

MINUTES
City of Dickinson
CITY COUNCIL
COUNCIL SPECIAL MEETING

September 12, 2023

The Dickinson City Council met in a duly called and announced the Special Meeting on **Tuesday, September 12, 2023, at 7:00 p.m.** 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items.

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

Councilmembers present were as follows: Sean Skipworth - Mayor, Johnnie Simpson, Jenna P Simsen, Mark Townsend, Jessie Brantley, Bill Schick, Fred L Linton. Johnnie Simpson joined at 7:14 p.m.

ITEM 2.) INVOCATION

Councilmember Brantley gave the invocation.

ITEM 3.) PLEDGE OF ALLEGIANCE

Mayor Skipworth led the pledge of allegiance to the United States and Texas flag.

ITEM 4.) ANNOUNCEMENTS AND PRESENTATIONS Announcements concerning items of community interest. No action will be taken or discussed. Councilmember comments regarding items of community interest in accordance with Texas Government Code section 551.0415.

4.A Council Comments

Councilmembers welcomed everyone and briefed on events attended and mentioned the upcoming community events.

4.B City Manager Update

City Manager Theo Melancon addressed the Council and citizens regarding some social media comments regarding a receipt that was incorrectly coded and stating that he met with a developer. This charge was charged on his personal account. The error was made when this receipt was submitted for reimbursement. When the City Manager realized it, he corrected the mistake and submitted payment to the city. He assured that he would do better and apologized for his mistake.

City Manager updated on project statuses. He stated that we are closing all three phases of the Community Development Block Grant Disaster Recovery. Which included Nicholstone, Pin Oak and West Gum Bayou Drainage Improvements. He mentioned that we are working on the Hughes Road Project Easement Acquisition and finalizing these designs for submittal. He stated that the 44th, 45th and Caroline projects should be completed by the end of October. He recognized Assistant City Manager Chaise Cary, Councilmember Schick and ADICO on the coordination of the Watershed Committee.

ITEM 5.) PUBLIC COMMENTS Members of the public are invited to give comments at this time, lasting not longer than 3 minutes. Comments may be general in nature or may address a specific agenda item, and should be directed at the entire Council, not individual members of Council or staff. Any speaker making personal attacks or using vulgar or profane language shall forfeit his/her remaining time and shall be seated. In compliance with the Texas Open Meetings Act, The City Council may not deliberate.

<u>Name</u>	<u>Address</u>	<u>Reason for Comment</u>
Joe Wilburn	1309 Forest Cove	Employee Turnover, Creekside Apts, City issues
Wayne Dolcefino	3743 Tarney, Houston	Complaint regarding Council moving
	Executive Session at beginning of meeting	
Joseph Lowry	Did not state	City issues
Scott Shrader	3719 Kellner Rd.	City appointments and Credit Card
	Reimbursement and Creekside concerns	
Tami Steambarge	5109 Casa Grande	Ordinance enforcement complaints City
John Parker	Dickinson Resident	Manager Receipts Chamber of
Dawn King	1911 FM 517 E	Commerce Update Thanked the current
John Harris	3711 Rau Drive	administration Concerned about threats
Melissa Skipworth	1061 Misty Cliff Drive	and community
	disruption	

Next item for discussion was item 9A.

ITEM 6.) PUBLIC HEARING(S) AND ACTION ITEMS FROM PUBLIC HEARING(S)

6.A **Conduct a public hearing concerning a request to amend the official zoning map from Conventional Residential (CR) zoning district to General Commercial (GC) zoning district for the approx. ± 0.18-acres, located at 3404 Avenue D, legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 EMMITE SUB EXTN and a request to amend the official zoning map from Neighborhood Commercial (NC) zoning district to General Commercial (GC) zoning district for the approx. ± 0.16-acres, located at 3405 HWY 3, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 118 (3-0) DICKINSON ADDN D.**

Public Hearing opened at 9:35 p.m.

