

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 CITY COUNCIL MEETING
OF THE CITY OF MANVEL
November 15, 2021**

**NOTICE IS HEREBY GIVEN
6:00 P.M. WORKSHOP
7:00 P.M. REGULAR SESSION**

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 regular 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.

Workshop Session

Update by Richard Weatherly on the Utility Rate Study.

Update on the following City Master Plans;
Master Drainage Plan
Master Streets Plan
Master Water Plan
Master Wastewater Plan

Update on phasing plan for park improvements at the Police Station Park.

Discussion on any subject addressed on the Agenda for November 15, 2021.

Regular Session

Call To Order

Inspirational Reading - Council Member Jerome Hudson

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

Proclamation

Family Court Awareness Month - November 2021

Public Hearing

TO HEAR COMMENTS REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF 1.612 ACRES OF LAND LOCATED AT 3806 FM 1128, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO HEAVY COMMERCIAL DISTRICT (HC) 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.

TO HEAR COMMENTS ON AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF CITY RIGHT-OF-WAY BEING AN UNIMPROVED PORTION OF BISSELL ROAD (50 FOOT WIDE) 2.713 ACRE TRACT OF LAND IN THE H.T.&B.R.R. CO. SURVEY, SECTION 62, ABSTRACT NO. 484, BRAZORIA COUNTY, TEXAS. VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEED(S) CONVEYING RESPECTIVE INTEREST(S) IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

City Manager Update

Update on current events and city issues.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071 - "Consultation with Attorney" to discuss the following:

Discuss demand letter from Meridiana

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071 - "Consultation with Attorney" to discuss the following:

Discuss participation in State of Texas' settlement with litigants on opioid litigation

Regular Agenda

1. Consideration and possible action on a request by Aspect Energy, LLC to waive the publication and notice requirements for a drilling permit as required in section 35-104 of the City of Manvel Code of Ordinances.
2. Consideration and possible action to approve the first of two readings of Ordinance 2021-O-36;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF 1.612 ACRES OF LAND LOCATED AT 3806 FM 1128, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO HEAVY COMMERCIAL DISTRICT (HC) 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. (Motion to forward with favorable recommendation by PD&Z FAILED with a 0/5 vote).
3. Consideration and possible action to approve Resolution 2021-R-30;
A RESOLUTION CONSENTING TO THE ADDITION OF LAND TO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56.
4. Consideration and possible action to direct staff on creating a financial impact summary on any agenda item that has a direct or indirect impact on the budget. (Requested by Council Member Davis).
5. Consideration and possible action to approve a subdivision variance request for property located at 9820 Uzzell Road for relief from Chapter 62, Section 62-46 (f) and authorize the Mayor to execute the Development Agreement.

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.

1. Approve the second and final reading of Ordinance 2021-O-31;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, REORGANIZING THE ADMINISTRATIVE DEPARTMENTS OF THE CITY; APPROVING THE CITY OF MANVEL ORGANIZATIONAL CHART; PROVIDING AN EFFECTIVE DATE.
2. Approve the second and final reading of Ordinance 2021-O-33;

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF Manvel; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

3. Approve the second and final reading of Ordinance 2021-O-34;
AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.
4. Acceptance of the infrastructure improvements for Del Bello Lakes Section 10 to begin the two-year maintenance period.
5. Acceptance of the infrastructure improvements for Meridiana Section 33A to begin the one-year maintenance period.
6. Acceptance of a Special Warranty Deed from Alvin ISD;
BEING 1.200 ACRES IN THE H.T.&B.R.R CO. SURVEY ABSTRACT NO. 283 AND MARY O'DONNELL SURVEY ABSTRACT NO. 470 CITY OF MANVEL, TEXAS.
(Property behind COM water plant)
7. Acceptance of a Special Warranty Deed from Alvin ISD;
BEING 1.090 ACRES IN THE MARY O'DONNELL SURVEY ABSTRACT NO. 483 CITY OF MANVEL, TEXAS.
(Water plant site)
8. Acceptance of a Access Easement from Alvin ISD;
BEING 1.267 ACRES IN THE H.T.&B.R.R CO. SURVEY ABSTRACT NO. 283 AND MARY O'DONNELL SURVEY ABSTRACT NO. 483 CITY OF MANVEL, TEXAS.
(Access to the new water plant)
9. Acceptance of a Water Line Easement from Alvin ISD;
BEING A 20-FOOT WIDE WATER LINE EASEMENT LOCATED IN THE H.T.&B.R.R CO. SURVEY ABSTRACT NO. 283 AND MARY O'DONNELL SURVEY ABSTRACT NO. 483 CITY OF MANVEL, TEXAS.
(20' water line easement around MHS)
10. Acceptance of a Water Line Easement from Alvin ISD;

20-FOOT WIDE WATER LINE EASEMENT BEING 0.0368 ACRE IN THE MARY O'DONNELL SURVEY ABSTRACT NO. 483 CITY OF MANVEL, TEXAS.

11. Acceptance of a Water Line Easement from Alvin ISD;
20' WIDE INTERCONNECT WATERLINE EASEMENT BEING AN 0.0184 ACRE IN THE H.T.&B.R.R CO. SURVEY ABSTRACT NO. 283 CITY OF MANVEL, TEXAS.
12. Acceptance of Meeting Minutes to date.

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.

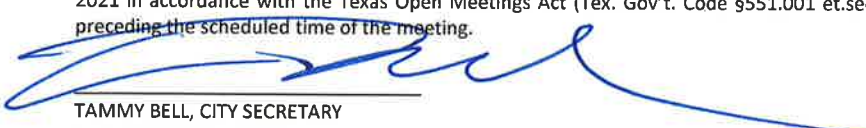
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary 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 salutary 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 November 12, 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

NOTICE TO THE PUBLIC OF POSSIBLE QUORUMS

A quorum of the Manvel Planning Development and Zoning Committee, Manvel Parks and Recreation Board, Manvel Events Task Force, Manvel Branding Task Force, and Manvel Economic Development Corporation may be in attendance at the November 15, 2021 meeting of the Manvel City Council. If such be the case, this notice shall serve as notice of meeting pursuant to the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. There will be no official City business or action of the aforementioned bodies taken during the meeting.





CITY OF MANVEL

M A S T E R P A R K S P L A N
2 0 1 7 - 2 0 2 7

Executive Summary



Project Cost Estimate (avg. low-high)

Annual Cost per Property Valuation

Capital Project	low	high		Annual Debt Svc	I&S Rate per \$100 Value	\$100,000	\$150,000	\$200,000	\$250,000
Croix Memorial Park Renovation	\$1,480,000	\$1,780,000		\$142,587	0.030	\$30	\$45	\$60	\$75
Police Station Park Renovation	\$3,640,000	\$4,360,000		\$385,369	0.081	\$81	\$122	\$162	\$203
Multi-Purpose Trail System	\$18,100,000	\$21,720,000		\$1,743,795	0.367	\$367	\$551	\$735	\$918
Almost Heaven Park Improvements	\$360,000	\$430,000		\$38,055	0.008	\$8	\$12	\$16	\$20
Sand Pit Park Improvements	\$1,650,000	\$1,980,000		\$158,965	0.033	\$33	\$50	\$67	\$84
Neighborhood Park Prototype 1.5 to 2 acres	\$450,000	\$550,000		\$43,354	0.009	\$9	\$14	\$18	\$23
Neighborhood Park Prototype 4 to 6 acres	\$1,510,000	\$1,820,000		\$160,410	0.034	\$34	\$51	\$68	\$84

*annual cost per property valuation based on 2015 City tax rates and total property valuation

*assumes 5% debt service and 15-year bond

**The table above represents probable costs per property valuation for projects identified in this plan. The Multi-Purpose Trail System figure represents the costs if all proposed alignments were implemented at once. See the table of proposed trail alignments for individual trail costs. The Neighborhood Park Prototypes are included for reference as to the general costs, however it is the City's intent to work with developers utilizing the Park Dedication Ordinance to secure future neighborhood park space in Manvel.*

Priority Projects

The following Priority Projects have been identified in this plan:

- Develop city-wide trail system
- Concept for a City Center with municipal buildings, recreation center and large gathering spaces.
- Renovations to Croix Memorial Park
- Renovation and Expansion of the Police Station Park
- Further development of Almost Heaven Park and the sand quarry.

Additional Considerations

In addition to Priority Projects, additional consideration was made for future community and neighborhood parks and guidelines to consider for development of shoot sports facilities.

Prototypical layouts of neighborhood and community parks, with common amenities and probable costs, were developed for use in future budget development.

Cost Per Property Valuation Explanation

The cost per property valuation (household) for each project was determined by the total 2015 property valuation within Manvel City Limits. Under this scenario, the total cost for a given project is averaged between high and low estimates and then calculated at a 5% debt service rate for a 15-year bond.

The cost per valuation is based on 2015 property value, and therefore it does not consider growth of the City over the next 15 years. This means that residents will bear a higher cost per household for projects that are implemented soon, whereas the same cost will be distributed across more households in the future.

Parks and Facilities Inventory

Police Station Park Inspection and Observations

The park at the police station on Masters Road is a small neighborhood park with a playground and open space. The park provides a safe place to play or enjoy some passive use of the open lawn. Specimen-quality Live Oak trees provide exquisite shade near the playground and park entrance.

The park provides the following features:

- Play module
- Passive lawn area
- Parking (shared with Police Dept.)

The park is in overall good condition and serves well as a community park. The City owns approximately 7 acres adjacent to the north boundary of the property that significantly increases the opportunities for additional features.

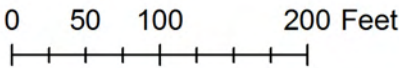
Observations:

- Parking is limited, any expansion will require an increase.
- Existing Live Oak trees are irreplaceable. Care should be taken to preserve them during any redevelopment projects.
- No current access to drinking fountains or restrooms.





Police Station Park





Live Oaks at Police Station Park

01

Inventory & Analysis

02

Demand Assessment

03

Walkability

04

Programs & Events

05

Natural Resources

06

Priority Projects

07

Implementation

Police Station Park Renovation



Police Park Renovation & Expansion
Investment Per Household:
\$81 to \$203 per year
(depending on property valuation)
Project Cost: \$3,640,000 to \$4,360,000
(all phases)

Concept drawing for renovation and expansion of the Police Station Park. The concept includes the additional 7 acres of land to the north of the existing park, which significantly increases the recreation opportunities on site.

Phasing of construction is the most likely scenario for renovation of the park. The pool and restroom/concession building are likely to be constructed in a second phase. Expanded parking will be primarily to address increased parking needs for the proposed pool, and is therefore shown as a phased expansion with half of the parking lot being developed in each phase.

Priority Projects 06

City of Manvel - Park at Police Station Budget
Phase 1 Development

Qty.	Unit	Description	Unit Cost	Subtotal
1	Allow	Group Picnic Pavilion	\$120,000.00	\$120,000
5	Allow	Picnic Pavilion	\$12,000.00	\$60,000
25,000	sf	Existing Parking Expansion & New Parking Lot	\$7.00	\$175,000
2,000	lf	Decomposed Granite Trails	\$20.00	\$40,000
990	lf	Concrete Walks	\$31.50	\$31,185
1	Allow	Playgrounds	\$150,000	\$150,000
1	Allow	Dog Park	\$14,000	\$14,000
1	Allow	Landscape Improvements	\$25,000	\$25,000
1	Allow	Site Furniture	\$25,000	\$25,000
1	Allow	Site Lighting	\$10,000	\$10,000
1	Allow	Utilities Extension	\$10,000	\$10,000

Subtotal	\$660,185
5% Contingency	\$33,009
Subtotal	\$693,194
15% GC markup	\$103,979
Total Construction Cost	\$797,173
8% Professional Design and Management Fee	\$63,774
PROBABLE COST RANGE	\$860,947 \$1,033,137
Round	\$860,000 \$1,030,000

Low Estimate

High Estimate

Optional Larger Pavilion
(same as proposed at Croix Park)
60' x 60', 3,600 Square Feet
Estimated Cost: \$288,000

City of Manvel - Park at Police Station Budget
Phase 2 Development

Qty.	Unit	Description	Unit Cost	Subtotal
24,380	sf	Existing Parking Expansion & New Parking Lot	\$7.00	\$170,660
1	Allow	Restroom/Concession	\$360,000	\$360,000
1	Allow	Municipal Pool/Splash - high capacity filtration & chlorination & pump, gunite with plaster finish, stainless gutters	\$1,600,000	\$1,600,000

Subtotal	\$2,130,660
5% Contingency	\$106,533
Subtotal	\$2,237,193
15% GC markup	\$335,579
Total Construction Cost	\$2,572,772
8% Professional Design and Management Fee	\$205,822
PROBABLE COST RANGE	\$2,778,594 \$3,334,312
	\$2,780,000 \$3,330,000

