

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

April 26, 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, April 26, 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 Pro Tem Wally Deats called the meeting to order at 7:00 p.m. Minister Earnest North Jr. with Greater New Hope Missionary Baptist Church gave the invocation, and Council Members led the Pledge of Allegiance. Interim City Secretary Alun Thomas called roll and certified a quorum. Council Members present were as follows: Mayor Pro Tem Wally Deats, and Council Members Charles Suderman, Bruce Henderson, Walter Wilson, Louis Decker, and William H. King, III. Mayor Julie Masters was absent. Also present were City Administrator Julie Robinson, Administrative Services Manager Stephanie Russell, Director of Community Development Zach Meadows, Director of Public Works Paul Booth, and Chief Ron Morales.

ITEM 2.) PROCLAMATIONS:
A. Motorcycle Awareness

Mayor Pro Tem Deats read the proclamation and presented it to Ron Bastien, a representative from the Bay Area V-Twins Motorcycle Riders Club

Mayor Pro Tem Deats asked that Item 3A, the introduction of new Director of Public Works Paul Booth be considered at this time.

3A. Introduction of New Director of Public Works Paul Booth.

City Administrator Julie Robinson formally introduced Director of Public Works Paul Booth to Council.

COUNCIL COMMENTS:

- Welcome and thanks to all for coming.

- Congratulations to Mallory Moore, a graduate of Dickinson High School, on her selection as a cheerleader for the Houston Texans.
- Red, White & Bayou Crawfish and Texas Music Festival will be held on Saturday, May 21, 2016. The Festival includes a performance by Kevin Fowler and is a good time for all. Proceeds from the Festival go to local charities. Everyone is encouraged to volunteer at the Festival.
- Dickinson Historical Society held its Night of Wine and Roses fundraiser on April 22, 2016 at the Knights of Columbus Hall. The event was a success, with good food, fellowship, and approximately 350 attendees.
- Rain has been forecast for either this evening or tomorrow, and last week saw a lot of rain in the area. Thank you to all those involved in relaying information to the public.
- The Houston-Galveston Area Council meeting that was scheduled for last Tuesday was cancelled due to weather. The next meeting will take place on the third Tuesday of May, and Council Member King will be in attendance.
- Council Member King will attend the Rotary National Awards ceremony this coming Friday in Houston.
- Council Member King attended the TML Region 14 Spring Meeting in Sugar Land last Friday, and will discuss it in Item 5.
- Welcome to new Director of Public Works Paul Booth.
- The Knights of Columbus will host its monthly fish fry on May 6, the first Friday of the month, from 5:00 p.m. through 7:00 p.m. at the Knights of Columbus Hall on 27th Street near FM 1266.
- The Knights of Columbus Hall is available to rent.

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.**

None.

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 April 12, 2016

B. Approval of the Minutes of the Regular Council Meeting of April 12, 2016

C. Resolution Number XXX-2016 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM TO THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

D. Resolution Number XXX-2016 - A RESOLUTION OF THE CITY OF DICKINSON, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 AND TO RECONCILE DOCKET NO. 44572 REVENUES TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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.

Council Member Henderson made a motion to approve the Consent Agenda. Council Member Suderman seconded the motion. There being no discussion, Mayor Pro Tem Deats called for the vote.

VOTE:

6 AYES (Suderman, Wilson, Henderson, Deats, Decker and King)

0 NAYS

MOTION PASSED

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Activities of TML Region 14

Council Member King presented Council with an update on the activities of TML Region 14. In the Spring Meeting last Friday, there was discussion concerning Texas Lieutenant Governor Dan Patrick's proposition to impose municipal revenue caps. There are two public hearings scheduled to discuss the proposition: April 27, 2016 in Arlington; and 9:00 a.m. on May 10, 2016 at the University of Houston. Council Member King will attend the latter hearing. It was the consensus of Council that the City write a letter in opposition to the proposition. City Administrator Julie Robinson advised Council that there will be additional opportunities in the future for Council to oppose revenue caps as the City's legislative agenda is drafted for and during the 2017 legislative session.

