

Julie Masters, Mayor
Charles Suderman
Mary Dunbaugh
Walter Wilson, Mayor Pro Tem

AGENDA
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Kerry Neves
Louis Decker
William H. King III
Julie M. Johnston, City
Administrator

September 27, 2011

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, SEPTEMBER 27, 2011, 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.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

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.**

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 Minutes of Special Council Workshop of September 13, 2011

B. Approval of Minutes of Regular Council Meeting of September 13, 2011

C. Award of Request for Proposals for Police Authorized Towing Services to DeWitt Wrecker, Liggio's Wrecker Service, Inc. and Wayne's Pro-Tows, Inc.

D. Approval of Resolution Number XXX-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND DEWITT WRECKER; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL**

**DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT;
AND PROVIDING AN EFFECTIVE DATE.**

- E. Approval of Resolution Number XXX-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND LIGGIO'S WRECKER SERVICE, INC.; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

- F. Approval of Resolution Number XXX-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING A POLICE AUTHORIZED TOW AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND WAYNE'S PRO-TOWS, INC.; PROVIDING FOR INCORPORATION OF PREAMBLE; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

- G. Approval of Resolution Number XXX-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE RENEWAL OF THE EMPLOYEE ASSISTANCE PROGRAM AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND BAXTER ASSISTANCE SERVICES, INC. FOR FISCAL YEAR 2011-2012; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

- H. Approval of Resolution Number XXX-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, PROVIDING FOR THE REAPPOINTMENT OF ELLIS ORTEGO AS MUNICIPAL COURT PROSECUTOR; ESTABLISHING THE TERMS AND CONDITIONS FOR THE PROVISION OF MUNICIPAL COURT PROSECUTOR SERVICES; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

- I. Approval of Resolution Number XXX-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, DESIGNATING GALVESTON DAILY NEWS AS THE OFFICIAL NEWSPAPER FOR THE CITY OF DICKINSON FOR FISCAL YEAR 2011-2012; REQUIRING THAT ALL NOTICES REQUIRED BY LAW TO BE GIVEN TO THE PUBLIC BE PUBLISHED THEREIN; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

- J. Approval of Resolution Number XXX-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING JANITORIAL SERVICE AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND C&S JANITORIAL SERVICES INC.; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- K. Approval of Resolution Number XXX-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND NEFF RENTAL, INC. FOR CONSTRUCTION EQUIPMENT RENTAL (CAT 312 EXCAVATOR, CAT 320 EXCAVATOR, CAT 325 EXCAVATOR, CAT 330 EXCAVATOR, TAKEUCHI TB025 MINI-EXCAVATOR, CAT D4LGP BULLDOZER, CAT D5LGP BULLDOZER, MOTOR GRADER W/12” BLADE, AND A 2,000 GALLON WATER TRUCK) FOR FISCAL YEAR 2011-2012; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- L. Approval of Resolution Number XXX-2011 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND R.B. EVERETT & COMPANY FOR CONSTRUCTION EQUIPMENT RENTAL (CAT SS250B SOIL STABILIZER AND A BOMAG MODEL 100 SOIL STABILIZER) FOR FISCAL YEAR 2011-2012; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- M. Award Quote for Right-of-Way Mowing Services for Fiscal Year 2011-2012 to Parrish & Parrish Tractor Service LLC for All Materials, Labor, Equipment, Supervision, and Incidentals to Mow Rights-of-Way Within the City Limits of the City of Dickinson in An Amount Not to Exceed \$30,965.00.
- N. Award of Competitive Sealed Bid # 1108-14 for Construction Equipment Rental to R.B. Everett & Co. for a Cat SS250B Soil Stabilizer and a Bomag Model 100 Soil Stabilizer and to Neff Rental, Inc. for a Cat 312 Excavator, a Cat 320 Excavator, a Cat 325 Excavator, a Cat 330 Excavator, a Takeuchi TB025 Mini-Excavator, a Cat D4LGP Bulldozer, a

Cat D5LGP Bulldozer, a Motor Grader w/12" Blade, and a 2,000 Gallon Water Truck for Fiscal Year 2011-2012.