Low Estimate

High Estimate

Estimated Annual Maintenance and
Operation Costs:
Mowing - \$4,000/yr
Landscape and Irrigation - \$1,500/yr
Restrooms, Trash - \$1,500/yr
Pool Operation - \$12,000/yr
Total Annual Maintenance Costs - \$19,000

Police Station Park - Phase 1 Option 1

October 26, 2021

1	Group Picnic Pavilion	\$	120,000
2	Picnic Pavilions	\$	60,000
3	Parking Lot (1/2)	\$	175,000
4	Trails	\$	40,000
5	Sidewalks	\$	31,185
6	Landscaping	\$	25,000
7	Site Furniture	\$	25,000
8	Site Lighting	\$	10,000
9	Restrooms	\$	200,000
	Subtotal	\$	686,185
	Contingency	\$	34,309
	Subtotal	\$	720,494
	GC Markup	\$	108,074
	Professional Services	\$	57,640
	Total (Using 2017 Master Parks Plan)	\$	886,208
Estimate (+15% Adjusted to 2022)		\$	1,019,139

Police Station Park - Phase 1 Option 2

October 26, 2021

1	Group Picnic Pavilion	\$	120,000
2	Picnic Pavilions		
3	Parking Lot (1/4)	\$	87,500
4	Trails		
5	Sidewalks		
6	Landscaping	\$	25,000
7	Site Furniture	\$	25,000
8	Site Lighting	\$	10,000
9	Restrooms		
	Subtotal	\$	267,500
	Contingency	\$	13,375
	Subtotal	\$	280,875
	GC Markup	\$	42,131
	Professional Services	\$	22,470
	Total (Using 2017 Master Parks Plan)	\$	345,476
	Estimate (+15% Adjusted to 2022)	\$	397,298

Police Station Park - Phase 1 Option 3

October 26, 2021

1	Group Picnic Pavilion	
2	Picnic Pavilions	\$ 60,000
3	Parking Lot (1/2)	\$ 175,000
4	Trails	\$ 40,000
5	Sidewalks	\$ 31,185
6	Landscaping	\$ 25,000
7	Site Furniture	\$ 25,000
8	Site Lighting	\$ 10,000
9	Restrooms	\$ 200,000
	Subtotal	\$ 566,185
	Contingency	\$ 28,309
	Subtotal	\$ 594,494
	GC Markup	\$ 89,174
	Professional Services	\$ 47,560
	Total (Using 2017 Master Parks Plan)	\$ 731,228
Estimate (+15% Adjusted to 2022)		\$ 840,912



November 1, 2021

City of Manvel
P.O. Box 187
Manvel, TX 77578

RE: Aspect Energy, LLC. – Request for Expedited Hearing and Waiver of Public Notification Requirements for the Proposed Aspect Energy Scout #1RE Well (API #42-039-33204)

Aspect Energy, LLC. (Aspect) has submitted an application for a permit to drill a well and is writing the City of Manvel to ask for permission to waive the public notification requirements for the proposed Aspect Energy Scout #1RE Well (API #42-039-33204) and to request an expedited hearing on approval of the subject well. This request is being pursued for the following reasons:

- 1) Recent increases in oil and gas prices, coupled with nationwide supply chain issues, have created a shortage of rig availability and well equipment. All pre-spud planning has been finalized for the Aspect Energy Scout #1RE well and contracts have been secured for equipment and personnel. Delays in the approval process for the subject well could create an economic hardship to Aspect as financial penalties could be assessed due to breach of existing contracts. Delays could also jeopardize the potential execution of the project due to the inability to secure equipment and labor for future operations.
- 2) The City of Manvel, Manvel Town Center, and several other local citizens currently own minerals beneath the subject well and development of these minerals would provide a long-term direct revenue source for these entities through collection of royalties and tax payments. Local businesses would also see increased economic activity during the construction, drilling and completion phases of the project, and subsequent drilling in the area could help maintain this activity. Public notifications have already been completed for the subject well on two previous occasions. All comments received during those comment periods were in support of the project and no objections were received. Since the current proposal is identical to previous submittals, additional public notice is not warranted and would only result in project delays.
- 3) The proposed project would not constitute a danger to the health, safety and welfare to the city and its residents. Aspect was founded in 1992 and the company has a 29-year track record of outstanding health and safety performance. Aspect currently maintains an Environmental, Health and Safety Manual which governs our field operations and all contractors working on site are required to comply with these standards. In addition to company policies, Aspect's proposal is also compliant with all Texas Railroad Commission health, safety and environmental requirements. The well design exceeds ground water protection standards and additional site-specific measures have also been put in place to minimize the potential impacts from traffic, noise, and light.

Based upon these factors, we ask the City of Manvel to grant our request for expedited hearing and to waive their public notification requirements. A check for \$5,000, made to the general revenue fund of the city is included to cover the cost of expediting our request. Should the City need any additional information, please let us know and we will promptly respond to your request.

Sincerely,



Codey James

Aspect Energy, LLC
Chief Operating Officer



November 1, 2021

Dear Mayor Davison,

Aspect Energy, LLC ("Aspect") is requesting a permit from the city to Drill, Deepen or Operate a Well. Aspect had previously obtained a permit from the city (copy enclosed) but we were unable to drill the well at that time, and are requesting a new permit based on the same information below as required by Manvel Code of Ordinances Sec 35-103.

1. The application date is:

November 1, 2021

2. The name and address of the applicant is:

Aspect Energy, LLC
1601 Wewatta St. #600
Denver, CO 80202

3. The particular lot and block number or tract in the city on which the proposed gas well is to be located and the exact location of such proposed well is:

Section 66 of HT&B R R Co/Talmage, JS Survey, Abstract 560, Brazoria County, Texas with State Plane Coordinates – Texas South Central Zone NAD 24 of X: 3143814.3 and Y: 616707.2, Located in the City of Manvel

4. The proposed depth of the well is:

11,100 feet measured depth

5. The proposed complete casing program of the well is:

13 3/8" 68# J-55 casing set at 3,300' TVD/MD in a 17 1/2" hole.

9 5/8" 53.5# HCP-110 casing set at 8,600'TVD/8,800'MD in a 12 1/4" hole.

5 1/2" 20# P-110 casing set at 9,000'TVD/9,600'MD in a 8 1/2" hole.

With regard to cementing the casing, permittee will circulate cement to surface around the 13 3/8' casing. Permittee will bring cement up 3000' around the 9 5/8" casing and will cement the 5 1/2" casing with enough cement to bring the top of cement back up several hundred feet inside the 9 5/8" casing.

6. The exact and correct number of acres allocated by the state railroad commissioner to the proposed well is:

50.4776 Acres

Enclosed with this application are:

A plat prepared by a duly registered surveyor showing the exact location of the proposed well with respect to the boundaries of the lot, block, or tract for which applicant has secured the rights from the owner to drill or deepen; a designation of the area owned or controlled by the applicant, and allocated to the proposed well, and the distances from the well location to all residences, commercial buildings and structures situated within the leased boundaries.

A map showing the proposed drill site in relation to the nearest public roadways and the proposed route of ingress and egress by the applicant to such site.

A copy of Texas Railroad Commission Form W-1. (Application to Drill, Deepen, Plug Back or Re-enter)

A copy of TNRCC-0051, "Depth of Usable Groundwater to be Protected."

A written request and check in the amount of \$5000, to expedite our application and permit request.

Sincerely,



Codey James

Aspect Energy, LLC
Chief Operating Officer



RAILROAD COMMISSION OF TEXAS OIL & GAS DIVISION APPLICATION FOR PERMIT TO DRILL, RECOMPLETE, OR RE-ENTER <i>This facsimile W-1 was generated electronically from data submitted to the RRC.</i> <i>A certification of the automated data is available in the RRC's Austin office.</i>		FORM W-1	
API No. <u>42-039-33204</u> Drilling Permit # <u>873178</u> SWR Exception Case/Docket No. <u>0288705</u> (R37)		Permit Status: Pending Approval	
1. RRC Operator No. <u>035453</u>		3. Operator Address (include street, city, state, zip) <u>1601 WEWATTA ST SUITE 600</u> <u>DENVER, CO 80202-0000</u>	
4. Lease Name <u>SCOUT</u>		5. Well No. <u>1RE</u>	
GENERAL INFORMATION			
6. Purpose of filing (mark ALL appropriate boxes): ☐ New Drill ☐ Reclass ☐ Field Transfer ☒ Re-Enter ☐ Amended ☐ Amended as Drilled (BHL)(Also File Form W-1D)			
7. Wellbore Profile (mark ALL appropriate boxes): ☐ Vertical ☐ Horizontal (Also File Form W-1H) ☒ Directional (Also File Form W-1D) ☐ Sidetrack			
8. Total Depth <u>11000</u> 9. Do you have the right to develop the minerals under any right-of-way? ☒ Yes ☐ No 10. Is this well subject to Statewide Rule 36 (hydrogen sulfide area)? ☐ Yes ☒ No			
SURFACE LOCATION AND ACREAGE INFORMATION			
11. RRC District No. <u>03</u>		12. County <u>BRAZORIA</u>	
13. Surface Location <u>Angleton</u>		14. This well is to be located <u>21.63</u> miles in a <u>NW</u> direction from <u>Angleton</u> which is the nearest town in the county of the well site.	
15. Section <u>66</u> 16. Block <u>590.0</u> 17. Survey <u>HT&B RR CO/TALMAGE, J S</u> 18. Abstract No. <u>560</u> 19. Distance to nearest lease line: <u>50.91</u> ft.		20. Number of contiguous acres in lease, pooled unit, or unitized tract:	
21. Lease Perpendiculars: <u>590.0</u> ft. from the <u>NORTH</u> line and <u>100.0</u> ft. from the <u>WEST</u> line. 22. Survey Perpendiculars: <u>590.0</u> ft. from the <u>NORTH</u> line and <u>1848.0</u> ft. from the <u>EAST</u> line.		23. Is this a pooled unit? ☒ Yes ☐ No 24. Unitization Docket No.: 25. Are you applying for Substandard Acreage Field? ☐ Yes (attach Form W-1A) ☒ No	
FIELD INFORMATION List all fields of anticipated completion including Wildcat. List one zone per line.			
26. RRC District No.	27. Field No.	28. Field Name (exactly as shown in RRC records)	29. Well Type
03	00006001	WILDCAT	Oil or Gas Well
03	44652600	IOWA COLONY (9050 VICKSBURG)	Gas Well
03	44652700	IOWA COLONY (9700 VICKSBURG)	Gas Well
		30. Completion Depth	31. Distance to Nearest Well in this Reservoir
		11000	0.0
		8752	0.0
		11000	0.0
			32. Number of Wells on this lease in this Reservoir
			1
			1
			1
BOTTOMHOLE LOCATION INFORMATION is required for DIRECTIONAL, HORIZONTAL, AND AMENDED AS DRILLED PERMIT APPLICATIONS			
Remarks [09/28/2021 04:00:20 PM]: Created from expired Permit #840523; [RRC STAFF 10/27/2021 08:37:52 AM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.;		Certificate: I certify that information stated in this application is true and complete, to the best of my knowledge RRC User <u>09/28/2021</u> Name of filer _____ Date Submitted Phone _____ Email Address(OPTIONAL)	
RRC Use Only Date Validation Time Stamp: <u>Thu, 28 Oct 2021 08:27:04</u>			

GROUNDWATER PROTECTION DETERMINATION

Form GW-2



Groundwater Advisory Unit

Date Issued: 09 October 2015**GAU Number:** 16514**Attention:** PIC OPERATING, LLC
SUITE 201
LAFAYETTE, LA 70503**API Number:** 03933204
County: BRAZORIA
Lease Name: SCOUT**Operator No.:** 664202**Lease Number:**
Well Number: 1
Total Vertical Depth: 10000
Latitude: 29.481132
Longitude: -95.404264
Datum: NAD27**Purpose:** New Drill**Location:** Survey-HT&B RR CO / TALMAGE, J S; Abstract-560; Block-66; Section-66

To protect usable-quality groundwater at this location, the Groundwater Advisory Unit of the Railroad Commission of Texas recommends:

Usable-quality water occurs from the land surface to a depth of 1400 feet. Moreover, the interval from the land surface to a depth of 1150 feet contains water of superior quality which must be isolated from water in underlying beds.

This recommendation is applicable to all wells within a radius of 200 feet of this location.

Note: Unless stated otherwise, this recommendation is intended to apply only to the subject well and not for area-wide use. This recommendation is for normal drilling, production, and plugging operations only. It does not apply to saltwater disposal operation into a nonproductive zone (RRC Form W-14).

