

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

July 14, 2020

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **Tuesday, July 14, 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 7:03 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 Assistant to the City Administrator Kerilyn Bascle.

ITEM 2.) INVOCATION

Council Member King gave the invocation.

ITEM 3.) PLEDGE OF ALLEGIANCE

Council Member Wilson led the Pledge of Allegiance.

ITEM 4.) PROCLAMATIONS

None.

ITEM 5.) ANNOUNCEMENTS AND PRESENTATIONS:

A. Council Comments.

- Welcome to everyone attending the meeting.
- It was a memorable Independence Day this year with the beaches closed.
- Please take proper precautions to prevent the spread of Coronavirus. Galveston County’s infection rate is encouraging, but Texas’ overall rate is at a record high. Mayor Masters said that the City will try hosting its next Council meeting via Zoom’s online meeting platform. That way, Councilmembers can participate from their own homes.

- The Bayou Crest project is almost complete; Texas-New Mexico Power just needs to finish swapping out its poles.
- There are still several dead trees in the water retention area on FM 646 just north of Dickinson Bayou that is owned by Texas Department of Transportation.
- There are duplicate lights at Rau Drive and West FM 517.
- The Mayor's latest order related to Coronavirus (COVID-19) appears to not be on the City's website. City Administrator Chris Heard said that he would send Council a link to the order tomorrow.
- Hughes Road is in need of having the trees cut back from overhanging its right-of-way.
- Condolences to the family of Gildo John "Mitch" Micheletti, who recently passed away days after celebrating his 96th birthday. A longtime member of Knights of Columbus, he was a great man and will be missed.
- The distribution of free milk on Fridays continues. Last Friday, 1,200 gallons were given to those in need. Milk will be available at 1725 Highway 3 from 4:00 to 5:00 p.m. every Friday to those who need it. Thank you to Mary Hillman of Hillman's Seafood for donating the ice necessary to keep the milk cold.
- There will soon be a meeting of Galveston County mayors and elected officials at Sam Vitanza Stadium. The exact date is to be determined.
- The last Knights of Columbus fish fry served 375 meals. The next one is scheduled for August 7 from 5:00 to 7:30 p.m.
- The Festival of Lights is working with Galveston County in preparation for this year's Festival.
- Council Member Suderman expressed his disappointment in those people who attend Council meetings and then post half-truths about the meeting on social media.
- Thank you to those who cleaned up on FM 517 under Interstate 45.

ITEM 6.) REPORTS:

A. Update on Community Development Block Grant Project – Pin Oak.

Joe Myers, Vice President of Huitt-Zollars, explained the proposed project to Council.

B. Update on Community Development Block Grant Project – Nicholstone.

City Administrator Chris Heard explained the proposed project, and said that the whole project of fifteen streets could be bid out as a single bid package. The plan is to have the project completed by November 2021. To meet this timeframe, the City hopes to accept bids in September or October. In response to a question from Council, Patrick Wiltshire, President and Chief Executive Officer of Public Management, Inc., said

that the bid process could begin immediately. Mr. Heard said that Salvato Street, which is not within the scope of this project, is eligible for reconstruction in concrete or asphalt, and the City would be accepting bids for the work this autumn.

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.**

Jennifer Lawrence, 2504 Timber Drive, Dickinson, Texas – Ms. Lawrence expressed her concerns about the proposed revised Dickinson Economic Development Corporation (DEDC) and City of Dickinson Employee Benefits and Administrative Services Interlocal Agreement, which is to be discussed by Council under Item 11. She said that Section 1 represents a significant change, causing the DEDC's Chief Executive Officer to be directly supervised by the City's City Administrator. Ms. Lawrence acknowledged that DEDC has not realized significant returns on its investments and that it could do better. However, she questioned why the City Council would make such a fundamental change when a new Council is coming in November.

Robert Donley, 620 Nottingham Lane, Dickinson, Texas – Mr. Donley currently serves as President of Dickinson Economic Development Corporation (DEDC), and said that in that capacity he works with the other Directors to put Dickinson first. At the June 16, 2020 Joint Meeting of DEDC and City Council, discussion included possible changes to DEDC's bylaws. DEDC, he said, has done what it can to help Dickinson's citizens. Communication between the City and DEDC has always been an issue – with City Administrator Chris Heard appointed by Council to correct it – but, he asked, why would Council make the change in reporting structure for DEDC's Chief Executive Officer if Mr. Heard has already shown that he is unable to correct the issue?

Jessie Brantley, 2920 Oak Drive, Dickinson, Texas – Mr. Brantley said that he is a candidate for election to City Council, a volunteer Board Member of Dickinson Economic Development Corporation (DEDC), a volunteer at Dickinson Little League, and a volunteer for a youth football organization. He is proud of DEDC's accomplishments this year, which were based on carefully considered decisions that were made in the best interests of Dickinson and with respect for City Council. He implored Council to deliberate Items 11 and 12 on this agenda but to not take action on them today, as he would like DEDC's Board of Directors to be able to deliberate on them too.

Scott Shrader, 3719 Kellner Road, Dickinson, Texas – Dr. Shrader said that changing the bylaws of Dickinson Economic Development Corporation

(DEDC) so that DEDC's Chief Executive Officer would report to City Administrator Chris Heard is a bad idea that would not fix anything. He urged Council to allow the new Council (to be elected in November) to make the choice.

John Dougan, 1009 Royal Oak Drive, Dickinson, Texas – Mr. Dougan said that people should not take Coronavirus (COVID-19) lightly, and that everyone should wear their masks. He also expressed his opposition to the proposed changes to the Dickinson Economic Development Corporation (DEDC) bylaws. That the communication is poor is clear, and it has not been corrected despite Council frequently replacing DEDC Board Members. He said that it is clear where the communication problem between DEDC and the City is.