- Staff Presentation – Yvonne Briscoe
 - Applicant Presentation – 3813 Pine Manor Lane
 - Public Comments – None
 - Applicant Rebuttal - None
 - Adjourn Public Hearing at 9:37 p.m.
- No action taken.

- 6.B **ORDINANCE XXX-2023 - Consideration and possible action concerning a request to amend the official zoning map from Conventional Residential (CR) zoning district to General Commercial (GC) zoning district for the approx. ± 0.18-acres, located at 3404 Avenue D, legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 EMMITE SUB EXTN and a request to amend the official zoning map from Neighborhood Commercial (NC) zoning district to General Commercial (GC) zoning district for the approx. ± 0.16-acres, located at 3405 HWY 3, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT (3-0) DICKINSON ADDN D. (FIRST READING)**

Councilmember Simpson motioned to approve, and Fred L Linton seconded the motion.

VOTE:

7 AYES (Sean Skipworth - Mayor, Johnnie Simpson, Jenna P Simsen, Mark Townsend, Jessie Brantley, Bill Schick, Fred L Linton)

0 NAYS

MOTION PASSED

- 6.C **Conduct a public hearing concerning a request for subdivision variance from Appendix A “Subdivision”, Section 8 “Standards and Specifications”, Subsection J “Lots”, Subsection 3 “Frontage” requirement of the City of Dickinson Code of Ordinances - with such variance allowing a lot to substitute frontage on a recorded access easement / private street for the required frontage on a public street, for a proposed subdivision of approx. ± 0.622-acres, generally located west of Lighthouse Lane and north of Dirrick Street, and legally described as ABST 208 W K WILSON SUR PT OF LOT 4 (4-3) BLK 14 BEATTY SUB.**

Public Hearing opened at 9:40 p.m.

- Staff Presentation – Yvonne Briscoe
- Applicant Presentation - None
Public Comments - Chris Tucker 5217 Calvert Lane / Joe Love 5314
- Lighthouse Lane / Justin Schwertz 5209 Calvert Lane
- Applicant Rebuttal – None
- Adjourn Public Hearing at 9:47 p.m.
No action taken.

- 6.D **RESOLUTION XXX-2023 - Consideration and possible action concerning a request for a subdivision variance from Appendix A “Subdivision”, Section 8 “Standards and Specifications”, Subsection J “Lots”, Subsection 3 “Frontage” requirement of the City of Dickinson Code of Ordinances - with such variance allowing a lot to substitute frontage on a recorded access easement / private street for the required frontage on a public street, for a proposed subdivision of approx. ± 0.622-acres, generally located west of Lighthouse Lane and north of Dirrick**

Street, and legally described as ABST 208 W K WILSON SUR PT OF LOT 4 (4-3) BLK 14 BEATTY SUB.

Councilmember Simpson made a motion amending to approve with staff recommendations as stated by P&Z and staff, seconded by Councilmember Linton.

AYES - Skipworth, Brantley, Simpson, Linton

NAYS - Simsen, Schick, Townsend

Motion passed.

City Manager stated that there is an existing easement, there is a maintenance agreement, therefore a plat application needs to be submitted. City Manager, City Attorney and Senior Planner discussed legal requirements for plat application process. A lengthy discussion followed.

Councilmember Brantley made a motion to table this item, and it was seconded by Councilmember Simpson. The motion passed with Mayor Skipworth voting in the negative.

6.E **Conduct a public hearing concerning a request for a Specific Use Permit for Group Home in a Conventional Residential ("CR") zoning district, for approx. ± 0.31 acres, located at 3025 SHERWOOD OAK STREET, and legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 SHERWOOD OAKS.**

Public Hearing at 9:05 p.m.

- Staff Presentation – Yvonne Briscoe
- Applicant Presentation – Paula James 508 Cedar Pointe Dr. League City
- Public Comment - Joann Malmrose 2716 Frostwood Circle / Debbie Bourland 3029 Crest Dr. / Ben Batey / David Brownhill 2904 Frostwood Circle / Steven Termini 2714 Frostwood Circle.
- Applicant Rebuttal - Paula James 508 Cedar Pointe Dr. League City
- Adjourn Public Hearing at 9:34 p.m.
No action taken.