This determination is based on information provided when the application was submitted on 10/07/2015. If the location information has changed, you must contact the Groundwater Advisory Unit, and submit a new application if necessary. If you have questions, please contact us at 512-463-2741 or gau@rrc.texas.gov.

Groundwater Advisory Unit, Oil and Gas Division

Form GW-2
Rev. 02/2014

P.O. Box 12967 Austin, Texas 78771-2967

512-463-2741

Internet address: www.rrc.texas.gov



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 15, 2021

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 1.61 acres of land located at 3806 FM 1128 (Masters Rd.), and the City of Pearland to the East, the property 3718 Masters Road and Bailey Rd. to the north, and Hollingsworth Drive to the East, from Light Commercial (LC) to Heavy Commercial (HC).

BACKGROUND: The site was once a machine shop which lost its non-conforming status. It was constructed prior to the City Annexation. On July 7, 2014, after a recommendation and review of annexation by the Planning, Development and Zoning Commission, adopted Ordinance No. 2014-O-12 that amended the Zoning Ordinance of the City of Manvel for the land area and property at 3806 FM 1128 (Masters Rd), as part of a 24.4-acre parcels located generally along FM 1128, and bordered by the City of Pearland to the East. The land was zoned commercial because it was being used commercially and mostly consistent with neighborhood commercial zoning. A demolition permit for an old metal structure on the site was granted on January 15, 2020. A sign permit application (Permit No. 21-2466) was disapproved for the property on October 6, 2021. A change of occupancy application (CTA-210921-2398) was approved on September 21, 2021, for office use only by NAIC Use #488190

The Planning, Development and Zoning Commission held a public hearing on November 8, 2021. There were two speakers during the public hearing, Mr. Chad Thumann, property owner, and Mr. Cary Perrin, President of the Alvin-Manvel Area Chamber of Commerce. The speakers were in favor of the petition and spoke about business attraction to the City of Manvel to strengthen its economic base and foster local economic growth in Manvel. They highlighted on types of aircraft repairs and stressed on the point of having worked with the Department of Development Services throughout the application submission. The Commission mostly listened and discussed history of the location.

As a finding of fact and land use principles, the request does not promote the Land Use Policies of the City of Manvel 2015 Comprehensive Plan. The subject properties proposed uses and activities are not compatible with adjacent residential uses. Safety, parking, and circulation factors that substantially affect the public during when Odyssey Cheer Company is at maximum capacity. If the Heavy Commercial (HC) Zoning approved; the dance studio will create a need for Special Use Permit (SUP). A dance studio (fitness and sports center) use is a non-conforming use in the HC zoning district. City staff does not recommend rezoning the property to SFR since it is not compatible with the 2015 Comprehensive Plan or the surrounding non-residentially zoned or used properties.

PD&Z RECOMMENDATION: The Planning, Development and Zoning Commission did not recommend approval of Ordinance No. 2021-O-36 to rezone 1.61 acres of land from Light Commercial (LC) District to Heavy Commercial District (HC) to City Council. The vote was zero yeas to five nays. Vice-Chair Rogers abstained from the discussion and voting and Chair Wynne was absent.

CITY STAFF RECOMMENDATION: City staff does not recommend reclassifying subject property from Light Commercial District (LC) to Heavy Commercial District (HC) by Ordinance No. 2021-O-36

ATTACHMENTS: Staff Report and Ordinance No. 2021-O-36

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Kwasi Bosompem

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





City Council Rezoning Request

Agenda of:	November 15, 2021	Initiated By:	Kwasi Bosompem City Planner
Department:	Development Services	Presented By:	Kwasi Bosompem City Planner

Subject/Proceeding

A rezoning from Light Commercial District (LC) to Heavy Commercial for 1.61 acres located at 3806 FM 1128 (Masters Rd.)

Exhibits

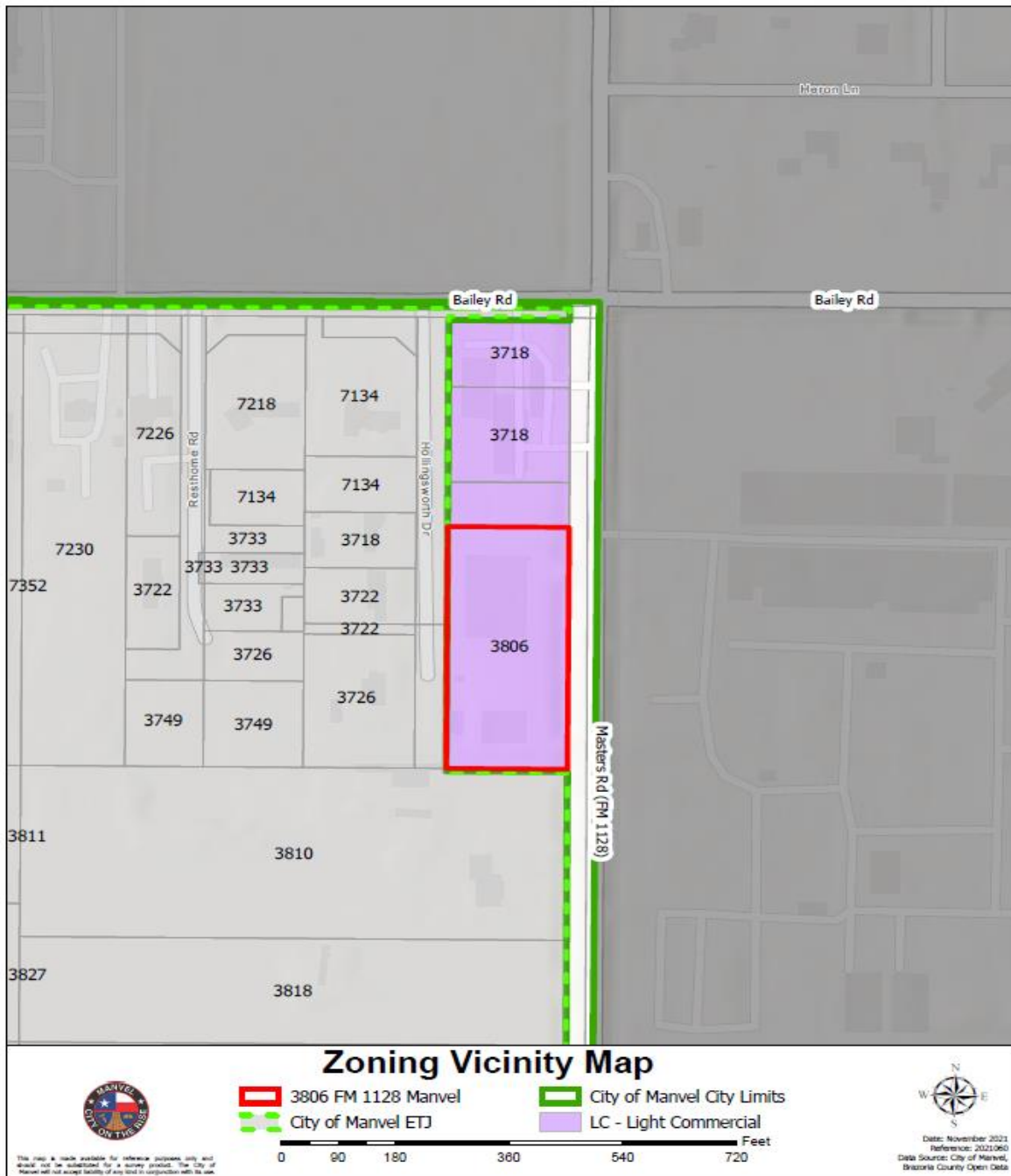
Zoning Vicinity Map, Staff Report, Site Photographs, Aerial Vicinity Map, Survey, Application, and Public Hearing Notice

Recommended Action

A Public Hearing following by Consideration and Action from City Council

Executive Summary

The proposed rezoning is for 1.61 acres located at 3806 FM 1128 (Masters Rd.). The property is zoned Light Commercial District (LC). The applicant is requesting approval for the operation of a repair, maintenance of aircraft parts with and office (Aero Repairs) at 3806 Masters Rd. The Aero repair has no more than three employees. The application also includes the Odyssey Cheer Company, on the same property with a postal address of 3802 Masters Rd. Odyssey Cheer Company is a dance studio for children of varied ages and adults and operates about 44 intensive classes during weekdays and weekends. The applicant will like to rezone the property (3806 FM 1128 (Masters Rd.). to Heavy Commercial District (HC) in order to permit the aircraft parts repairs services by NAIC Use No. 488190 (Other Support Activities for Air Transportation).



Staff Report

Overview

The site was once a machine shop which lost its non-conforming status. It was constructed prior to the City Annexation. On July 7, 2014, after a recommendation and review of annexation by the Planning, Development and Zoning Commission, adopted Ordinance No. 2014-O-12 that amended the Zoning Ordinance of the City of Manvel for the land area and property at 3806 FM 1128 (Masters Rd), as part of a 24.4-acre parcels located generally along FM 1128, and bordered by the City of Pearland to the East. The land was zoned commercial because it was being used commercially and mostly consistent with neighborhood commercial zoning.

- A demolition permit for an old metal structure on the site was granted on January 15, 2020.
- A sign permit application (Permit No. 21-2466) was disapproved for the property on October 6, 2021.
- A change of occupancy application (CTA-210921-2398) was approved on September 21, 2021, for office use only by NAIC Use #488190.

Existing and Proposed Use

The property is currently developed as a commercial building with two large, prefabricated metal structures comprised of Aero Structural Services, with offices and for airplane parts repairs for maintenance services on 3806 Master Rd., and another metal building occupied with an Odyssey Cheer Company with a postal address as 3802 Masters Rd.

Existing Use: Office use for a repair and specialized welding and aircraft parts repair and a gymnasium dancing studio.

Proposed Use: Repair and specialized welding and aircraft parts repair and a gymnasium dancing studio.

Current Zoning: - LC-Light Commercial

Proposed Zoning: HC-Heavy Commercial

Adjacent Parcel Information

Surrounding Property	North: Light Commercial (LC)
Zoning	South: ETJ
	East: City of Pearland
	West: ETJ

Surrounding Land Use	North: Gas Station/John's Countryette Grocery store
	South: Single Family Residential
	East: City of Pearland (N/A)
	West: ETJ (N/A)

Neighborhood Description

The neighborhood of the subject property for this application request is along FM 1128 Road (Masters Road). The property backs up to Hollingsworth Drive. The area includes major transportation corridors of Bailey Road and Masters Road with existing commercial development. Nearby businesses include John's Countryette Grocery store and gas station. Other businesses to the west include a restaurant, Tina's Mexican Cocina. Opposite the subject property is the Joseph's Nursery in the City of Pearland.

Project Description

The applicant is requesting approval for the operation of a repair, maintenance of aircraft parts with and office at 3806 Masters Rd. The Aero repair has no more than three employees. The application also includes the Odyssey Cheer Company, on the same property with a postal address of 3802 Masters Rd. is for children of varied ages and adults. This operates about 44 intensive classes during weekdays and weekends. The lessons would include Acro tumbling, preschool cheer groups, and jump conditioning classes. The business operates Monday through Friday, from 5:00 p.m. to 7:00 p.m. and weekends from 9:30 am to 1:30 p.m. It employs about 15 instructors depending on the dance lessons being offered, with no more than two instructors teaching at any one time. The classes include different age groups as well as different skill levels. Most children's classes take place on weekday afternoons and on weekends. There are no exterior improvements proposed to be made in conjunction with the establishment of this existing business.

Conformance with NAIC Code and Applicable Regulations and Standards Established by the Zoning Regulations

The proposed use conforms the North American Industry Classification System (NAICS) in classifying business establishments, namely NAIC Use #488190 which comprises of establishments primarily engaged in providing specialized services for air transportation, such as Aircraft maintenance and repair services (except factory conversions, overhauls, rebuilding)

Uses permitted in a LC, Light Commercial District, are set forth in Section 77-26 (f), *Permitted Use Table*. Refer to the City of Manvel Code of Ordinance.

https://library.municode.com/tx/manvel/codes/code_of_ordinances

Uses Permitted under this zoning for the site.

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
48 Transportation and Warehousing			O	P	O		O

Type of Use:

O- Office Function Only

P- Permitted Use

Sec. 77-26. Permitted uses.

