

**MINUTES**  
City of Dickinson  
**CITY COUNCIL**  
**REGULAR MEETING**

**DECEMBER 14, 2010**

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, DECEMBER 14, 2010**. The meeting was held in the City Council Chambers located at 4403 Highway 3, Dickinson, Galveston County, Texas, and was held for the purpose of considering the following items:

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

Invocation and Pledge of Allegiance

Mayor Julie Masters called the meeting to order at 7:16 p.m. William King gave the Invocation and Kerry Neves led the Pledge of Allegiance. City Secretary Carol McLemore called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro Tem Walter Wilson and Council Members Charles Suderman, Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Public Works Director Kellis George, Finance Director Mary Young, Building Official Kevin Byal, Court Administrator Irma Rivera and Captain Melvin Mason.

**ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:**

Council commented on the following topics:

- Welcome to everyone and thanks for coming.
- Wishes for a Merry Christmas and Happy New Year
- Congratulations to Dickinson Gators for making it to the second round of playoffs
- Thanks to Mary Young for the decorations at City Hall
- Festival of Lights and the number of people in attendance
- Pilot Club Tour of Homes
- Administration winning the wall decoration contest
- Thanks to Rotary Club for sponsoring Christmas Parade
- Community Thanksgiving Service held at First United Methodist Church
- Question regarding ambulance going to an apartment fire
- No Parking signs posted on Maple and the effect on Festival of Lights
- Congratulations to Public Works for winning float contest in Christmas Parade
- Empty Stocking Program
- Volunteers who make the programs in Dickinson work

**ITEM 3.) PUBLIC COMMENTS:**

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There were no Public Comments.

**ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:**

- 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 1162-2010 - **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 1163-2010 – **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 1164-2010 - **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.

Mayor Pro Tem Wilson asked that Items E, F, G, H and I be removed from the Consent Agenda for discussion.

Councilman Neves made a motion to approve Items A, B, C, D and J on the Consent Agenda. Councilwoman Dunbaugh seconded the motion.

Mayor Pro Tem Wilson pointed out on Item E that the price on the contract with Novus Wood Group was not increasing and that the contract was being renewed at the same price. He made a motion to approve Resolution Number 1163-2010 approving the contract. Councilman Neves seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

Mayor Pro Tem Wilson noted that the bid previously awarded to United Rentals was being rejected because the equipment awarded therein could not be provided by United Rentals in compliance with the bid specifications. He made a motion to approve rejecting the award of competitive sealed bid #1009-05 - Construction Equipment previously

awarded on September 28, 2010. Councilman Decker seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

Mayor Pro Tem Wilson made a motion to approve Resolution Number 1164-2010, repealing Resolution Number 1153-2010, which approved the agreement with United Rentals. Councilman Suderman seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

The City Administrator noted that the incorrect bulldozer to be supplied by Neff Rentals had been included in both Items H and I and asked that the item be tabled until the next meeting to allow staff to correct the documents. Mayor Pro Tem Wilson made a motion to table Items H and I. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

**OLD BUSINESS**

**ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** City Hall/Library Project including the following items.

A. Update on HVAC Issues.

The City Administrator noted that there were no updates on the 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
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Public Works Director Kellis George and City Administrator Julie Johnston updated Council on the Public Works Projects.

**ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Hurricane Ike CDBG Grant Projects

The City Administrator gave a brief update on the status of the Round 2 funding.

**ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Dickinson Bayou Watershed Steering Committee Meeting.

Councilman Decker gave an update on the recent meeting of the 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.

Councilwoman Dunbaugh made a motion to award the bid to R. W. Lucas Construction, LLC in an amount not to exceed \$1,111,111.11. Councilman Suderman seconded the motion. Mayor Pro Tem Wilson questioned whether the paving of both Bruce Drive and Gum Drive was included in the scope of work in the bid being awarded to Lucas Construction.

