

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

**NOTICE OF A SPECIAL CALLED
CITY COUNCIL MEETING OF THE
CITY OF MANVEL
October 13, 2021**

**NOTICE IS HEREBY GIVEN
5:00 P.M.**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City of Manvel will convene a SPECIAL CALLED meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 X6 for further information.

Regular Session

Call To Order

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 thell@cityofmanvel.com or by calling 281-489-0630 x6 for staff assistance.*

Regular Agenda

1. Consideration and possible action to approve the second and final reading of Ordinance 2021-O-25;
AN ORDINANCE AMENDING CHAPTER 17. "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL,

MANVEL CITY COUNCIL SPECIAL MEETING October 13, 2021

TEXAS, BY AMENDING ARTICLE IX "IMPACT FEES," SECTIONS 17-404 TO 17-406 TO UPDATE PROVISIONS PERTAINING TO THE ASSESSMENT OF WATER AND WASTEWATER IMPACT FEES ON NEW DEVELOPMENT WITHIN THE CITY; APPROVING THE "2021 UPDATE STUDY OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN & IMPACT FEES"; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

2. Consideration and possible action to approve Resolution 2021-R-26;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS.
3. Consideration and possible action to approve The First Amendment to Interlocal and Development Agreement by and between the CITY OF MANVEL, TEXAS, a Texas home-rule city, BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 ("*District*"), a conservation and reclamation district and political subdivision of the State of Texas, and Hillwood Enterprises, L.P., a Texas limited partnership.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on Friday October 8, 2021 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

ORDINANCE NO. 2021-O-25

AN ORDINANCE AMENDING CHAPTER 17. “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE IX “IMPACT FEES,” SECTIONS 17-404 TO 17-406 TO UPDATE PROVISIONS PERTAINING TO THE ASSESSMENT OF WATER AND WASTEWATER IMPACT FEES ON NEW DEVELOPMENT WITHIN THE CITY; APPROVING THE “2021 UPDATE STUDY OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN & IMPACT FEES”; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, Texas Local Government Code § 395.001 et seq., authorizes cities to enact or impose impact fees (capital recovery fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development; and

WHEREAS, the City has enacted Article IX of Chapter 17 of The City Code to provide for the assessment and collection of impact fees; and

WHEREAS, state law requires a political subdivision imposing an impact fee to update the land use assumptions and capital improvements plan at least every five years; and

WHEREAS, City staff and consultants received written comments from the Capital Improvements Advisory Committee on proposed amendments to the land use assumptions, capital improvements plan and impact fees; and

WHEREAS, consistent with input from the Capital Improvements Advisory Committee, the citizens, and the City Council, City staff and consultants have updated the city’s Land Use Assumptions and Capital Improvements Plan and calculated the resulting amended impact fee; and

WHEREAS, the City has provided notice and conducted public hearings to amend the City's impact fees, as required by Chapter 395 of the Texas Local Government Code; and

WHEREAS, the City has determined that it is in the best interest of the general public to amend and update the current provisions of The City Code pertaining to impact fees; and

WHEREAS, the City has determined that it is in the best interest of the general public to approve the "2021 Update Study of Land Use Assumptions, Capital Improvement Plan & Impact Fees"; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANVEL:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. The Code of Ordinances of the City of Manvel, Texas, is hereby amended by amending sections 17-404 to 17-406, Article IX. "Impact Fees" of Chapter 17. *Buildings and Building Regulations* to read and provide as follows:

"Chapter 17 - BUILDINGS AND BUILDING REGULATIONS

. . . .

Sec. 17-404. - Land use assumptions.

The land use assumptions included in the "2021 [2016] Update Study of Land Use Assumptions, Capital Improvement Plan & Impact Fees" [~~prepared by Daniel Scott Engineering~~] are hereby in all things approved and adopted.

Sec. 17-405. - Capital improvements plan.