Permitted Uses-Light Commercial and Heavy Commercial as per Zoning Ordinance using NAIC codes

USE	LC	HC
Adult entertainment business ¹		S
Game room ¹		S
111 Crop production		
112 Animal production		
115 Support activities for agriculture and forestry	O	P
21 Mining, quarrying and oil and gas extraction	S	S
22 Utilities	O	S
236 Construction of buildings	O	P
237 Heavy and civil engineering construction	O	P
237130 Power and communication line and related structures construction	S	S
238 Specialty trade contractors	O	P
311 Food manufacturing	O	P
311811 Retail bakeries	P	P
3121 Beverage manufacturing	S	P
313 Textile mills	O	P
314 Textile product mills	O	P
315 Apparel manufacturing	S	P
316 Leather and allied product manufacturing	S	P
321 Wood products manufacturing	O	P
321999 All other misc. wood	S	P
322 Paper manufacturing	O	P
323 Printing and related support activities	P	P
324 Petroleum and coal products manufacturing	O	S

325 Chemical manufacturing	O	S
326 Plastics and rubber products manufacturing	O	S
327 Nonmetallic mineral products manufacturing	O	S
331 Primary metal manufacturing	O	S
332 Fabricated metal product manufacturing	O	S
333 Industrial machinery manufacturing	O	S
334 Computer and electronic product manufacturing	O	P
335 Electrical equipment, appliance and component manufacturing	O	P
336 Transportation equipment manufacturing	O	S
337 Furniture and related product manufacturing	O	P
339 Miscellaneous manufacturing	O	P
42 Wholesale	O	P
441 Motor vehicle and parts	S	S
442 Furniture and home furnishing stores	P	P
443 Electronics and appliance stores	P	P
444 Building material, garden equipment and supplies dealers	P	P
445 Food and beverage stores	P	P
445120 Convenience stores ¹	S	S
446 Health and personal care stores	P	P
447 Gasoline stations ¹	S	S
448 Clothing and clothing accessories stores	P	P
451 Sporting goods, hobby, book and music stores	P	P
452 General merchandise stores	P	P
452990 All other general merchandise stores ¹	S	S
453 Misc. store retailers	P	P
45393 Manufactured (mobile) home dealers	S	S
453991 Tobacco stores	S	S
454 Non-store retailers	S	P

48 Transportation and warehousing	O	P
491 Postal Service	P	P
492 Couriers and messengers	S	P
493 Warehouse and Storage	S	P
51 Information	S	P
52 Finance and insurance	P	P
522291 Consumer lending		P
522298 All other nondepository credit intermediation		S
531 Real estate	P	P
53112 Lessors of nonresidential buildings (except mini warehouses)	P	P
53113 Lessors of mini warehouses and self-storage units	S	P
5321 Automotive and equipment rental	S	P
5322 Consumer good rental	P	P
532292 Recreational Goods Rental	S	P
5323 General rental centers	S	P
5324 Commercial and industrial machinery and equipment rental	O	P
54 Professional, scientific, and technical services	P	P
5412 Accounting, tax preparation, bookkeeping and payroll	P	P
54194 Veterinary services	P	P
55 Management of companies and enterprises	P	P
561 Administrative and support services	P	P
562 Waste management and remediation services	O	P
6111 Elementary and secondary schools	S	S
6112 Junior colleges	S	S
6113 Colleges, universities, and professional schools	S	S
6114 Business schools and computer and management training	S	S
6115 Technical and trade schools	S	S
6116 Other schools and instruction	S	S

6117 Educational support services	P	P
621 Ambulatory health care services ¹	S	S
622 Hospitals ¹	S	S
623 Nursing and residential care facilities ¹	S	S
623990 Other residential care facilities	S	S
624 Social assistance	P	P
6244 Child Day care services	P	P
71 Arts, entertainment, and recreation	P	S
713 Amusement, gambling, recreation industries	S	S
713940 Fitness and Sports Centers	P	P
713990 All other amusement and recreational industries	S	S
721 Accommodations	S	S
7212 RV parks and recreational camps	S	S
721191 bed and breakfast	S	S
722 Food services and drinking places	P	P
72233 Mobile food services	S	S
7224 Drinking places (alcoholic beverages)	S	P
8111 Automotive repairs and maintenance	S	P
811122 Automotive glass replacement shop	P	P
8112 Electronic and precision equipment repair and maintenance	P	P
8113 Commercial and industrial machinery and equipment (except automotive and electronic repair)		P
8114 Personal and household goods repair and maintenance	S	P
812 Personal and laundry services	P	P
812113 Nail salons	S	S
81219 Other personal care services	S	S
812210 Funeral homes and funeral services	S	P
812220 Cemeteries and crematories	S	S
813110 Religious organizations	S	S

813410 Civil and social organizations	S	P
814 Private households		
92 Public administration	P	P

Proposed Zoning - Section 77-32. Heavy-commercial (HC) district.

Uses permitted in a LC, Light Commercial District, are set forth in Section 77-26 (f), *Permitted Use Table*, of the City of Manvel Code of Ordinance.

(a) Land uses allowed. Uses permitted in a HC, heavy-commercial district, are set forth in Section 77-26.

(b) Lot size. The minimum lot size is one acre with 120 feet of frontage.

(c) Setbacks. A minimum front yard setback of 25 feet is required. The minimum side and rear yard setback shall be 20 feet. Accessory structures shall not extend past the front line of the principal structure. A minimum side, corner side, and rear yard setback of 10 feet shall be required.

(d) Maximum building height. The maximum height of any building in the heavy commercial district shall not exceed 70 feet measured from the finished grade to the highest point of the roof, not including ancillary structures such as chimneys.

Compatibility of Proposed Use (setbacks on open spaces and site development)

Under the Heavy Commercial (HC) Zoning the subject property meets the required setbacks and lot size frontage.

**Consistency with 2015 City of Manvel Comprehensive Plan
2015 Comprehensive Plan-Vision Statement, page 4**

The 2015 Comprehensive Plan Vision Statement states that “Benefiting from our strategic location by encouraging well-planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life”.

2015 Comprehensive Plan-Goal Statement # 2, page 31 “Use land use and zoning regulations to encourage and attract site-appropriate businesses, as well as create attractive, versatile and practical business district environments.”

The proposed use is not consistent with the visions and goals of the 2015 Comprehensive Plan.

Staff Analysis

The applicant is proposing to rezone the subject property, which is currently developed with a large, prefabricated metal building from Light Commercial (LC) zoning district to Heavy Commercial (HC) zoning district to allow for an aircraft structural repair and specialized welding and aircraft parts repairs and gymnastic and dance studio. Analysis of the proposal is done in terms of its impact on traffic, parking, circulation, noise, abutting uses occupancy type, compatibility, and safety.

Parking and Circulation

The Odyssey Cheer Company (with gym and dance studio) at full capacity may adversely impact parking availability for the subject property and also create congestion when it is at full capacity. According to Institute of Traffic Engineers (ITE) trip generation data, common trip generation rates (PM peak hour) for a health/fitness club generates 3.53 trips per unit where a unit is 1,000 square feet. The dance studio is approximately 14,500 square feet, therefore, producing 51 trips at peak PM hour.

Noise

Exterior noises may come from any number of things. This may include patrons, members, and vehicular noises associated with the dance studio and proposed aero repair and parts use. Welding of metals in the aircraft repair facility can also generate noise to the adjacent residences creating a potential noise nuisance.

Compatibility of Site Design

The proposed aero repair and parts use is incompatible with the surrounding residential use to the south.

Impact on the Public Health and Safety

The subject properties do not entail the use of any hazardous materials, and therefore, does not expose any persons in the center to risk of accidental releases, spills or explosions from such hazardous materials. However, the noise and safety of pedestrians is at risk, it does therefore generate negative impacts on the surrounding businesses and properties and it is incompatible with the adjacent residential office, and service uses and with the surrounding residential neighborhood.

Adequacy and Convenience of Loading Facilities

There is no perceived problem regrading loading and unloading on the premises.

Findings of Fact with Staff Conclusion

- This request does not promote the Land Use Policies of the City of Manvel Comprehensive Plan.
- Heavy Commercial Zoning (HC) is permitted for the type of use aircraft part repair services.
- The subject properties proposed uses and activities are not compatible with adjacent residential uses.
- Safety, parking, and circulation factors that substantially affect the public during when Odyssey Cheer Company is at maximum capacity.
- If the Heavy Commercial (HC) Zoning is approved, the dance studio will create a need for Special Use Permit (SUP). A dance studio (fitness and sports center) use is a non-conforming use in the HC zoning district.

Staff Recommendation

Staff did not recommend approval of the proposed rezoning from Light Commercial (LC) zoning district to Heavy Commercial (HC) zoning district to the Planning, Development and Zoning Commission.

Planning, Development and Zoning Commission Recommendation

At the November 8, 2021, Planning, Development and Zoning Commission meeting, the Commission did not recommend Ordinance No. 2021-O-36 to rezone 1.61 acres of land from Light Commercial District (LC) to Heavy Commercial District (HC) to the City Council. The vote was zero yeas to five nays. Vice-Chair Rogers abstained from voting and Chair Wynne was absent.

Planning, Development and Zoning Commission Public Hearing and Discussion

The Planning, Development and Zoning Commission held a consideration and action after a public hearing held on November 8, 2021. There were two public speakers, the property owner, Mr. Chad Thumann, and Mr. Cary Perrin, President of the Alvin-Manvel Area Chamber of Commerce. They both spoke in favor of the application and stressed on the need for attracting businesses to the City of Manvel. Mr. Perrin stressed on the need to promote economic opportunity in the City of Manvel and that it was essential to retain, attract, and maintain businesses that contribute positively to the local economy and that the City needs to attract and induce investment in local businesses.

During the discussion, the Commission discussed the existing and surrounding uses, and inquired if any welding takes place in the building. The Commission expressed concern for other uses permitted in the Heavy Commercial (HC) zoning district. Other discussion included the historical uses of the property and context when the previous machine shop was in use.

A commissioner questioned the applicant about environmental issues, industrial gases and waste disposal associated with the activity, especially, welding technology, exhausts, gases, pollution, chemicals used in coating and others in proximity to the gas station. The applicant responded that there are no environmental issues that can create adverse impact on the surrounding areas and that the building must be approved per FAA regulations. Staff responded that the City would not intervene until a change of occupancy was approved. At that time the Building Official and Fire Marshal would review the building for compliance.

Report Exhibits

ITEM	TYPE
Exhibit 1	Application Documents
Exhibit 2	Notification
Exhibit 3	Public Comment
Exhibit 4	Location Map
Exhibit 5	Zoning Map
Exhibit 6	Subject Property Views
Exhibit 7	Surrounding Uses
Exhibit 8	Site Entrance and Surroundings
Exhibit 9	Parking at Odyssey Cheer Company

Exhibit 1 – Application Documents



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

REZONING APPLICATION

PROJECT INFORMATION

Project Name: AERO STRUCTURAL SERVICES
Project Location/Address: 3806 FM 1128 PEARLAND TX 77584
Legal Description: A0290 HT+RRR TRACT 50A5B
Current Zoning: LC Proposed Zoning: HC
Parcel/Tax ID# (s): 167674 Total Acreage: 1.61 Proposed Land Use: _____

APPLICANT INFORMATION

Applicant Name: CHAD THUMANN
Company Name: SIDELINE INVESTMENTS, LLC
Address: 3823 FM 1128 City: PEARLAND State: TX Zip: 77584
Phone #: 281-914-5202 Email: chad@rwestdevelopment.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Chad Thumann 9-27-2021
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: SIDELINE INVESTMENTS, LLC
Address: 3823 FM 1128 City: PEARLAND State: TX Zip: 77584
Phone #: 281-914-5202 Email: chad@rwestdevelopment.com

PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

Chad Thumann 9-27-2021
Owner's Signature (REQUIRED) Date

Exhibit 1 – Application Documents

Sideline Investments, LLC

3823 FM1128

Pearland, TX 77584

281-914-5202

Rectangular Snip

Letter of Intent

9-27-2021

City of Manvel P&Z

PO Box 187

Manvel, TX 77578

Re: Zoning Request

This Letter of Intent is to serve as an indication of our interest in establishing a Heavy Commercial Zoning on the below referenced property. The general terms are as follows:

Property: A Tract of land consisting of 1.61 acres located at 3806 FM 1128 Pearland TX, 77584.

Purpose: Allow the intended use of the building prior to city annexation.

Scope: The property is currently zoned LC. Our project (Aero Structural Services) requires HC zoning. This is the intended use of the building when it was constructed prior to city annexation. Although the HC is required, Aero Structural Services performs very little activity listed in the HC zoning and would preserve the tranquility of the area. This would also provide the optimal use of the already established building.

Please process our application and put us on the next P&Z zoning agenda. Feel free to contact me with any concerns or questions.