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

A. Fiscal Year 2015-2016 Street Maintenance Sales Tax Projects [35th Street (East of Kansas Avenue), Nebraska Street, Hollywood Street, Gill Road, Johnson Street, Mariner's Way, Pine Oak Circle]

B. Bayou Chantilly Outfall Repair Project

Public Works Director Paul Booth presented Council with an update on the status of the current Public Works Projects and addressed the questions of Council.

NEW BUSINESS

ITEM 7.) PUBLIC HEARING CONCERNING: Zoning Case SUP-16-0330, A Request For A Specific Use Permit On Approximately 0.551 Acres, For A "Bar" In The "GC" (General Commercial) Zoning District, Legally Described As 112-LC, ABST 78 R HALL SUR LOTS 1 THRU 8 & ADJ ALLEY BLK 209 NICHOLSTONE, Generally Located On The East Side Of Dickinson Avenue And North Of E. 28th Street, With The Address Being 2709 Dickinson Avenue, Dickinson Texas 77539.

Mayor Pro Tem Deats opened the Public Hearing at 7:26 p.m.

A. Staff Presentation of Zoning Case

Director of Community Development Zach Meadows provided Council with an overview of the Specific Use Permit application from Texas Beer Refinery. Last month, Council approved the rezoning of the property from Conventional Residential to General Commercial, and the Specific Use Permit would allow the bar to operate. The Specific Use Permit will be specifically tied to Texas Beer Refinery.

B. Applicant's Statement

None.

C. Those In Favor

None.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Mayor Pro Tem Deats 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-16-0330 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A BAR; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 0.551 ACRES IN ABSTRACT 78 R HALL SURVEY LOTS 1 THRU 8 AND ADJACENT ALLEY, BLOCK 209 NICHOLSTONE, MORE COMMONLY KNOWN AS 2709 DICKINSON AVENUE, GENERALLY LOCATED NORTH OF EAST 28th STREET AND EAST OF DICKINSON AVENUE 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.** (First of Three Readings)

Mayor Pro Tem Deats read the ordinance by caption only. Council Member Suderman made a motion to approve the ordinance on first reading, and Council Member Decker seconded the motion. Council confirmed with Director of Community Development Zach Meadows that the business has the necessary alcohol license to operate. There being no further discussion, Mayor Pro Tem Deats called for the vote.

VOTE:

6 AYES (Suderman, Wilson, Henderson, Deats, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 9.) PUBLIC HEARING CONCERNING:** Zoning Case SUP-16-301, A Request For A Specific Use Permit On Approximately 5.568 Acres For “Tobacco Oriented Uses” In The “GC” (General Commercial) Zoning District, Legally Described As Abstract 19 Perry & Austin PT, Lot 131 & 137, NE Of IH 45 Addition Dickinson, Called Tract 1, Being Off Highway 45 Addition D, Dickinson, Gulf Freeway At Highway 517, Generally Located East Of IH-45

And North Of FM 517, With The Address Being 3407 Gulf Freeway, Dickinson Texas 77539.

Mayor Pro Tem Deats opened the Public Hearing at 7:30 p.m.

A. Staff Presentation of Zoning Case

Director of Community Development Zach Meadows provided Council with an overview of the Specific Use Permit application for a tenant space in the Dickinson Plaza Shopping Center. Mr. Meadows advised Council that the Planning and Zoning Commission unanimously recommended approval of the application during its meeting last week.

B. Applicant's Statement

Wade and Jennifer Carpenter – 2318 Leading Edge Drive, Friendswood, Texas: The applicants advised Council that the business is family-owned, and they already operate two similar stores, one in Webster, and one in Galveston. The applicants desire to help people stop smoking, as e-cigarettes allowed them to, so the store would only sell e-cigarettes and would not be a "smoke shop".

C. Those In Favor

George Kiff – 5008 Krueger Drive, Dickinson, Texas: E-cigarettes helped Mr. Kiff stop smoking, and he is now able to breathe more easily as a result.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Mayor Pro Tem Deats adjourned the Public Hearing at 7:38 p.m.