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 Regular Council Meeting of June 23, 2020.
- B. Approval of the Minutes of the Special Council Meeting of July 2, 2020.
- C. Resolution Number 1848-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A WATER SAMPLING INTERLOCAL AGREEMENT BETWEEN THE CITY OF DICKINSON, TEXAS, AND GALVESTON COUNTY HEALTH DISTRICT FOR THE PROVISION OF WATER SAMPLING SERVICES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Council Member Suderman made a motion to approve the Consent Agenda, 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

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1849-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RESCINDING PRIOR NOTICE AND**

AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

City Administrator Chris Heard presented the Item, remarking that the issuance of the bonds would impact the City by approximately \$205,000 per year according to the debt service fund analysis. Council Member Skipworth said that he is inclined to support the Resolution, but he would like to have the numbers and documents send to him in advance of having to make a decision, to allow for time to make an informed decision. Mr. Heard said that he would send out the debt service fund analysis to Council tomorrow. Council Member Deats said that Council needs more of a breakdown on the estimated costs of the projects that would be funded by the bonds, in addition to oversight on how the bond revenues are spent.

Council Member Decker made a motion to approve the Resolution, and Council Member King seconded the motion. 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 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number 1850-2020 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND GH PROCUREMENT, LLC; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

Council Member Wilson made a motion to approve the Resolution, 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 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: The Dickinson Economic Development Corporation and City of Dickinson Employee Benefits and Administrative Services Interlocal Agreement.

City Attorney David Olson said that he was asked by Mayor Masters and Council to draft a version of the Agreement that would move employees of

Dickinson Economic Development Corporation (DEDC) to report to the City Administrator. This document has been prepared and has the effect of making DEDC employees City employees, which means that they would have to adhere to City policies.

Council Member Wilson made a motion to approve the Agreement, and Council Member Suderman seconded the motion.

City Administrator Chris Heard explained that the blank dollar amount in Section 3A is intentional; that number will change each year. Mr. Heard said that the new Agreement also keeps proper oversight of the DEDC Board by City Council.

Council Member Deats said that he did not see a pressing need to the changes proposed by this Item, or for the changes proposed by Item 12. The City Council, he said, could have a majority of its members change in the forthcoming November election, and this Council needs to leave such decisions to the new Council. Council Member Suderman disagreed, saying that in his tenure on Council, there has never been harmony between DEDC and Council and that the time to correct that is now, so that the new Council does not have to start from scratch. Every other employee of the City reports to the City Administrator, Council Member Suderman said, therefore so should DEDC. Council Member King noted that the City Secretary reports directly to City Council and does not report to the City Administrator.

The Council had a lengthy discussion on the benefits and drawbacks of the new Agreement. Members in favor of the change discussed the need for the current Council to fix mistakes that it itself has made, to improve communication between the City and DEDC, the duty of the City Council to run the City, and that DEDC receives tax funding only with permission from the City. Mayor Masters said that other boards should not be able to hire their own employees. Members opposed to the change discussed the upcoming election, the need to let the new Council guide the City as it sees fit, possible mass turnover on the DEDC Board, and the future ability of DEDC's CEO to speak freely to the City Council if they reported to the City Administrator. Council Members Skipworth and Decker expressed concern that unilaterally adopting changes to the Agreement would be in direct opposition to the sentiments recently expressed in the June 16, 2020 Joint Meeting of Council and DEDC, where both sides agreed to work together to resolve any issues.

There being no further discussion, Mayor Masters called for the vote.

VOTE:

3 AYES (Suderman, Wilson, King)

3 NAYS (Skipworth, Deats, Decker)

There being an equal number of “aye” and “nay” votes, Mayor Masters cast a tiebreaking “aye” vote.

MOTION PASSED

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Amended and Restated Bylaws of the Dickinson Economic Development Corporation.

Council Member Wilson made a motion to approve the amended and restated bylaws of the Dickinson Economic Development Corporation (DEDC), and Council Member King seconded the motion. Council Member Deats said that he opposed this change for the same reasons that he opposed the changes in Item 11. City Attorney David Olson informed Council that it cannot unilaterally change DEDC’s bylaws; this Item would inform DEDC that the Council would like it to change its own bylaws.

Council Member Wilson made a motion to amend the original motion to include the stipulation that Directors may serve no more than two two-year terms on the DEDC Board, beginning now. Council Member King seconded the motion to amend the original motion. There being no further discussion, Mayor Masters called for the vote.

VOTE:

3 AYES (Suderman, Wilson, King)
3 NAYS (Skipworth, Deats, Decker)

There being an equal number of “aye” and “nay” votes, Mayor Masters cast a tiebreaking “aye” vote.

MOTION PASSED

There being no further discussion on the main motion, Mayor Masters called for the vote.

VOTE:

3 AYES (Suderman, Wilson, King)
3 NAYS (Skipworth, Deats, Decker)

There being an equal number of “aye” and “nay” votes, Mayor Masters cast a tiebreaking “aye” vote.

MOTION PASSED

ITEM 13.) 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.

Mayor Masters recessed the regular meeting at 9:08 p.m.

ITEM 14.) RECONVENE

Mayor Masters reconvened the regular meeting at 9:15 p.m.

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

None.

ITEM 16.) ADJOURN

Council Member Wilson made a motion to adjourn the meeting at 9:16 p.m., 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

PASSED, APPROVED AND ADOPTED this the 28th day of July, 2020.

ATTEST:


Alun W. Thomas, City Secretary




Julie Masters, Mayor