Best Regards,

Chad Thumann

Exhibit 1 – Application Documents

FIELD NOTES OF A SURVEY OF

1.612 ACRES OF LAND, MORE OR LESS, OUT OF LOT 50, H.T.&B. RAILROAD COMPANY SURVEY, SECTION 23, ABSTRACT NO. 290, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET MARKING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT IN THE WEST RIGHT-OF-WAY LINE OF F.M. HIGHWAY 1128, FROM WHICH THE SOUTHEAST CORNER OF SAID LOT 50 BEARS N 89°45'45" E (CALLED EAST), A DISTANCE OF 40.60 FEET,

THENCE SOUTH 89° 45' 45" WEST (CALLED WEST), ALONG THE SOUTH LINE OF SAID LOT 50, A DISTANCE OF 174.24 FEET TO A POINT FOR CORNER;

THENCE NORTH, ALONG THE EAST LINE OF HOLLINSWORTH DRIVE, A DISTANCE OF 403.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 89° 45' 45" EAST (CALLED EAST), A DISTANCE OF 174.24 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER AND IN THE WEST RIGHT-OF-WAY LINE OF SAID F.M. HIGHWAY 1128;

THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF SAID F.M. HIGHWAY 1128, A DISTANCE OF 403.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.612 ACRES OF LAND, MORE OR LESS.

PAGE 2 OF 2



Exhibit 1 – Application Documents



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to rezoning applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

REZONING SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Rezoning Application (with all signatures)	✓
One (1) Legal Description of Property (metes & bounds description if not platted)	✓
One (1) Copy of Recorded Plat (if platted)	✓
One (1) Applicant Letter of Request	✓
Traffic Impact Analysis, if applicable	✓
Paid Application Fee	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

Applicant Signature

9-28-2021

Date

Exhibit 2 - Notification

Public Hearing Notice to run on Sunday 10/24/2021

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 7:00 P.M. ON MONDAY, NOVEMBER 8, 2021, BEFORE THE MANVEL PLANNING, DEVELOPMENT AND ZONING COMMISSION AND AT 7:00 P.M. ON MONDAY, NOVEMBER 15, 2021, BEFORE THE MANVEL PDZC TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF 1.612 ACRES OF LAND LOCATED AT 3806 FM 1128, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO HEAVY COMMERCIAL DISTRICT (HC) 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. /S/ TAMMY BELL, CITY SECRETARY.

Exhibit 3 – Public Comment

Dear P&Z Commission Of Manvel Texas;

I am the owner of the Tract located (3806 FM 1128 Manvel Tx) Next to subject tract owned by Sideline Investment, LLC. I am writing this letter to express my support of Zone Change From Light Commercial District (LC) to Heavy Commercial District (HC) for the subject property. Feel free to contact me if needed.

832 640 0800

Ali Noormohammed

A handwritten signature in black ink, appearing to read "Ali Noormohammed". The signature is written in a cursive style with a large initial "A" and "N".

Exhibit 4 – Location Map

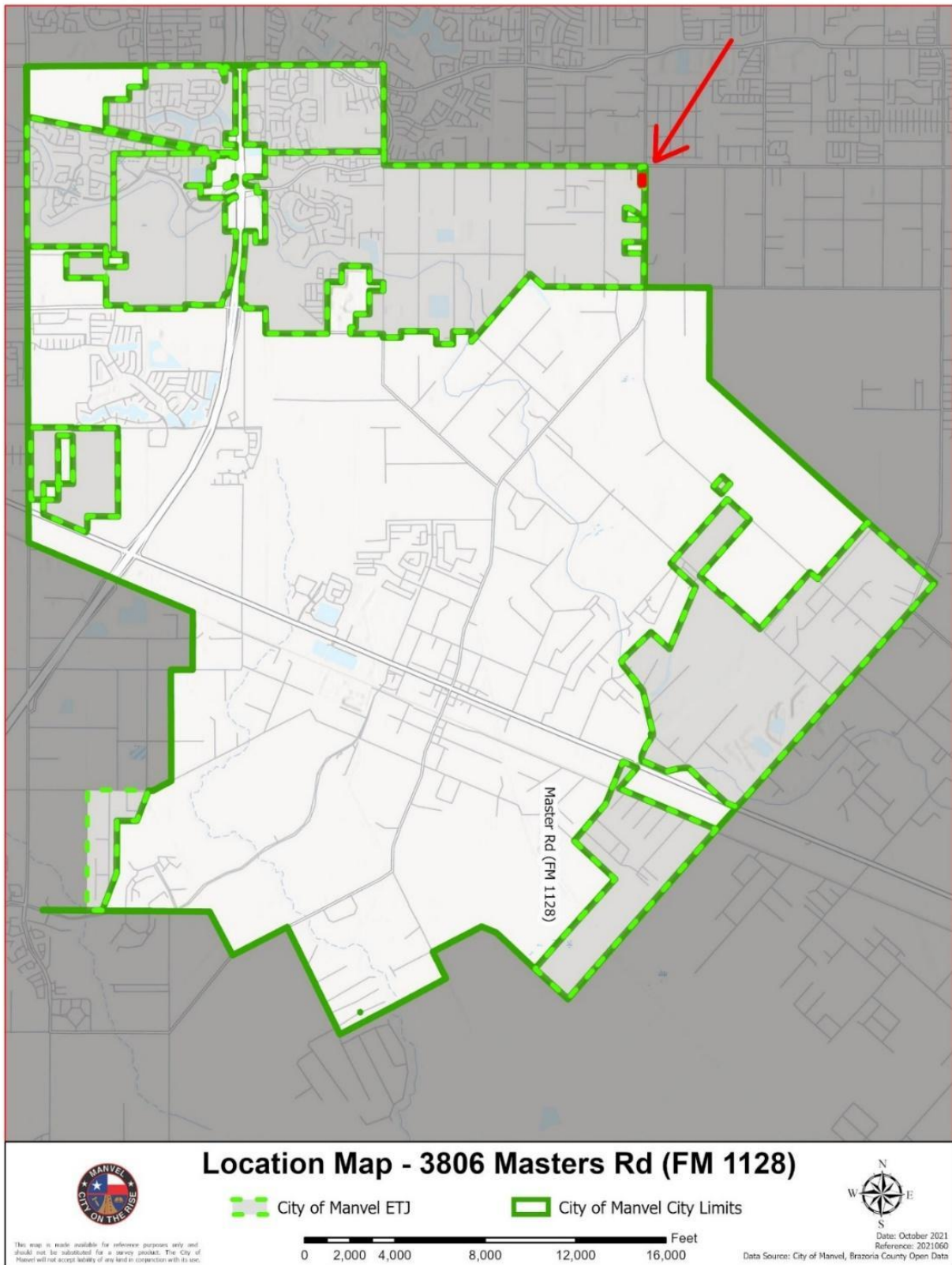


Exhibit 5 – Zoning Map

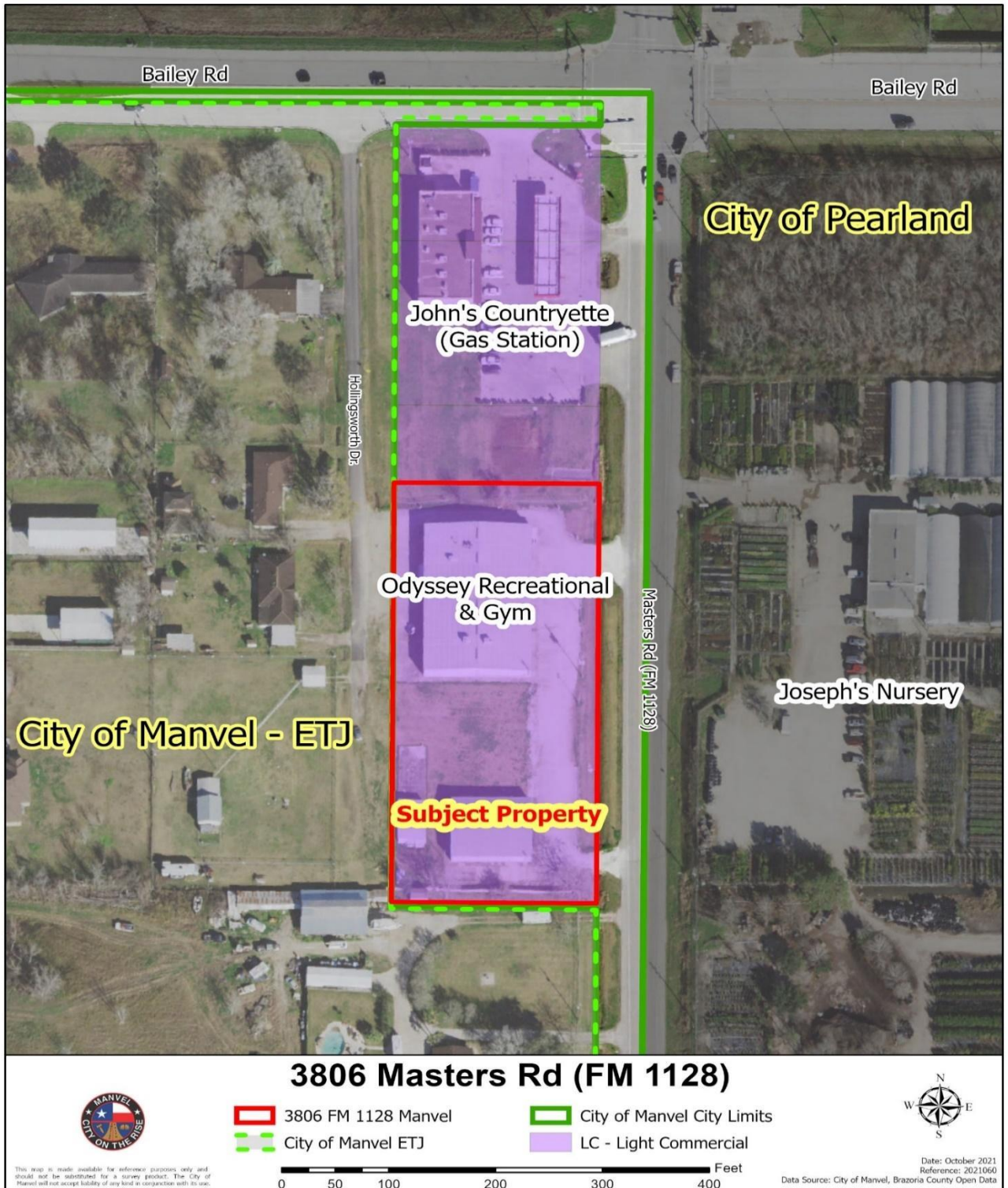


Exhibit 6 – Subject Property Views



Exhibit 7 – Subject Property Views



Exhibit 8 – Site Entrance and Surroundings



Exhibit 9 - Parking at Odyssey Cheer Company



Exhibit 9 - Parking at Odyssey Cheer Company



ORDINANCE NO. 2021-O-36

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND 1.612 ACRES LOCATED AT 3806 FM 1128, MORE OR LESS OUT OF LOT 50, H.T. & B. RAILROAD COMPANY SURVEY, SECTION 23, ABSTRACT NO. 290, BRAZORIA COUNTY, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO HEAVY COMMERCIAL DISTRICT (HC); 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.

* * * * *

WHEREAS, Sideline Investments, LLC is the owner (the "Owner") of a certain tract of land 1.612 acres located at 3806 FM 1128, more or less, out of Lot 50, H.T. & B. Railroad Company Survey, Section 23, Abstract No. 290, Brazoria County, Texas, as shown on said a map and description of which is attached hereto as Exhibit "A"; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission did not recommend approval of such request, the City Council deems it appropriate to approve said rezoning; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain tract of land 1.612 acres located at 3806 FM 1128, more or less, out of Lot 50, H.T. & B. Railroad Company Survey, Section 23, Abstract No. 290, Brazoria County, Texas, as shown on a map and description of which is attached hereto as Exhibit "A" attached hereto and for all things made a part hereof, shall be changed from the Light Commercial District (LC) to Heavy Commercial District (HC) for uses as permitted within such zone classification.

Section 3. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tracts, as described and as provided in Section 2 above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 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 and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. 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 \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this _____ day of _____, 2021.