6.F

Conduct a public hearing concerning a request for a Specific Use Permit for Car, Truck and RV washing facilities in a general Commercial ("GC") zoning district, for approx. ± 0.26-acres, located at 3712 HWY 3, and legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 154 (0-2) DICKINSON ADDN D.

Public Hearing opened at 10:05 p.m.

- Staff Presentation – Yvonne Briscoe
- Applicant Presentation – Uvaldo Rodriguez / 133 Brightbook Lane
- Public Comments – 3813 Pine Manor
- Applicant Rebuttal – None
- Adjourn Public Hearing at 10:08 p.m.
No action taken.

6.G **ORDINANCE XXX-2023 - Consideration and possible action concerning a request for a Specific Use Permit for Car, Truck and RV washing facilities in a general Commercial ("GC") zoning district, for approx. ± 0.26-acres, located at 3712 HWY 3, and legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 154 (0-2) DICKINSON ADDN D. (FIRST READING)**

Jessie Brantley motioned to approve, and Bill Schick seconded the motion.

VOTE:

6 AYES (Sean Skipworth - Mayor, Johnnie Simpson, Jenna P Simsen, Jessie Brantley, Bill Schick, Fred L Linton)

1 NAYS (Mark Townsend)

MOTION PASSED

ITEM 7.) ACTION ITEMS FOR CONSIDERATION

7.A **Consideration and possible action to approve a proposal for Special Counsel Legal Services from Mills Shirley L.L.P.**

Mayor Skipworth stated that this would just be a supplemental service for day-to-day and cleaning of ordinances that need to be updated. The motion is to approve with amendment to remove section 10C of the contract. Councilmember Townsend asked if there will be any retainer fees. The City Manager answered his question and stated that there would be no retainer fee. A discussion followed with City Attorney answering question and concerns.

Johnnie Simpson motioned to approve, and Jessie Brantley seconded the motion.

VOTE:

7 AYES (Sean Skipworth - Mayor, Johnnie Simpson, Jenna P Simsen, Mark Townsend, Jessie Brantley, Bill Schick, Fred L Linton)

0 NAYS

MOTION PASSED

ITEM 8.) EXECUTIVE (CLOSED) SESSION(S)

Item 8A was moved after Announcements and Presentations.

8.A **Consultation with Attorney (Section 551.071 Texas Government Code)**

Discussion with Attorney regarding contemplated/pending litigation and regarding matters protected by the attorney/client privilege.

Convened into Executive Session at 7:18 p.m.

Reconvened from Executive Session at 8:32 p.m.

ITEM 9.) ACTION ITEMS FROM EXECUTIVE (CLOSED) SESSION(S)

9.A Consideration and possible action to approve retaining Rusty Hardin & Associates, LLP for legal services.

Mayor Skipworth clarified the reasons why he moved items to the beginning of the meeting. He stated that due to the number of public comments he wanted to address those items first.

Public Comment

Kathy Palmer 5022 Casa Grande Creekside Lawsuit

Johnnie Simpson motioned to approve, and Jessie Brantley seconded the motion.

VOTE:

5 AYES (Sean Skipworth - Mayor, Johnnie Simpson, Jenna P Simsen, Jessie Brantley, Fred L Linton)

2 NAYS (Mark Townsend, Bill Schick)

MOTION PASSED

ITEM 10.) ADJOURNMENT

Johnnie Simpson motioned to adjourn, and Fred L Linton seconded the motion.

VOTE:

7 AYES (Sean Skipworth - Mayor, Johnnie Simpson, Jenna P Simsen, Mark Townsend, Jessie Brantley, Bill Schick, Fred L Linton)

0 NAYS

MOTION PASSED

Meeting adjourned at 10:13 p.m.

PASSED APPROVED AND ADOPTED this 26th of September, 2023.



Sean Skipworth, Mayor

ATTEST:

Ana Urps

Ana Urps, City Secretary