ITEM 10.) 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-16-0301 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A TOBACCO ORIENTED USES; SUCH PROPERTY BEING LEGALLY

DESCRIBED AS ± 5.568 ACRES IN ABSTRACT 19 PERRY & AUSTIN PT, LOT 131 & 137, NORTHEAST OF IH 45 ADDITION D, DICKINSON, CALLED TRACT 1, BEING OFF HIGHWAY 45 ADDITION D, DICKINSON GULF FREEWAY, AT HIGHWAY 517, DICKINSON PLAZA SHOPPING CENTER, MORE COMMONLY KNOWN AS 3407 GULF FREEWAY, GENERALLY LOCATED NORTH OF FM 517 AND EAST OF INTERSTATE 45 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. (First of Three Readings)

Mayor Pro Tem Deats 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. The applicant addressed questions from Council. There being no further discussion, Mayor Pro Tem Deats called for the vote.

VOTE:

6 AYES (Suderman, Wilson, Henderson, Deats, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 11.) PUBLIC HEARING CONCERNING:** Zoning Case ZTC-16-0400, A Request To Revise Section 18-58, Uses Requiring Specific Use Permit, Of Article V, Specific Uses Of Chapter 18, Zoning, Of The Code Of Ordinances To Include “Vacation Rentals” In Conventional Residential (CR) and Rural Residential (RR) Zoning Districts As One Of The Uses That Must Obtain A Specific Use Permit.

Mayor Pro Tem Deats opened the Public Hearing at 7:50 p.m.

A. Staff Presentation of Proposed Text Amendment

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

B. Those In Favor

None.

C. Those Opposed

None.

D. Adjourn Public Hearing

Mayor Pro Tem Deats adjourned the Public Hearing at 7:51 p.m.

- ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2016 – **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, 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 VACATION RENTALS IN CONVENTIONAL RESIDENTIAL (CR) AND RURAL RESIDENTIAL (RR) ZONING DISTRICTS AS ONE OF THE USES THAT MUST OBTAIN A SPECIFIC USE PERMIT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; 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 Pro Tem Deats 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. Council discussed the possibility of adding language to the regulations for this type of Specific Use Permit in the future to address situations where a vacation rental property could have its Specific Use Permit revoked for repeated violations of the City's regulations. There being no further discussion, Mayor Pro Tem Deats called for the vote.

VOTE:

6 AYES (Suderman, Wilson, Henderson, Deats, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2016 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE ADDENDUM (TRAFFIC CONTROL DEVICE INVENTORY – SCHEDULE III) TO SUBSECTION (g) OF SECTION 10-3, TRAFFIC-CONTROL DEVICES, OF CHAPTER 10, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES BY ADDING THERETO THE DESIGNATION OF “NO PARKING, STOPPING OR STANDING” ZONES ON SECTIONS OF TANGLEBRIAR DRIVE WITHIN THE CITY OF DICKINSON; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.** (First of Three Readings)

Mayor Pro Tem Deats advised Council that a revised ordinance that included the words “stopping or standing” had been substituted for the

ordinance in the Council's packet, and read the revised ordinance by caption only. Council Member Suderman made a motion to approve the ordinance on first reading, and Council Member Henderson seconded the motion. Chief Ron Morales addressed the questions of Council, and Council Member King called for the vote.

VOTE:

6 AYES (Suderman, Wilson, Henderson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2016 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, CONFIRMING THE REAPPOINTMENTS AND NEW APPOINTMENTS OF MEMBERS TO THE GALVESTON COUNTY UNITED BOARD OF HEALTH; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Pro Tem Deats read the resolution by caption only. Council Member Wilson suggested that the Council take no action on the resolution. A discussion followed regarding the member cities and the accountability of the Galveston County United Board of Health. Council also discussed the City's representation in the decisions of the Galveston County United Board of Health. After discussion, Council Member King made a motion to approve the resolution, and Council Member Henderson seconded the motion. There being no further discussion, Mayor Pro Tem Deats called for the vote.

VOTE:

0 AYES

6 NAYS (Suderman, Wilson, Henderson, Deats, Decker and King)

MOTION FAILED

ITEM 15.) ADJOURN

Council Member Wilson made a motion to adjourn the meeting at 8:15 p.m., and Council Member King seconded the motion.

VOTE:

6 AYES (Suderman, Wilson, Henderson, Deats, Decker and King)

0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 10th day of May, 2016.

Julie Masters

Julie Masters, Mayor

ATTEST:

Alun W. Thomas

Alun W. Thomas, Interim City Secretary