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

Debra Davison, Mayor

ATTEST:

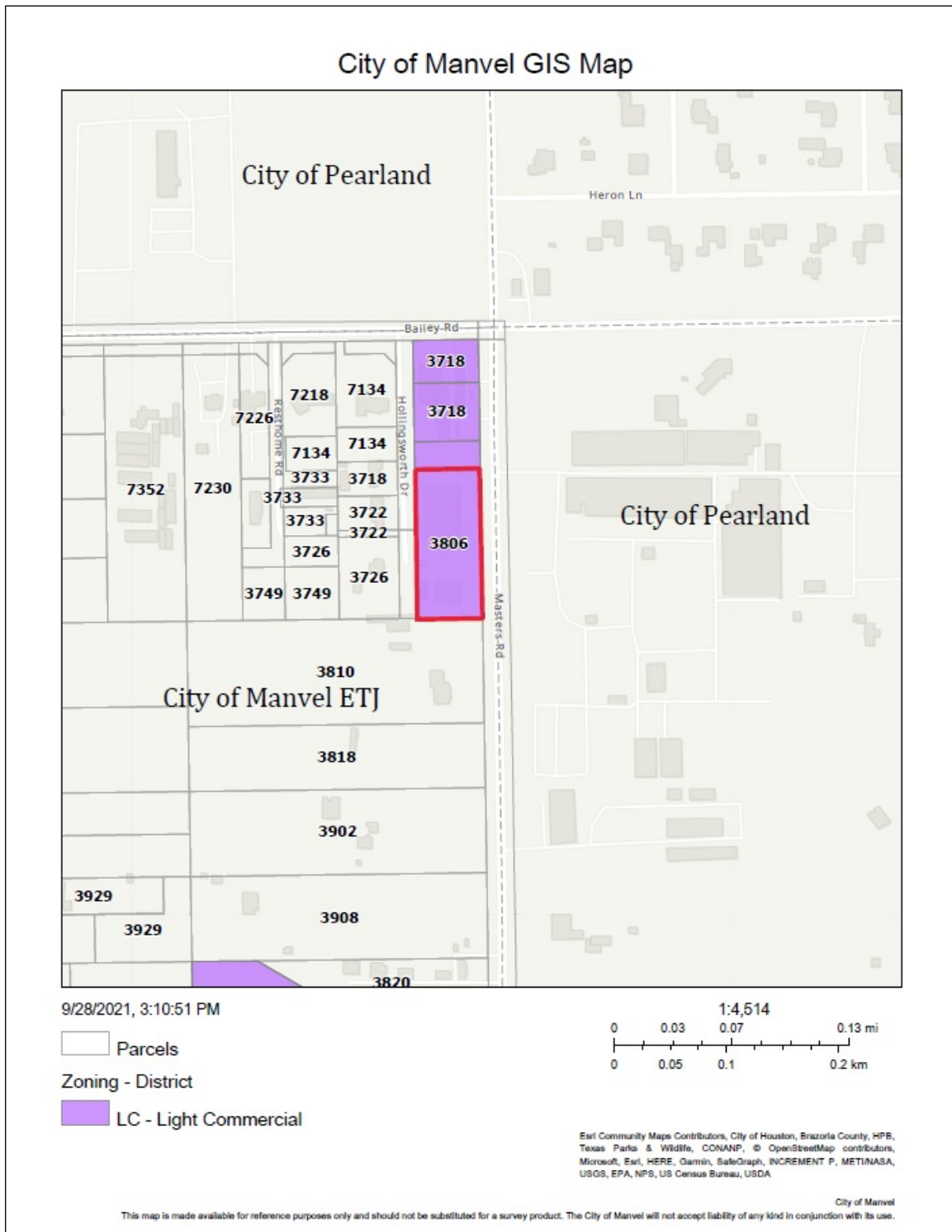
Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

EXHIBIT A

Being 1.612 acres of land, more or less, out of Lot 50, H.T. & B. Railroad Company Survey, Section 23, Abstract No. 290, Brazoria County, Texas.



RESOLUTION CONSENTING TO THE ADDITION OF LAND TO
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56

WHEREAS, Brazoria County Municipal Utility District No. 56 (the "District") was created within the City of Manvel, Texas (the "City"), with the City's consent, and the City has received a Petition for consent to annex land into the District; and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city may not be included within a municipal utility district without such city's consent, NOW, THEREFORE,

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

Section 1. The City Council of the City hereby grants its written consent to the addition to BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56 of land, as described and subject to the terms and conditions contained in the petition attached hereto as Exhibit A, and further subject to the consent conditions attached to the petition as Exhibit B. Such consent conditions shall apply to the entirety of the District.

Section 2. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 611, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. This Resolution shall irrevocably take effect immediately upon its first and final reading and the passage and approval.

PASSED AND ADOPTED the _____ day of _____, 2021.

Mayor

ATTEST:

City Secretary

Exhibit A
The Petition

See attached.

PETITION FOR CONSENT TO ANNEX LAND INTO
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MANVEL,
TEXAS:

The undersigned, BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56 (the "District"), and GR-M1, LTD., a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Manvel, Texas (the "City"), for its written consent to the annexation by the District of the approximately 5.383 acres located in two (2) tracts of land described by metes and bounds in Exhibit A-1 and Exhibit A-2 (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on August 16, 2007. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioner holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Brazoria County Appraisal District.

III.

The Petitioner represents that there are no lienholders on the Land except BancorpSouth Bank, a Mississippi banking corporation.

IV.

The Land is situated wholly within Brazoria County, Texas. No part of the Land is within the limits of any incorporated city, town or village except the City, and no part of the Land is within the extraterritorial jurisdiction (as such term is defined in Local Government Code Section 42.001 et seq., as amended) of any city, town or village. All of the Land may properly be annexed into the District.

V.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, and a drainage and storm sewer system, road facilities, and parks and recreational facilities.

VI.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Brazoria County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage system, nor road facilities, nor parks or recreational facilities, and it is not presently economically feasible for the Land to provide for such systems and facilities itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and storm sewer system, road facilities, and parks and recreational facilities, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage and storm sewer system, such road facilities, and such parks and recreational facilities, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$1,300,000.

VIII.

The Petitioner and the District agree and hereby covenant that if the requested consent to the annexation of the Land to the District is given, the Petitioner and the District will adopt and abide by the conditions set forth in Exhibit B, attached hereto and incorporated herein for all purposes.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on September 9, 2021.

BRAZORIA COUNTY MUNICIPAL
UTILITY DISTRICT NO. 56

By: Lance E Taylor

Name: Lance Taylor

Title: President

ATTEST:

By: Tamu Williams

Name: Tamu Williams

Title: secretary

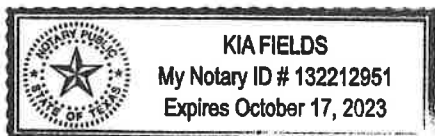


THE STATE OF TEXAS §

§

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on September 9, 2021,
by Lance Taylor, as President
and Tamu Williams, as secretary
of the Board of Directors of BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO.
56, a political subdivision of the State of Texas, on behalf of said political subdivision.

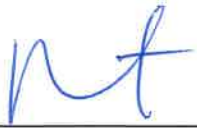


(NOTARY SEAL)

Kia Fields
Notary Public, State of Texas

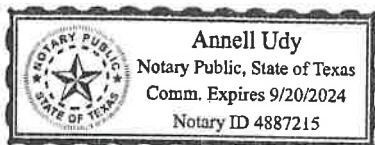
GR-M1, LTD., a Texas limited partnership

By: Rise Communities, LLC,
a Nevada limited liability company,
its Authorized Agent

By: 
Mathew Lawson, Co-President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on August 11, 2021,
by Mathew Lawson, Co-President of Rise Communities, LLC, a Nevada limited liability
company, Authorized Agent of GR-M1, LTD., a Texas limited partnership, on behalf of
said limited liability company and said limited partnership.



(NOTARY SEAL)


Notary Public, State of Texas

Attachments:

Exhibit A-1 and Exhibit A-2: Description of the Land

Exhibit B: Conditions of the City

EXHIBIT A-1

**METES AND BOUNDS DESCRIPTION
BRAZORIA COUNTY M.U.D. No.56 ANNEXATION TRACT No. 5
BEING 5.178 ACRES SITUATED IN THE
OLIVER HALL SURVEY, ABSTRACT 203
BRAZORIA COUNTY, TEXAS**

A DESCRIPTION OF A 5.178-ACRE TRACT OF LAND SITUATED IN THE OLIVER HALL SURVEY, ABSTRACT 203, BRAZORIA COUNTY, TEXAS, BEING A SOUTHERLY PORTION OF LOTS 5, AND 6 LULLING STONE SECTION 3 AS RECORDED IN VOLUME 22, PAGE 231, B.C.P.R., BEING A PORTIONS OF THOSE CERTAIN TRACTS OF LAND TO GR-M1, LTD. AS DESCRIBED IN DEEDS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NOS. 2008-041150, AND 2008-055363, SAID 5.178-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch iron rod found for the common south corner of Lot 6 and Lot 7 being in the northerly right-of-way line of County Road 67 (80-feet wide);

- (1) **THENCE**, South 59°57'12" West, along the northerly right-of-way line of County Road 67 and the southerly line of said Lot 6, a distance of 600.00 feet to a 5/8-inch iron rod found for the common south corner of Lot 5 and Lot 4;
- (2) **THENCE**, North 30°02'48" West, along the common line of Lot 4 and Lot 5, a distance of 357.20 feet to a point for corner;
- (3) **THENCE**, North 56°22'59" East, a distance of 601.17 feet to a point for corner in the common line of said Lot 6 and Lot 7;
- (4) **THENCE**, South 30°02'48" East, along the common line of Lot 6 and Lot 7, a distance of 394.64 feet to the **POINT OF BEGINNING** and containing 5.178 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. TBPELS No. 10092300


Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: February 23, 2021
Job No: 071-044-00
File No: R:\2007\071-044-00\documents\technical\08101100V-MANVELMUD56 ANNEX-TRACT-5.doc

EXHIBIT A-2

**METES AND BOUNDS DESCRIPTION
BRAZORIA COUNTY M.U.D. No.56 ANNEXATION TRACT No. 6
BEING 8,922 SQUARE FOOT (0.205 ACRES) SITUATED IN THE
OLIVER HALL SURVEY, ABSTRACT 203
BRAZORIA COUNTY, TEXAS**

A DESCRIPTION OF AN 8,922 SQUARE FOOT OR 0.205-ACRE TRACT OF LAND SITUATED IN THE OLIVER HALL SURVEY, ABSTRACT 203, BRAZORIA COUNTY, TEXAS, BEING A SOUTHERLY PORTION OF LOT 9 LULLING STONE SECTION 3 AS RECORDED IN VOLUME 22, PAGE 231, B.C.P.R., BEING A PORTION OF THAT CERTAIN TRACT OF LAND TO GR-M1, LTD. AS DESCRIBED IN DEEDS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 2006-040257, SAID 8,922 SQUARE FOOT OR 0.205-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch iron rod found for the common south corner of Lot 9 and Lot 10 being in the northerly right-of-way line of County Road 67 (80 feet wide);

- (1) **THENCE**, South 59°57'12" West, along the northerly right-of-way line of County Road 67 and the southerly line of said Lot 9, a distance of 20.00 feet to a point for corner, from which a 5/8-inch iron rod found for the common south corner of Lot 8 and Lot 9 bears, South 59°57'12" West, a distance of 280.00 feet;
- (2) **THENCE**, North 30°02'48" West, a distance of 445.52 feet to a point for corner;
- (3) **THENCE**, North 56°31'59" East, a distance of 20.04 feet to a point for corner in the common line of said Lot 9 and Lot 10;
- (4) **THENCE**, South 30°02'48" East, along the common line of Lot 9 and Lot 10, a distance of 446.72 feet to the **POINT OF BEGINNING** and containing 8,922 square feet or 0.205 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.

TBPELS No. 10092300

Robert L. Boelsche

Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: February 23, 2021
Job No: 071-044-00
File No: R:\2007\071-044-00\documents\technical\08101100V-MANVELMUD56 ANNEX-TRACT-6.doc

EXHIBIT B CONSENT CONDITIONS

(a) The District may issue bonds, including refunding bonds, only for the purpose of purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, and fire, parks and recreational facilities, and streets and thoroughfares, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. No bonds will be issued with a final maturity date more than 25 years from the date of issuance, and the first principal maturity must occur within three years of the date of issuance. The Bonds shall have level debt service requirements. Level debt service shall mean that during the period beginning with the calendar year of the first principal payment on a bond issue and ending in the calendar year of the final scheduled maturity of said issue, the spread from the greatest debt service in a calendar year during said period to the least debt service in a calendar year during said period shall not be more than \$15,000. The intent may be demonstrated by submitting a proposed Notice of Sale and estimated bid using the proposed maturity pattern that shows coupons, interest and total debt service requirements that meets the required standard above to the City for prior approval. Having shown intent to comply by getting approval of the structure by the City in advance of advertising for sale will be sufficient in the event the actual results of a competitive sale return debt service payments that otherwise would not meet the standard of \$15,000 difference between maximum and minimum annual debt service payments. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the 10th anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 97 percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than 45 days after notice of sale of the bonds is given. No bonds of the District may be issued without specific City consent if the City has given notice to the District that it intends to dissolve the District in accordance with applicable law within 120 or fewer days after such notice.

