

Julie Masters, Mayor
Charles Suderman, Mayor Pro Tem
Sean Skipworth
Walter Wilson

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Wally Deats
Louis Decker
William H. King III
Chris Heard, City Administrator

March 24, 2020

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **Tuesday, March 24, 2020, at 7:00 p.m.** In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Dickinson, Texas conducted the meeting by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The meeting was held for the purpose of considering the following items:

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

Mayor Masters called the meeting to order at 7:02 p.m. City Secretary Alun Thomas called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro-Tem Charles Suderman, and Council Members Sean Skipworth, Walter Wilson, Wally Deats, Louis Decker, and William H. King, III. Also present were City Attorney David Olson, City Administrator Chris Heard, and Emergency Medical Services Director/Co-Emergency Management Coordinator Derek Hunt.

ITEM 2.) INVOCATION

Council Member King gave the invocation.

ITEM 3.) PLEDGE OF ALLEGIANCE

Council Member Suderman led the Pledge of Allegiance.

ITEM 4.) PROCLAMATIONS

A. Child Abuse Awareness Month

Because the meeting was held by telephone conference, Mayor Masters did not read the proclamation. She commented that child abuse is a very serious issue and that in these times of social distancing, child abuse and domestic abuse is expected to rise. Victims are encouraged to reach out to a hotline for help: 1-800-252-5400.

ITEM 5.) ANNOUNCEMENTS AND PRESENTATIONS

A. Council Comments.

- Mayor Masters thanked the citizens of Dickinson for cooperating with the recommended precautions designed to prevent the rapid spread

of Coronavirus (COVID-19). The Council also thanked Dickinson Independent School District and parents for working with our community's children during these trying times, and reminded all young adults that the virus is very serious and does not discriminate based on age.

- The Knights of Columbus will host a fish fry on Friday, and again on the following Friday. The organization has been in contact with the Galveston County Health District to ensure that it complies with all Coronavirus-related recommendations.
- Next month is April, which marks the 52nd year that April has been designated as Fair Housing Month in recognition of the importance of Fair Housing laws and practices.
- Council Member King gave an update on the most recent meeting of Houston-Galveston Area Council, which was held by teleconference.
- Communication from the City is a high priority. Today, notifications from the City's website went out to subscribers informing them of updates that were made to the site. Interested citizens are encouraged to sign up for RSS ("Really Simple Syndication") feeds from the City's website by visiting and following the directions on the webpage: <http://www.ci.dickinson.tx.us/rss.aspx>. City Administrator Chris Heard informed Council that he was responsible for setting the notifications up, noting that the template that he used had not been updated since 2010. Mr. Heard's assistant, Kerilyn Bascle, will work on it more tomorrow, and more will come in the next week. Mr. Heard learned today that notifications of updates to the City's webpages are not automatically sent.
- The railroad crossing on East FM 517 is now much smoother than before. Thank you to all involved.
- Thank you to Sarah Haywood, Shelter Manager for Bayou Animal Services, and to the staff, volunteers, and citizens who answered the shelter's plea for foster homes for its animals. Although some of the animals will be returned to the shelter, the shelter is currently empty. This touching display of compassion by the community is greatly appreciated.

ITEM 6.) REPORTS

Mayor Masters said that there were no reports on the agenda, but noted that the Fiscal Year 2019-2020 Revenue & Expenditure Report for Period Ending February 29, 2020 was included at the end of the Council Packet for everyone's information.

ITEM 7.) 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.**

Gabrielle Bernal, 87 Freedom Heights, Enterprise, Alabama – Ms. Bernal read aloud the letter that she had emailed to Council on March 23, 2020. As a former assistant to City Administrator Chris Heard, she described his job performance at the time as inadequate, saying that his chronic absenteeism had a detrimental effect on employee morale and the City's ability to make progress on serious issues. Ms. Bernal said that Mr. Heard frequently directed her to work on his own personal matters instead of on City business, and that he was known to often make unprofessional, sexist, and crude comments to staff. She concluded her comments by asking Council to seriously consider if Mr. Heard, with his lack of interpersonal skills and ethical fortitude, is the right person to lead the City staff. During Ms. Bernal's comments, Mayor Masters left the meeting at 7:26 p.m.

H Scott Apley, 4905 East 34th Street, Dickinson, Texas – Mr. Apley addressed Council concerning City Administrator Chris Heard's contract renewal, which is scheduled for later in this meeting. He said that Mr. Heard does not respond to citizens, and that he knows that Mr. Heard has been formally reprimanded by City Council for his personal behavior on the job. Mr. Apley urged Council to not renew Mr. Heard's contract but said that his work performance is not even the primary reason for his request. Mr. Heard lays back in his chair during Council meetings when citizens address him, and he addressed members of Council in a way that would have anyone else fired from their job. Six former City employees recently sent a letter to City Council expressing Mr. Heard's flaws, and Mr. Apley knows that several current City employees are waiting for the outcome of Mr. Heard's contract negotiation tonight to know whether to seek employment elsewhere. During Mr. Apley's comments, Mayor Masters returned to the meeting at 7:28 p.m.