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Public Works Projects

- A. Hughes Road Reconstruction Project
- B. Tropical Gardens Flood and Drainage Project
- C. Timber Drive, Birch Street and Elm Street Reconstruction Projects

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Hurricane Ike CDBG Grant Projects

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Bayou Watershed Steering Committee Meeting

NEW BUSINESS

ITEM 8.) PUBLIC HEARING: Convene a Public Hearing for the Request of a Specific Use Permit (SUP) SUP-11-0629 for a general merchandise store, including department and variety store no greater than 10,000 square feet on 1.553 acres of land on Reserve A (Commercial), Amending Plat of Bayou Village, Plat No. 2004A, Map No. 139; GCMR in the Perry & Austin League, Abstract 19, City of Dickinson, Galveston County, Texas, generally located south of FM 517 West and East of Armand Drive with the approximate address of 408 FM 517 West.

- A. Presentation for Permit for a General Merchandise Store
- B. Those In Favor.
- C. Those Against.
- D. Adjourn Public Hearing.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2011 – **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 11-0629 (SUP-11-0629) SO AS TO ALLOW THE USE OF A GENERAL MERCHANDISE STORE, INCLUDING DEPARTMENT AND VARIETY STORES, BUT NOT GREATER THAN 10,000 SQUARE FEET IN GROSS BUILDING FLOOR AREA ON ±1.553 ACRES OF LAND ON RESERVE A (COMMERCIAL), AMENDING PLAT OF BAYOU VILLAGE, PLAT NO. 2004A, MAP NO. 139; GCMR IN THE PERRY & AUSTIN LEAGUE, ABSTRACT 19, CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, GENERALLY**

LOCATED SOUTH OF FM 517 WEST AND EAST OF ARMAND DR. WITH THE ADDRESS OF 408 FM 517 WEST, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS; 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.

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Application by The Demiany Group for Tree Removal Permit for the Removal of 18 Significant Trees in Section 2A of the Bayou Lakes Subdivision.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2011 – AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING A SECOND AMENDED BUDGET FOR DICKINSON ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2010-2011; MAKING CERTAIN FINDINGS AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Ordinance Number XXX-2011 – AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING AN AMENDED BUDGET FOR THE CITY OF DICKINSON, TEXAS FOR FISCAL YEAR 2010-2011; MAKING CERTAIN FINDINGS AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Resolution Number XXX-2011 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND EMERGICON LLC (d/b/a ADPI-EMERGICON) FOR RESCUE AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Resolution Number XXX-2011 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND ESO SOLUTIONS (dba ADPI-ESO) FOR

ELECTRONIC PATIENT CARE REPORTING SERVICES AND OTHER RELATED PROFESSIONAL SERVICES; AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Rejecting All Bids Received for Competitive Sealed Bid #1108-15 Annual Contract for Purchase and Delivery of Gasoline and Diesel.

ITEM 16.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Designation of Representative and Alternate to Houston-Galveston Area Council 2012 General Assembly.

ITEM 17.) 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.

ITEM 18.) RECONVENE

ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters discussed in Executive Session.

ITEM 20.) ADJOURN

CERTIFICATION

This is to certify that a copy of the Notice of the Regular City Council meeting for **TUESDAY, September 27, 2011**, was posted on the bulletin board at City Hall, 4403 Highway 3, Texas, on this the 22nd day of September, 2011, prior to 8:00 p.m.

 s/s Carolyn E. Anderson
Carolyn E. Anderson, City Secretary

In compliance with the Americans with Disabilities Act, the City of Dickinson will provide reasonable accommodations for disabled persons attending City Council Meetings. Requests should be received at least 24 hours prior to the scheduled meeting, by contacting the City Secretary's office at 281-337-6217, or by FAX at 281-337-6190.