(b) Any refunding bonds of the District must provide for level debt service savings (annual savings must be approximately equal for each year with no more than \$7,500 between the maximum and minimum savings per year), a minimum of three percent present value savings, and no maturity beyond the latest maturity of the refunded bonds, unless approved by the City in writing prior to the sale thereof.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve the District and obtain the approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the standard specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of recreational facilities, the District shall obtain and maintain on file, from a registered landscape architect, registered professional engineer or a design professional allowed by law to engage in architecture, a certification that the recreational facilities, as constructed, conform to the applicable recreational facilities design standards and specifications of the City of Manvel and shall submit a copy of the certification and the "as built" plans and specifications for such recreational facilities to the City of Manvel.

(e) Before the expenditure by the District of bond proceeds for the acquisition; construction or development of facilities for fire-fighting and/or public safety services, the District shall obtain and maintain on file, from a registered architect, registered professional engineer or a design professional allowed by law to engage in facility design and construction, a certification that the facilities for fire-fighting and/or public safety services, as constructed, conform to the applicable fire-fighting facilities design standards and specifications of the City of Manvel and shall submit a copy of the certification and the "as built" plans and specifications for such facilities for fire fighting and/or public safety services to the City of Manvel.

(f) The District will agree to engage a sewage plant operator holding a valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality, or such successor agency as the legislature may establish ("TCEQ"), as required by Section 26.0301, Texas Water Code, as may be amended from time to time. The District will agree to make periodic analyses of its discharge pursuant to the provisions of Order No. 69-1219-1 of the Texas Water Quality Board (predecessor agency to the TCEQ) and further to send copies of all such effluent data to the City of Manvel as well as to the TCEQ. The District will agree that representatives of the City of Manvel may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(g) The District, its board of directors, officers, developers, and/or landowners will not permit the construction, or commit to any development within, the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

(h) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the City of Manvel of a plat which will be duly recorded in the Real Property Records of Brazoria County, Texas, and otherwise comply with the rules and regulations of the City of Manvel.

CERTIFICATE

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

I, the undersigned Secretary of the Board of Directors of BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56, do hereby certify that the attached and foregoing is a true and correct copy of the Petition for Consent to Annex Land into Brazoria County Municipal Utility District No. 56 that was filed with the Board of Directors of the District on September 9, 2021.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on September 9, 2021.

**BRAZORIA COUNTY MUNICIPAL
UTILITY DISTRICT NO. 56**

By: 
Secretary, Board of Directors

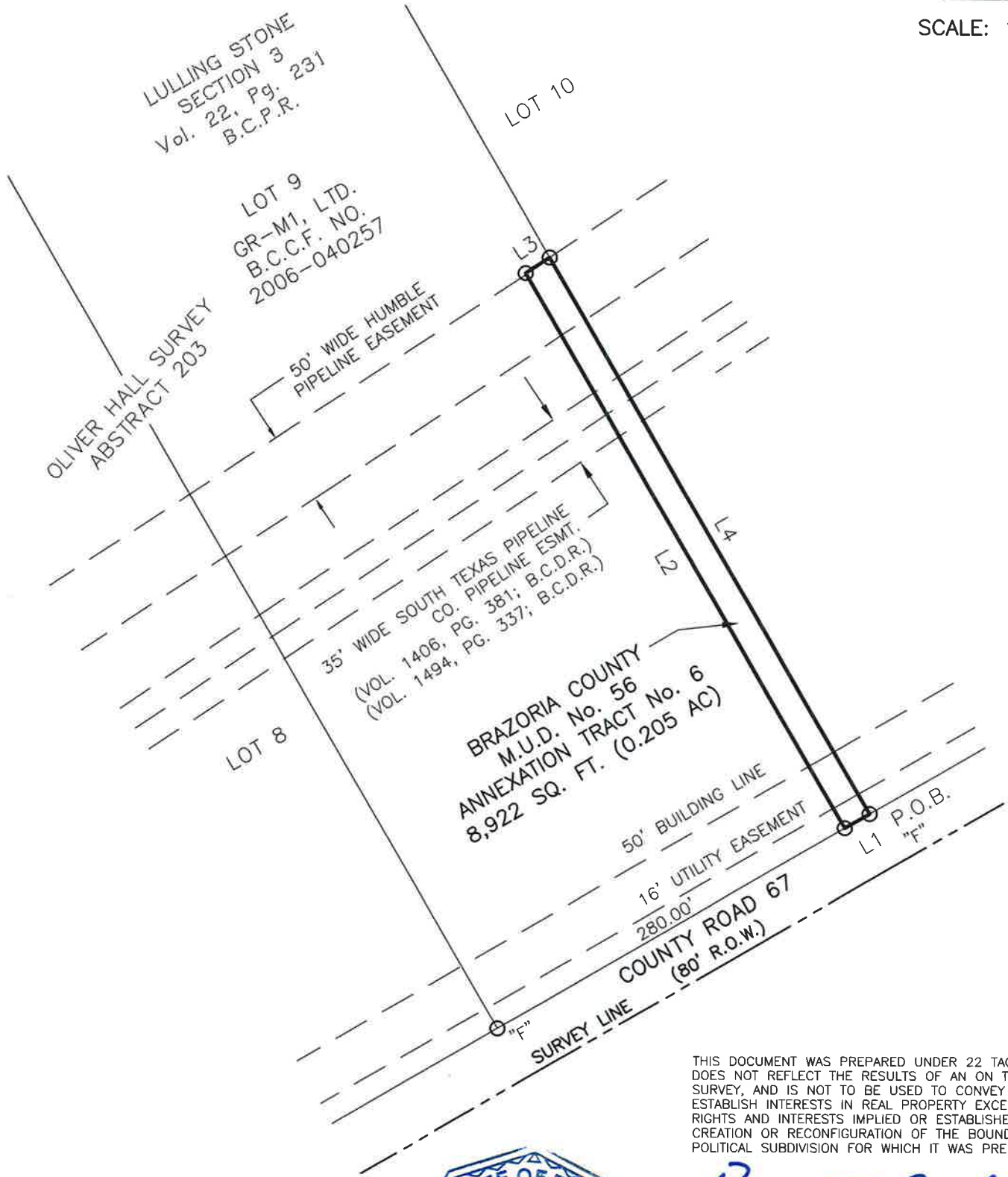


LEGEND

AC.	Acres
B.C.C.F.	Brazoria County Clerk File
B.C.D.R.	Brazoria County Deed Records
B.C.P.R.	Brazoria County Plat Records
D.E.	Drainage Easement
"F"	Found 5/8" Iron Rod
P.O.B.	Point of Beginning
P.O.C.	Point of Commencing
PG.	Page
VOL.	Volume



SCALE: 1" = 200'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 59°57'12" W	20.00'
L2	N 30°02'48" W	445.52'
L3	N 56°31'59" E	20.04'
L4	S 30°02'48" E	446.72'



THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Robert L Boelsche

ROBERT L. BOELSCH
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4446



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

NOTES:

- FOR ADDITIONAL INFORMATION ABOUT THIS TRACT SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPERATELY.
- BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

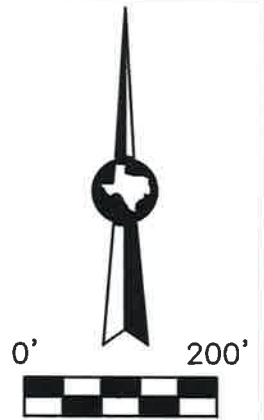
BRAZORIA COUNTY M.U.D. No. 56
ANNEXATION TRACT No. 6
BRAZORIA COUNTY, TEXAS

DATE: February 23, 2021	SCALE: 1"= 200'	JOB NO.: 071-044-00
DWG. NAME: 07104400V-PBMD56-ANNEX6.dwg	DRAWING NO.: NONE	

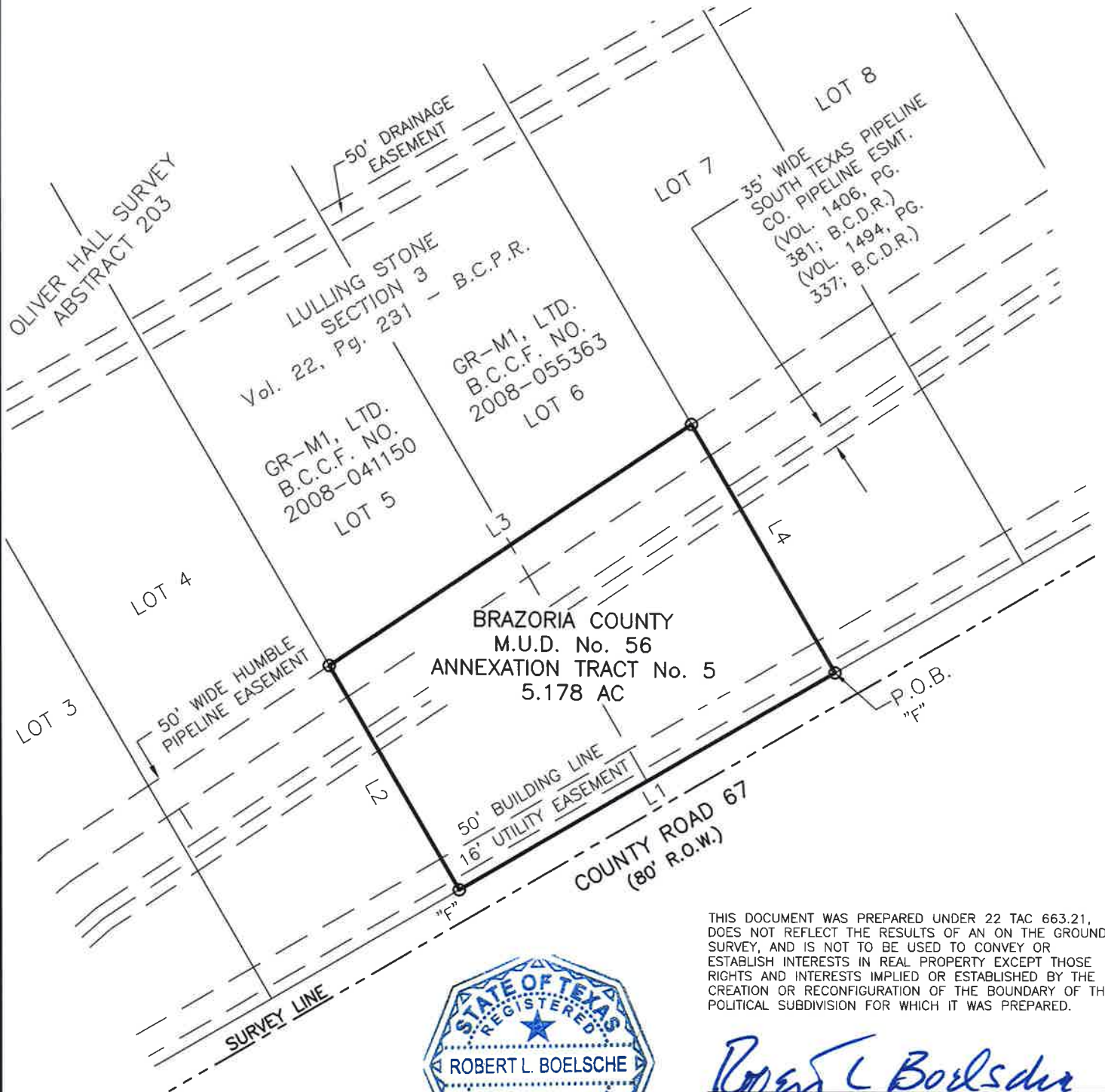
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 59°57'12" W	600.00'
L2	N 30°02'48" W	357.20'
L3	N 56°22'59" E	601.17'
L4	S 30°02'48" E	394.64'

LEGEND

AC.	Acres
B.C.C.F.	Brazoria County Clerk File
B.C.D.R.	Brazoria County Deed Records
B.C.P.R.	Brazoria County Plat Records
D.E.	Drainage Easement
"F"	Found 5/8" Iron Rod
P.O.B.	Point of Beginning
P.O.C.	Point of Commencing
PG.	Page
VOL.	Volume



SCALE: 1" = 200'



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Robert L. Boelsche
ROBERT L. BOELSCH
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4446

NOTES:

- FOR ADDITIONAL INFORMATION ABOUT THIS TRACT SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.
- BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

BRAZORIA COUNTY M.U.D. No. 56
ANNEXATION TRACT No. 5
BRAZORIA COUNTY, TEXAS

DATE: February 23, 2021 SCALE: 1"= 200' JOB NO.: 071-044-00
DWG. NAME: 07104400V-PBMD56-ANNEX5.dwg DRAWING NO.: NONE

At a Glance

H.R. 2348, Advancing Conservation and Education Act

As ordered reported by the House Committee on Natural Resources on May 5, 2021

By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	70
Revenues	0	0	70
Increase or Decrease (-) in the Deficit	0	0	70
Spending Subject to Appropriation (Outlays)	1	8	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

The bill would

- Authorize land exchanges between the Department of the Interior and 13 western states

Estimated budgetary effects would mainly stem from

- Federal income forgone after land is transferred from federal to state ownership

Areas of significant uncertainty include

- Estimating the amount of forgone federal income
- Determining specific locations and values of parcels exchanged

Detailed estimate begins on the next page.



