

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §



LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
DAN DAVIS, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6

DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 5/17/2021

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 7:01 p.m. Those in attendance were:

Present: Mayor Debra Davison
Council Member Larry Akery
Council Member Lorraine Hehn
Council Member Place 3 Niccole Tyson
City Council Member Place 4 Dan Davis
City Council Member Place 6 Jerome Hudson
City Council Member Place 5 Jason Albert

Absent:

Also Present: Kyle Jung, City Manager; Tammy Bell, City Secretary; Bobby Gervais, City Attorney; Jessica Rodriguez, Development Director

Inspirational Reading - Council Member Hehn

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Citizen Comments: "Comment Card" Required

****Members of the public who wish to submit written comments on a listed agenda item must submit their comments via the Public Comment Request Form found on the city website www.cityofmanvel.com or by emailing tbell@cityofmanvel.com or by calling 281-489-0630 x4 for staff assistance.*

PD&Z Members present - Christine Diaz, Dorothy Wynne
Carson, Manager, 6407 Masters Rd Project

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 2.594 ACRES LOCATED AT 6407 MASTERS ROAD, MANVEL, TEXAS, FROM HIGHWAY MIXED USE DISTRICT (HMU) TO HIGHWAY MIXED USE DISTRICT WITH SPECIFIC USE PERMIT (HMU-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 493110 "GENERAL WAREHOUSING AND STORAGE"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Morgan & Amber Garlinge, 7330 Scott Ave -

Concerned about the proximity of commercial buildings and parking lot to his property. Working with the owner and project manager to have the parking lot and retention pond swapped on plans so that the pond is closest to his property.

Carson, project manager -

Is fine with redesigning plans and is in the process of doing so.

Jessica Rodriguez, Development Director - the reason this was tabled at PD&Z is because they wanted a traffic study done. Owner is working with staff on this.

City Manager Update

Update on current events and city issues.

Kyle Jung, City Manager gave update on Covid numbers -

2333 total, 37 confirmed (down 20 from 5/3 meeting), 29 probable, 2245 recovered, 22 deaths

Regular Agenda

- 1. Consideration and possible action on a request by Meridiana to approve an appeal to the City's Designated Official's interpretation that the Meridiana General Development Plan Amendment #18 (as submitted to City Staff on March 24, 2021) does not adequately display "overall circulation" as required within the O-PUD agreement. (Tabled on 5/3/2021)**

Discussions have been had between the staff and the developer. Direction from City Council was for staff to discuss a compromise with the developer. Staff offered that 9 sections of private, gated housing and section 24 would not require a second access entry point.

No access on Clark or South Masters.

Kyle Jung, City Manager feels access on these roads are vital to regional overall circulation, but it is up to the City Council what they would like.

Additionally, 3 other vehicle access point within the subdivision that staff is recommending to be added.

Larry - Emergency grass cross overs. Concerns that during the raining period this could be a problem for a pumper to get through.

Brad Sweitzer - EHRA - not in favor of having a connection on Clark and Masters. Open to providing an emergency vehicle cut through for connection

Matt Lawson, Developer - wants to compromise. The emergency access will support emergency vehicles and pumper trucks. They have not heard from staff on the desire to have Clark and Masters access and would prefer not provide those connections.

Dorothy - Concern that the connectivity will hinder residents from exiting in the event of an emergency. We are here to protect the welfare, health, and safety of our citizens and if they get stuck in some sort of gas line emergency, fire emergency, or flood, then we are to blame. PD&Z Members have been requesting connectivity for a long time. Wanting to know what the City Council is wanting if it is not connectivity?

What is the City Councils expectation of the PD&Z members.

Dan - Is there a need for additional ingress and egress? Nothing on the data sheet to PD&Z for Clarks and Masters.

The intent of the appeal is for connectivity between sections.

Kyle Jung, City Manager explained to Dan that it is not about just internal connectivity; it's about regional connectivity.

Dorothy, PD&Z - expressed that connectivity has been key from the beginning with PD&Z

Lorraine - If things come down that the developer is wanting a different interpretation than what the designated official came up with then she is not in favor of that.

Matt Lawson, Developer - Having emergency access is very important but there is a balance to just putting roads in. Putting in access to these main roads is increasing conflicts with pedestrians, such as children playing in the street.

Dan Davis - the intent of the appeal is specifically between sections, not Masters and Clark.

Dorothy, PD&Z - on the call to get a better understanding of council's intent and why they keep getting appeals.

Council Member Dan Davis made the motion to approve the appeal. Council Member Jerome Hudson seconded the motion.