The capital improvements plan included in the "2021 [2016] Update Study of Land Use Assumptions, Capital Improvement Plan & Impact Fees" [~~prepared by Daniel Scott Engineering~~] is hereby in all things approved and adopted.

Sec. 17-406. - Impact fees.

The impact fees set forth in the most recent fee schedule resolution adopted by the city council, are hereby levied against new nonexempt development on lands located within the corporate boundaries of the city. Any impact fees must be consistent with state law and the city's

most recent approved update study of Land Use Assumptions, Capital Improvement Plan, and Impact Fee calculation, as determined by a licensed engineer. “

Section 3. The City Council hereby approves the “2021 Update Study of Land Use Assumptions, Capital Improvement Plan & Impact Fees” attached as Exhibit A.

Section 4. The City Council hereby approves the 2021 Amended Impact Fees attached as Exhibit B. This adoption sets forth the approved impact fees as determined by the process required by state law. The City Council may levy impact fees by resolution, as stated in section 17-406. The actual levied impact fees may be less than the approved impact fee amounts; however, they may not exceed them. The actual levied fees shall be shown on the City’s most recent fee schedule resolution, and may not be revised to exceed the approved impact fee amounts in the city’s most recent approved update study of Land Use Assumptions, Capital Improvement Plan, and Impact Fee calculation, without first satisfying any process required by state law.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this 4th day of October, 2021.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day
of _____, 2021.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

City of Manvel
2021 Water and Wastewater Impact Fee Update
Exhibit B

Table 1: Schedule of Maximum Allowable Impact Fees by Meter Size

Meter Size	Meter Type	Service Unit Equivalent	Impact Fees		
			Water	Wastewater	Total
3/4"	Displacement	1.0	\$4,875	\$14,988	\$19,863
1"	Displacement	1.6	\$7,800	\$23,980	\$31,780
1-1/2"	Turbine	4.0	\$19,500	\$59,952	\$79,452
2"	Turbine	6.4	\$31,200	\$95,923	\$127,123
3"	Compound	12.8	\$62,400	\$191,846	\$254,246
4"	Compound	20.0	\$97,500	\$299,760	\$397,260
6"	Compound	40.0	\$195,000	\$599,520	\$794,520
8"	Compound	64.0	\$312,000	\$959,232	\$1,271,232
10"	Compound	92.0	\$448,500	\$1,378,896	\$1,827,396

RESOLUTION NO. 2021-R-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS.

* * * * *

WHEREAS, pursuant to section 17-406 of **The City Code**, the impact fees to be levied are set forth in the most recent fee schedule resolution adopted by the city council; and

WHEREAS, consistent with state law and sections 17-404 to 17-406, Article IX. “Impact Fees” of Chapter 17. *Buildings and Building Regulations*, the City Council of the City of Manvel hereby adopts the impact fees set forth in this fee schedule resolution and directs that said fees are to be levied against new non-exempt development on lands located within the corporate boundaries of the city; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. That certain “**FEE SCHEDULE - October 12, 2021,**” a true and correct copy of which is attached hereto as Exhibit “A,” and for all things is made a part of this Resolution, is hereby in all things adopted.

Section 2. Pursuant to section 17-406 of The City Code, the impact fees set forth in this fee schedule resolution adopted by the city council, are hereby levied against new non-exempt development on lands located within the corporate boundaries of the city.

Section 3. All resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

RESOLVED, this the _____, day of _____, 2021.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

EXHIBIT A
Fee Schedule – October 12, 2021

2021 Water and Wastewater Impact Fees

Table 1: Schedule of Impact Fees by Meter Size

Meter Size	Meter Type	Service Unit Equivalent	Impact Fees		
			Water	Wastewater	Total
3/4"	Displacement	1.0			
1"	Displacement	1.6			
1-1/2"	Turbine	4.0			
2"	Turbine	6.4			
3"	Compound	12.8			
4"	Compound	20.0			
6"	Compound	40.0			
8"	Compound	64.0			
10"	Compound	92.0			