Mary Dunbaugh, 2701 Colonial Drive, Dickinson, Texas – Ms. Dunbaugh lamented the hatemongering that she has witnessed on social media. She said that there is a great difference between being on City Council and being a member of the public, and said that she supports keeping City Administrator Chris Heard employed by the City during this Coronavirus crisis. Ms. Dunbaugh also expressed her sadness that Dickinson Economic Development Corporation has decided that it should not proceed with the construction and operation of the proposed public market.

Debbie Turner, 4905 East 29th Street, Dickinson, Texas – Ms. Turner was upset that the meeting was being held by telephone conference and said that she would reserve her comments until the next in-person meeting of City Council.

ITEM 8.) 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 Council Workshop Meeting of March 10, 2020.
- B. Approval of the Minutes of the Regular Council Meeting of March 10, 2020.

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

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 950-2020 (Zoning Case SUP-18-1877) – **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-18-1877 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A CHURCH; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 0.244 ACRES, ABSTRACT 78 R HALL SURVEY TRACT 1, ACRES 0.244, MORE COMMONLY KNOWN AS 4200 42ND STREET, GENERALLY LOCATED SOUTH OF EAST FM 517 AND EAST OF NICHOLS STREET IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL (“GC”); 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.** (Second of Three Readings)

Council Member Suderman made a motion to approve the Ordinance in two readings, and Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Skipworth, Deats, Decker, King)

1 NAY (Wilson)

MOTION PASSED

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 951-2020) – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, EXTENDING THE DECLARATION OF DISASTER ISSUED BY MAYORAL PROCLAMATION ON MARCH 18, 2020 IN RESPONSE TO COVID-19.** (First and Only Reading)

Council Member Wilson made a motion to approve the Ordinance, and Council Member King seconded the motion. Mayor Masters informed those present and listening that the ordinance extends the declaration of disaster until May 24, 2020 but said that the declaration could still be extended or revoked.

Mayor Masters and Emergency Medical Services Director Derek Hunt, who is currently also serving as a Co-Emergency Management Coordinator, provided updates on the status of the Coronavirus epidemic and the City's readiness to address the issue. Mr. Hunt informed the Council that to date, Galveston County has 21 confirmed cases of the virus, and that some reports say that the virus mutates after approximately 30 transmissions between people. Council urged citizens to not confuse or conflate the City's declaration of disaster with the stay-at-home order issued by Galveston County yesterday. There being no further discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 952-2020) – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS EXTENDING THE GENERAL ELECTION PREVIOUSLY CALLED FOR SATURDAY, MAY 2, 2020 TO NOVEMBER 3, 2020 AS ALLOWED BY PROCLAMATION OF THE GOVERNOR ISSUED ON MARCH 18, 2020; THE CALLED ELECTION BEING FOR THE PURPOSE OF ELECTING THE MAYOR AND THREE COUNCILMEMBERS (POSITION NOS. 1, 3, AND 5), AS WELL AS SPECIAL CALLED ELECTIONS TO FILL THE VACANCY FOR POSITION NO. 2 AND TO CONSIDER CHARTER AMENDMENT PROPOSITIONS; PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.** (First and Only Reading)

Council Member King made a motion to approve the Ordinance, and Council Member Wilson seconded the motion. City Secretary Alun Thomas briefed Council on the readiness level of the City to conduct the election itself, given that last week it received word from Galveston County that it would no longer conduct the City's elections for it in May (as previously

agreed to through Resolution 1807-2020). Mr. Thomas explained the significant logistical challenges that the City would face and the additional cost that the City would incur if it chose to not postpone its May elections. Council Member Skipworth expressed his support for postponing the election, noting that the City has already missed a mailout deadline through no fault of its own. Council discussed the potential differences in turnout rates between a May election and a November election, with some members concerned that the Presidential election would overshadow local elections, and others saying that a November election might help to increase citizens' awareness of the City's elections. Council Member King expressed his confidence that citizens who want to vote will always find a way to vote. There being no further discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Suderman, Wilson, Skipworth, Deats, King)

1 NAY (Decker)

MOTION PASSED

ITEM 12.) 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 litigation and matters 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.
- C. Section 551.074 – Personnel Matter – Discussion to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline or Dismissal of the City Administrator.

Mayor Masters recessed the regular meeting at 8:00 p.m.

ITEM 13.) RECONVENE

Mayor Masters reconvened the regular meeting at 10:00 p.m.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of the Purchase of the Armstrong Property.

No action was taken on this item.

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

Council Member King made a motion to approve the extension of City Administrator Chris Heard's contract for one year and to remove the clause that would allow for automatic renewal of the contract. Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

3 AYES (Wilson, Skipworth, King)

3 NAYS (Suderman, Deats, Decker)

There being an equal number of Council Members for and against the motion, Mayor Masters broke the tie by supporting the motion.

MOTION PASSED

ITEM 16.) ADJOURN

Council Member King made a motion to adjourn the meeting at 10:02 p.m., and Council Member Wilson seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

6 AYES (Suderman, Skipworth, Wilson, Deats, Decker, King)

0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 14th day of April, 2020.

ATTEST:


Alun W. Thomas, City Secretary




Julie Masters, Mayor