The motion **FAILED** with a vote:

Vote: 2-5

Yes: City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert

No: Mayor Debra Davison, Council Member Larry Akery, Council Member Lorraine Hehn, Council Member Place 3 Niccole Tyson, City Council Member Place 6 Jerome Hudson

Absent: None

Abstained: None

2. Status update by the City Manager on the GLO Grant.

Ann Lister replied to emails today. She is waiting for a response from her management team regarding Manvel's continuation of the grant and will let us know as soon as she has a response.

Council Member Hehn - What kind of project is this for?

Kyle Jung, City Manager - This is to purchase Scada Equipment for the water and wastewater plants and lift stations. For remote operation of the plants. Also includes lightning protection at the plants.

**3. Consideration and possible action to approve Resolution 2021-R-09;
A RESOLUTION CONSENTING TO THE ADDITION OF LAND INTO BRAZORIA
COUNTY MUNICIPAL UTILITY DISTRICT NO. 43**

Several homes are partially in and partially out of the MUD from abandoned road. Annexing the land will clean this up.

Council Member Dan Davis made the motion to approve Resolution 2021-R-09. Council Member Niccole Tyson seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, Council Member Larry Akery, Council Member Lorraine Hehn, Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

A. Approve an Amendment/Addendum to Cooperation Agreement to the CDBG Entitlement Program.

**This item was pulled from the consent agenda to take action on.

Council Member Larry Akery made the motion to pull item A from the consent agenda. Council Member Jason Albert seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Council Member Lorraine Hehn, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson, Mayor Debra Davison, Council Member Larry Akery, Council Member Place 3 Niccole Tyson

No: None

Absent: None

Abstained: None

Kyle Jung, City Manager -- read the amendment/addendum exhibit to council.

Lorraine -- does this language overturn any of our zoning? Is this state language?

Kyle -- this is federal language

Bobby - explains the definition comes out of the FHA itself, that requires all executive depts. and agencies have to administer and programs and activities relating to housing and urban development in a manner affirmatively to further the purpose of the FHA. It's changed over time - lately it looks like it may be further interpreted to grow into more of a role where it looks at things like eco integration, density, transit development - goes hand in hand with global warming, and regional cooperation to achieve fair housing goals. The latter is what is causing a lot of issues and is the part that can affect zoning laws.

Lorraine - CDBG funds is not the first place she'd go to get money for the city. Having the ability to use the CDBG funds is different than actually using them.

Mayor - expressing the concern that in taking HUD money that another entity could govern our land uses. There are so many more grants available to us, particularly as a developing city. We have a lot of available land, whereas other city's do not, and that is the concern with our city in particular.

Council Member Dan Davis made the motion to approve the amendment/addendum. Council Member Jason Albert seconded the motion.

The motion carried with a vote:

Vote: 4-3

Yes: Council Member Lorraine Hehn, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: Mayor Debra Davison, Council Member Larry Akery, Council Member Place 3 Niccole Tyson

Absent: None

Abstained: None

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

- B. Approve as recommended by Planning Development and Zoning Commission, Final Plat for Meridiana Retail Detention Reserve No. 1;
BEING A SUBDIVISION OF 3.738 ACRES OUT OF THE H.T. & B.R.R. CO. SURVEY, A- 470, ALSO BEING OUT OF LOTS 139 AND 140 OF DR. A.A. LUTHER LANDS IN THE TOWN OF MANVEL, AS RECORDED UNDER VOL. 1, PG. 71-72, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
- C. Approve Interlocal Agreement between Brazoria County and the City of Manvel for paving of roads.
- D. Acceptance of the infrastructure improvements for Terra Estates to begin the Two Year Maintenance Period.
- E) Acceptance of the meeting minutes to date.

Council Member Dan Davis made the motion to approve consent agenda items B through E. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Council Member Lorraine Hehn, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson, Mayor Debra Davison, Council Member Larry Akery, Council Member Place 3 Niccole Tyson

No: None

Absent: None

Abstained: None

City Council acted on addendum items. See addendum minutes below.

Mayor Debra Davison recessed the City Council into executive session at 8:29 p.m.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with attorney, and Texas Government Code, Section 551.072:

“Deliberation Regarding Real Property” to discuss the following:

Potential Real Estate Acquisitions Opportunities

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with attorney, and Texas Government Code, Section 551.087:

“Deliberation Regarding Economic Development Negotiations” to discuss the following:

Discuss economic development incentives on the Sowell Property

Mayor Debra Davison reconvened City Council from executive session at 9:23 p.m.

