsibility of

DEDC staff. Mayor Masters advised Council that the City Secretary currently has specific duties under the DEDC Bylaws.

It was the consensus of Council that a reduction in Dickinson Economic Development Corporation's funding of the City Secretary is permissible, but not reducing it to zero. Council directed that the funding for the City Secretary position be 5% of salary and benefits.

Mayor Masters recessed the regular meeting at 7:49 p.m.

ITEM 15.) 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 pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

B. Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange, Lease or Value of Real Property.

ITEM 16.) RECONVENE

Mayor Masters reconvened the regular meeting at 8:13 p.m.

ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

None.

ITEM 18.) ADJOURN

Council Member Wilson made a motion to adjourn the meeting at 8:14 p.m., and Council Member King seconded the motion.

VOTE:

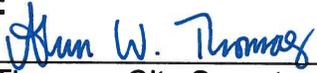
4 AYES (Wilson, Henderson, Decker and King)

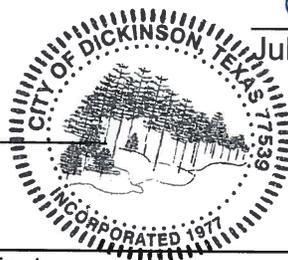
0 NAYS

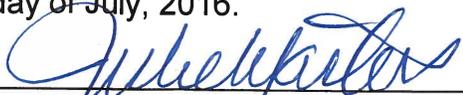
MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 12th day of July, 2016.

ATTEST:


Alun W. Thomas, City Secretary




Julie Masters, Mayor