The City Administrator noted that, when the project was discussed at the joint meeting with WCID #1 on June 9, 2009, the paving of Bruce Drive and Gum Drive was not included as part of the project based on representations from HDR/Claunch & Miller that they did not think the City would have enough funds available to do both drainage and paving for Bruce Drive and Gum Drive. She said that when the application was made for Round 1 funding, however, both the drainage and paving for Bruce Drive and Gum Drive were included in the event that the funding was available. She said that both drainage and paving for Bruce Drive and Gum Drive were included in environmental studies. She noted that when the bid specifications were prepared by HDR/Claunch & Miller, the drainage for both Bruce Drive and Gum Drive was included, but the paving for only Gum Drive had been included as an alternative item. After discussions with the City Attorney and with the Grant Administrator, Ms. Johnston recommended that the bid be

awarded to Lucas Construction as provided in this agenda item and that, because it would be no more than 25% of the total contract price, a change order be prepared to undertake the paving of Bruce Drive. She noted that because of savings on the projects already completed as well as the cost savings from this bid, funds would be available to pave Bruce Drive and complete the drainage and paving of all of the streets in Tropical Gardens as originally intended by the Council.

The City Administrator also advised Council that the contract with Lucas Construction would be on the Council's agenda for January 11, 2011.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

- ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1165-2010 – **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.**

Mayor Masters read the Resolution by caption only. Councilman King made a motion to approve Resolution Number 1165-2010. Mayor Pro Tem Wilson seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

- ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 712-2010 - **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).

Mayor Masters read the ordinance by caption only. Councilman Suderman made a motion to approve Ordinance Number 712-2010 on first reading. Councilman King seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED**

**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).

Mayor Masters read the ordinance by caption only. Mayor Pro Tem Wilson made a motion to table this ordinance. Councilman Decker seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED**

**ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1166-2010 - **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.**

Mayor Masters read the resolution by caption only. Councilwoman Dunbaugh made a motion to approve Resolution Number 1166-2010. Councilman Suderman seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)  
0 NAYS

**MOTION PASSED.**

- ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 1167-2010 - 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.

Mayor Masters read the resolution by caption only. Councilman Suderman made a motion to approve Resolution Number 1167-2010. Councilman King seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)  
0 NAYS

**MOTION PASSED.**

- 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

Councilman Neves resigned as a member of the Economic Development Corporation. Councilman Neves made a motion to appoint Myron Smith to the Economic Development Corporation for the term expiring June, 2012, and Ira Alexander, Elizabeth Moreno, John Simsen and Chris Tucker for the terms expiring June, 2011. Councilman Suderman seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED**

Councilwoman Dunbaugh made a motion to reappoint Herb Kavanaugh, Margaret Carney and Winnie Allen to the Library Advisory Board. Councilman Suderman seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

Councilman Suderman made a motion to remove Chris Tucker from the Planning Commission. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED**

Councilman King made a motion to reappoint Paul Slater and Bill Miller to the Planning Commission, to move Bill Miller and Bill Bonham up to regular members and to fill one alternate position with Edward Mitkowski. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED.**

Mayor Pro Tem Wilson made a motion to remove Ira Alexander from the Building Standards Commission. Councilman Suderman seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

**MOTION PASSED**

Mayor Pro Tem Wilson made a motion to reappoint Herman Gana, to move Louis Gill up as a regular member and appoint David Floyd as an alternate to the Building Standards Commission. Councilwoman Dunbaugh seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)  
0 NAYS

**MOTION PASSED.**

Councilman Suderman made a motion to reappoint Richard Weeks, Tim Philpot and Lauren White as regular members and Shamarion Barber as alternate member to the Board of Adjustments and Appeals. Mayor Pro Tem Wilson seconded the motion.

**VOTE:**

6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)  
0 NAYS

**MOTION PASSED.**

**ITEM 16.) ADJOURN**

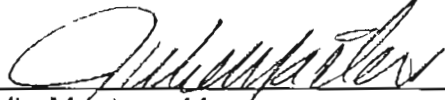
Mayor Pro Tem Wilson made a motion to adjourn the meeting at 7:52 p.m. Councilman Suderman seconded the motion.

**VOTE:**

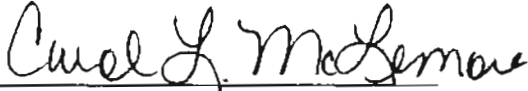
6 AYES (Suderman, Dunbaugh, Wilson, Neves, Decker and King)  
0 NAYS

**MOTION PASSED.**

**PASSED, APPROVED AND ADOPTED** this the 11<sup>th</sup> day of January, 2011.

  
\_\_\_\_\_  
Julie Masters, Mayor

**ATTEST:**

  
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Carol L. McLemore  
City Secretary