No action was taken in executive session.

Mayor and Council Comments

Adjourn

Council Member Jason Albert made the motion to adjourn the meeting. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Council Member Lorraine Hehn, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson, Mayor Debra Davison, Council Member Larry Akery, Council Member Place 3 Niccole Tyson

No: None

Absent: None

Abstained: None

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COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
DAN DAVIS, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

ADDENDUM MINUTES 5/17/2021

Regular Session

4. Discussion and Possible Action to Approve (Forwarded With Unfavorable Recommendation by PD&Z):
- A) Preliminary Plat for Meridiana Inspiration Way Phase 2,
BEING A SUBDIVISION OF 5.46 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY
OF MANVEL, BRAZORIA COUNTY, TEXAS.
 - B) Preliminary Plat for Meridiana Section 10A;
BEING A SUBDIVISION OF 12.94 ACRES OUT OF THE OLIVER HALL SURVEY, A-203,
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
 - C) Preliminary Plat for Meridiana Detention Reserve Y;
BEING A SUBDIVISION OF 9.98 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY
OF MANVEL, BRAZORIA COUNTY, TEXAS.
 - D) Preliminary Plat for Brazoria County Municipal Utility District No. 57 Lift Station No. 1;
BEING A SUBDIVISION OF 0.19 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY
OF MANVEL, BRAZORIA COUNTY, TEXAS.
 - E) Preliminary Plat for Meridiana Detention Reserve 'W';
BEING A SUBDIVISION OF 15.46 ACRES, BEING A PARTIAL REPLAT OF LOTS 16, 17, 18,
BLOCK 1, OF LULLING STONE SECTION 1, AS RECORDED AT VOLUME 21, PAGES 267-
270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY,
TEXAS.
 - F) Preliminary Plat for Meridiana Detention Reserve 'Z' Phase 1;
BEING A SUBDIVISION OF 11.61 ACRES, BEING A PARTIAL REPLAT OF LOTS 1-8,
BLOCK 1 OF LULLING STONE SECTION 1, AS RECORDED AT VOLUME 21, PAGES 267-
270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL.

G) Master Plan for Foxtail Palms;

BEING A SUBDIVISION OF 80.95 ACRES OF LAND LOCATED IN THE H.T. & B. RAILROAD CO. SURVEY SEC 71, A-291, ALSO BEING A PARTIAL REPLAT OF EMIGRATION LAND COMPANY SUBDIVISION RECORDED IN VOLUME 2, PAGE 81 B.C.P.R.

Jessica Rodriguez, Development Director - A through F, sections are not illustrated on latest approved GDP, plats cannot be approved. Staff made an unfavorable recommendation to PD&Z and PD&Z made that same recommendation to Council.

For Foxtail Palms, it had numerous reasons why it could not be approved. It did not meet certain sections of the subdivision ordinance. Staff made an unfavorable recommendation as well as PD&Z making that same recommendation to Council.

Dan Davis made a motion to approve, Mayor Davison seconded.

Motion failed with a vote of: 1-6

Yes: Councilmember Lorraine Hehn

No: Councilmember Larry Akery, Councilmember Niccole Tyson, Mayor Debra Davison, Councilmember Dan Davis, Councilmember Jason Albert, Councilmember Jerome Hudson

Absent: None

Abstained: None

5. Discussion and Possible Action to Approve:

Final Plat for Meridiana Detention Reserve U;

BEING A SUBDIVISION OF 9.860 ACRES IN THE OLIVER HALL SURVEY, ABSTRACT 203, BEING A PARTIAL REPLAT OF A PORTION OF LOT 9, BLOCK 1, OF LULLING STONE SECTION THREE, AS RECORDED IN VOL. 22, PG. 231-234 B.C.P.R.; ALSO, BEING PART OF THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

Jessica Rodriguez, Development Director – brought to Council with a favorable recommendation. Explained that PD&Z's unfavorable recommendation was due to an outstanding item. That item has since been cleared so now able to bring a favorable recommendation.

Mayor made the motion to approve the final plat for Meridiana Detention Reserve U. Councilmember Niccole Tyson approved.

The motion carried with a vote:

Vote: 7-0

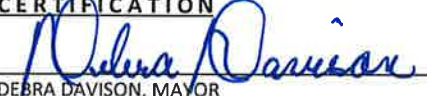
Yes: Council Member Lorraine Hehn, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson, Mayor Debra Davison, Council Member Larry Akery, Council Member Place 3 Niccole Tyson

No: None

Absent: None

Abstained: None

CERTIFICATION


DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

