

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

**DECEMBER 14, 2010**

**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, DECEMBER 14, 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 November 8, 2010
- B. Approval of Minutes of Regular Council Meeting of November 8, 2010
- C. Approval of Minutes of Special Council Meeting of November 30, 2010
- D. Approval of Resolution Number XXX-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CONTRACT FOR COURT FINES AND FEES COLLECTION SERVICES BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CONTRACT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.**
- E. Approval of Resolution Number XXX-2010 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A CONTRACT BY AND**

**BETWEEN THE CITY OF DICKINSON, TEXAS AND NOVUS WOOD GROUP, LP FOR THE PURPOSE OF ESTABLISHING THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF THE PARTIES IN PROVIDING WOOD PROCESSING SERVICES; AUTHORIZING ITS EXECUTION BY THE MAYOR; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**

- F. Rejection of Award of Competitive Sealed Bid #1009-05 for Construction Equipment Rental (CAT 312 Excavator, CAT 320 Excavator, CAT D4C Bulldozer, CAT D5C Bulldozer, and a 2,000 Gallon Water Truck) for fiscal year 2010-2011 to United Rentals Northwest, Inc. Previously Awarded on September 28, 2010.
- G. Approval of Resolution Number XXX-2010 - **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, REPEALING RESOLUTION NUMBER 1153-2010, SAID RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS AND UNITED RENTALS NORTHWEST, INC. FOR CONSTRUCTION EQUIPMENT RENTAL (CAT 312 EXCAVATOR, CAT 320 EXCAVATOR, CAT D4C BULLDOZER, CAT D5C BULLDOZER, AND A 2,000 GALLON WATER TRUCK) FOR FISCAL YEAR 2010-2011; PROVIDING FOR THE INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.**
- H. Award of Competitive Sealed Bid # 1009-05 for Construction Equipment Rental to Neff Rental for a Cat 312 Excavator, a Cat 320 Excavator, a Cat D4C Bulldozer, a Cat D5C Bulldozer and a 2,000 Gallon Water Truck for Fiscal Year 2010-2011.
- I. Approval of Resolution Number XXX-2010 – **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 FOR CONSTRUCTION EQUIPMENT RENTAL (CAT 312 EXCAVATOR, CAT 320 EXCAVATOR, CAT D4C BULLDOZER, CAT D5C BULLDOZER AND A 2,000 GALLON WATER TRUCK) FOR FISCAL YEAR 2010-2011; 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.**
- J. Award of Competitive Sealed Bid #1011-06 for a 2011 Ford Crown Victoria Police Package Vehicle In An Amount Not to Exceed \$21,752.74, Competitive Sealed Bid #1011-07 for a 2011 Ford Explorer In An Amount Not to Exceed \$22,755.00, and Competitive Sealed Bid #1011-09 for a 2011 Ford F-150 Supercab Pickup Truck In An Amount Not to Exceed \$18,390.80 to McRee Ford And Finding that McRee Ford Offers the City of Dickinson the Best Combination of Contract Price and Additional Economic Development Opportunities for the City of Dickinson Created by the Contract Award, Including the Employment of

Residents of the City of Dickinson and Increased Tax Revenues to the City of Dickinson.

**OLD BUSINESS**

- ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** City Hall/Library Project including the following items.
- A. Update on HVAC Issues.
- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Public Works Projects
- A. Thornwood Circle Drainage Project
  - B. Lovers Lane Reconstruction Project
  - C. Avenue J Reconstruction Project
  - D. 44<sup>th</sup> Street Reconstruction Project
  - E. Sunset Drive (Timber Drive to Highway 3) Reconstruction Project
  - F. Oak Ridge Reconstruction Project
  - G. Cherry Street Bridge Project
- ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Hurricane Ike CDBG Grant Projects
- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Dickinson Bayou Watershed Steering Committee Meeting.

**NEW BUSINESS**

- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award of Base Bid, Supplemental and First Alternative Items of Competitive Sealed Bid for City of Dickinson for the Tropical Gardens Drainage and Paving Improvements Project to R.W. Lucas Construction, LLC, In An Amount Not to Exceed \$1,111,111.11.
- ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number XXX-2010 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, RATIFYING AND APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM TO THE OFFICER OF THE GOVERNOR OF THE STATE OF TEXAS; AGREEING TO PROVIDE MATCHING FUNDS FOR THE PROJECT; AND PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.
- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2010 - AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS AMENDING CHAPTER 12, OFFENSES – MISCELLANEOUS, OF

THE CODE OF ORDINANCES OF THE CITY OF DICKINSON BY THE ADDITION OF A NEW ARTICLE XI TO BE ENTITLED "ILLEGAL SMOKING PRODUCTS AND INGESTION DEVICES" AND ESTABLISHING REGULATIONS PROHIBITING THE USE, PURCHASE, POSSESSION AND SALE OF ILLEGAL SMOKING PRODUCTS CONTAINING CERTAIN PLANT PRODUCTS OR DERIVATIVES, CHEMICAL COMPOUNDS APPLIED TO PLANTS, AND PLANT PRODUCTS AND THEIR DERIVATIVES OR OTHER SUBSTANCES, AND INGESTION DEVICES USED IN CONNECTION WITH THE ILLEGAL SMOKING PRODUCTS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; DISPENSING WITH A CULPABLE MENTAL STATE AND PROVIDING A PENALTY; PROVIDING AN AFFIRMATIVE DEFENSE FOR AUTHORIZED MEDICAL USE OR USE IN LANDSCAPING; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (First of three readings).

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2010 - AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REVISING SECTION 5-33, CONTRACTOR'S REGISTRATION, OF CHAPTER 5, BUILDINGS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON TO ESTABLISH INSURANCE REQUIREMENTS FOR CONTRACTORS; PROVIDING FOR THE INCORPORATION OF PREAMBLE, A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE (First of three readings).

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2010 - A RESOLUTION OF THE CITY OF DICKINSON, TEXAS FINDING THAT TEXAS-NEW MEXICO POWER COMPANY'S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES 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.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2010 - A RESOLUTION OF THE CITY OF DICKINSON, TEXAS, AUTHORIZING THE CITIES AGGREGATION POWER PROJECT, INC. (CAPP) TO NEGOTIATE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXT ERA FOR A FIXED PRICE PER KWH THAT IS LOWER THAN CONTRACT RATES FOR 2011-2013, SAID EXTENSION TO CONTINUE UNTIL DECEMBER 31, 2018; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING CAPP TO ACT AS

AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CHAIRMAN OF CAPP TO EXECUTE AN EXTENSION TO THE CURRENT ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2011 OR AS SOON AFTER FINALIZATION OF A CONTRACT AS POSSIBLE; COMMITTING TO BUDGET FOR ENERGY PURCHASES AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER THROUGH CAPP FOR ITS ELECTRICAL NEEDS THROUGH DECEMBER 31, 2018; AND PROVIDING AN EFFECTIVE DATE.

**ITEM 15.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:**  
Appointments/Reappointments to City Boards and Commissions

- A. Board of Adjustments and Appeals
- B. Building Standards Commission
- C. Planning and Zoning Commission
- D. Library Advisory Board
- E. Economic Development Corporation

**ITEM 16.) ADJOURN**

**CERTIFICATION**

This is to certify that a copy of the Notice of the Regular City Council meeting for **TUESDAY, DECEMBER 14, 2010**, was posted on the bulletin board at City Hall, 4403 Highway 3, Texas, on this the 9<sup>th</sup> day of December, 2010, prior to 6:00 p.m.

  
Carol L. McLemore, 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.