Bill Summary

H.R. 2348 would authorize 13 western states to exchange state land located in eligible areas for federal land managed by the Department of the Interior (DOI).¹ The bill would direct DOI to establish a process by which states can request an exchange. Any conveyances would be subject to valid existing rights.

Estimated Federal Cost

The estimated budgetary effect of H.R. 2348 is shown in Table 1. The costs of the legislation fall within budget functions 300 (natural resources and environment) and 800 (general government).

Table 1.
Estimated Budgetary Effects of H.R. 2348

	By Fiscal Year, Millions of Dollars										2022-2026	2022-2031	
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031			
Increases in Direct Spending													
Estimated Budget Authority	0	0	0	0	0	0	10	15	20	25	0	70	
Estimated Outlays	0	0	0	0	0	0	10	15	20	25	0	70	
Increases in Spending Subject to Appropriation													
Estimated Authorization	1	1	2	2	2	n.e.	n.e.	n.e.	n.e.	n.e.	8	n.e.	
Estimated Outlays	1	1	2	2	2	n.e.	n.e.	n.e.	n.e.	n.e.	8	n.e.	

n.e. = not estimated.

Basis of Estimate

For this estimate, CBO assumes that the legislation will be enacted by the end of calendar year 2021.

Background

H.R. 2348 would authorize 13 western states to relinquish their rights to some of the land that the federal government granted them at statehood. In exchange, upon relinquishment, the states would be allowed to select DOI land of generally equal value or make an equalization payment to the federal government if the value of the federal parcel exceeds that of the state parcel.

The bill would require DOI, within 540 days of enactment, to establish a process for exchanging the land. Once that process is in place, states could submit applications and DOI

1. Those states are Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.



would have three years to make a final determination. During that period, the agency would complete appraisals, environmental analyses, and other administrative activities. If a determination is issued to approve or modify a proposed exchange, DOI would enter into a final agreement with the affected state and, within one year, convey the federal land. Any exchanges would be subject to valid existing rights.

Direct Spending

CBO estimates that enacting H.R. 2348 would reduce offsetting receipts, thus increasing direct spending, by \$70 million over the 2022-2031 period.

CBO expects that most of the land that the states would relinquish over the next 10 years is surrounded by federal land that is designated for conservation—for example, national monuments, wilderness areas, or national parks—and that the land would not generate significant income for the federal government. CBO also expects that most of the federal land selected by states would otherwise have generated income for the federal government from a variety of activities, such as mineral development, renewable-energy development, and timber sales. Income generated from those activities is classified in the budget as offsetting receipts and recorded as reductions in direct spending. Although lands exchanged would generally be of equal value, we expect that the federal government would relinquish smaller parcels that will generate significant receipts for larger parcels that would be designated for conservation. Based on timeframes specified under H.R. 2348, the first exchanges would be completed in 2028 and the transactions would continue for several years.

Using information from DOI, CBO projects that the federal land eligible for selection by states will generate an average of \$1.25 billion in annual net receipts over the 2021-2031 period; most of that amount is from mineral leasing.² CBO estimates that enacting H.R. 2348 would reduce those receipts by a small amount—less than 2 percent each year—starting in 2028, as land is transferred out of federal ownership. (That net amount is inclusive of any equalization payments from states.) CBO estimates that, in total, enacting the legislation would reduce offsetting receipts by \$70 million over the 2022-2031 period.

Spending Subject to Appropriation

Based on the costs of similar activities, CBO estimates that developing the process for exchanging the land would cost \$1 million in 2022 and \$1 million in 2023. Under the bill, either DOI or the states could assume responsibility for covering administrative costs associated with the land exchanges. CBO expects that states would submit applications to complete a total of 10 to 20 land exchanges over the 2024-2026 period; that in most cases DOI would cover the associated administrative costs; that the costs of completing 75 percent

2. In many cases, a portion of the receipts generated from activities on federal land is paid to the state or county where the activities occur. In other cases, agencies can spend all or a portion of any receipts generated. This projection represents only the portion of receipts that will be deposited into the Treasury.



of those exchanges would total about \$100,000 per exchange; and that the costs of completing larger, more complex exchanges would average about \$1 million each. In total, CBO estimates, implementing H.R. 2348 would cost \$8 million over the 2022-2026 period; such spending would be subject to the availability of appropriated funds.

Uncertainty

CBO's estimate of forgone receipts is uncertain; actual amounts could be higher or lower. CBO cannot predict which specific parcels of federal land states would select and cannot accurately project the income those parcels will generate over the next 10 years. However, because state land selections are intended to generate funding for state schools, CBO assumes that most of the federal land selected by states would have a high potential to generate receipts.

In addition, CBO has no information on the quantity, configuration, or location of state land that would be conveyed to the federal government under the bill because those decisions have not been made yet and would probably not happen until after the bill is enacted. Thus, CBO has no basis for estimating land values or identifying the factors the government might consider in making a valuation.

Finally, the budgetary effects of the bill would depend on decisions made by officials in the affected states and at DOI. Likewise, because decisions about which land would be transferred have not been made, CBO has no basis for determining whether or to what extent nonfinancial factors would affect the decisions made by state governments. CBO also has no basis for determining how DOI might exercise its broad authority to reject applications.

Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 2.

Table 2.
CBO's Estimate of the Statutory Pay-As-You-Go Effects of H.R. 2348, the Advancing Conservation and Education Act, as Ordered Reported by the House Committee on Natural Resources on May 5, 2021

	By Fiscal Year, Millions of Dollars										2022-2026	2022-2031
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031		
	Net Increase in the Deficit											
Pay-As-You-Go Effect	0	0	0	0	0	0	10	15	20	25	0	70



Increase in Long-Term Deficits

CBO estimates that enacting H.R. 2348 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2032.

Mandates: None.

Estimate Prepared By

Federal Costs: Janani Shankaran

Mandates: Lilia Ledezma

Estimate Reviewed By

Susan Willie

Chief, Natural and Physical Resources Cost Estimates Unit

H. Samuel Papenfuss

Deputy Director of Budget Analysis

Theresa Gullo

Director of Budget Analysis



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: November 15, 2021

TOPIC: Subdivision variance request for property located at 9820 Uzzell Road for relief from Chapter 62, Section 62-46 (f).

BACKGROUND: The property owner is requesting a variance to Chapter 62, Section 62-46 (f) to seek relief from building a perimeter road to City standards to the farthestmost boundary of the plat.
The property is zoned Open-Single Family Residential (O-SFR) district. Since the property has never been platted, the Subdivision Ordinance requires the property to be platted with the new development of a single-family home. The proposed lot is currently vacant. The property is located near the end of Uzzell Road right-of-way as it currently exists. The majority of Uzzell Road is an asphalt surface; however, Uzzell Road is an unimproved surface (dirt) road along the property's frontage. Since the property lacks an improved hard surface road, staff is recommending approval of the request with three conditions identified in the staff report and development agreement.

RECOMMENDATION: The staff recommends approval of the variance request to Chapter 62, Section 62-46 (f) with three conditions as specified in the development agreement:

- 1) The owner/applicant to construct one half of the perimeter road (Uzzell Road) to an asphalt surface per Design Criteria Manual to the farthestmost boundary of the plat.
- 2) The subdivision ordinance will expire upon change of use from single family residential.
- 3) Upon replating of the property located at 9820 Uzzell Rd. into two or more lots.

ATTACHMENTS: Application and Development Agreement

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER Kwasi Bosompem	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
---	---





Subdivision Variance for 9820 Uzzell Road

Requested Action A Subdivision Variance to the Subdivision Ordinance to forgo the requirement to build one-half of a perimeter road (Uzzell Rd.) to concrete curb and gutter.

Report prepared by the City Planner, Mr. Kwasi Bosompem, in accordance with the City of Manvel Code of Ordinances, Chapter 62, Subdivisions, Section 62-46 (f).

Applicant/Owner Joseph A. Madsen

Subject Property 9820 Uzzell Road

Subdivision Variance Request Summary

Applicant/ Owner to forgo Section 62-46 (f). *Development Plat*, requirement to build a perimeter road to City standards to the farthestmost boundary of the plat.

Applicable Regulations Subdivision Ordinance Chapter 62 - Subdivisions

Section 62-46 (f)- Development plat.

“(f) In the event the tract of land being platted is adjacent to a street or road that does not meet the city design criteria manual specifications, the developer shall be required to improve all such public/private streets (frontage and perimeter) to meet those specifications from the point where such street does meet the city's requirements, to the farthestmost boundary of the plat.”

Legal Description

Property ID 170051 LT 10 354 Charles Prescott, Acres 1.00. A tract of land containing 1.00 acres (43,559 square feet) situated in the Charles Prescott Survey, Abstract 354, Brazoria County, Texas.

Prior Action and Background

On April 7, 2021, the Zoning Board of Adjustments approved a Zoning Variance to Section 77-27 (b) Manvel Zoning Ordinance (43,560 square feet) for property located at 9280 Uzzell Road. The zoning variance allowed a lot size area of less than one-acre (Permit No. ZV-200302-0396).

Existing Land Use Vacant

Zoning Open -Single Family Residential (O-SFR)

Location and Surrounding Use Classification

LOCATION	ZONING	LAND USE
Subject Property	O-SFR	Vacant
North	O-SFR	Open Space
East	Brazoria County	Brazoria County
South	O-SFR	Open Space
West	O-SFR	Single Family Unit

Uzzell Road Features and Surrounding Area

There is asphalt improvement from the intersection of South Masters Road and Uzzell Road to the frontage of property line of 9820 Uzzell Road. This asphalt distance on Uzzell Road is comprised of the following features:

- 1) An area of asphalt from intersection of South Masters Road on Uzzell Road to 9820 Uzzell Road.
- 2) Dirt road from 9820 Uzzell Road to the end of the road.

There is only one property on Uzzell Road with asphalt, no drainage ditch and paved driveway.

Analysis and Justification

The majority of Uzzell Road is improved with an asphalt surface. The tract of land being platted has frontage on Uzzell Road as an unimproved road (dirt). This subject property is located almost at the farthest end of Uzzell Road with other properties that could be developed beyond its property line. The City requires the applicant to fulfill the requirements and implementation of the Thoroughfare Plan and the Design Criteria Manual.

Conclusion

- There is no hardship common to the road area and the neighborhood as to the relieve of 9820 Uzzell Road from Section 62-46 (f). *Development Plat*.
- There is no hardship expressed, self-imposed self-created on the property or the neighborhood as to the application by the owner of 9820 Uzzell Road.
- The subdivision variance does not grant any special advantage to the property not also available to other properties along Uzzell Road.
- The subdivision variance does not result in allowing a change of use of the property.
- The variance request is contrary to public interest and creates inconsistencies with the Design Criteria Manual.
- There are no special conditions resulting in unnecessary hardship and the spirit of the ordinance is observed.

Staff Recommendation

Staff recommends approval of the subdivision variance with three conditions.

- 1) The applicant to construct one half perimeter road (Uzzell Road) to an asphalt surface per Design Criteria Manual to the farthestmost boundary of the plat.
- 2) The subdivision ordinance will expire upon change of use from single family residential.
- 3) The subdivision ordinance will expire upon replating of the 9820 Uzzell Rd into two or more lots.

Exhibits

Exhibit 1	Application
Exhibit 2	Location Map
Exhibit 3	Subject Property and Zoning
Exhibit 4	Aerial and Zoning Sheet
Exhibit 5	Paved asphalt section of Uzzell Rd
Exhibit 6	Beyond subject property and dirt road

Exhibit 1-Application

CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Joseph Madsen
Phone: 832-537-8485 e-mail: joe.madsen16@gmail.com
Owner: Joseph Madsen (as of 8/26)
Owner Address: 2804 Quail Run Dr City Alvin State TX Zip 77511
Phone: 832-537-8485 e-mail: joe.madsen@gmail.com

Property Information

Site Address: 9820 Uzzell Rd.
Legal description (from deed): LT 10 354 C Prescott, Acres 1.000
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 170051

Description of Subdivision Variance Request

~~Please see attached detailed explanation.~~
To forgo the requirement to build perimeter road 62'-46' 29F

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

Our property will be the only one on Uzzell Rd that reflects the expanded 80' road width & the only property with concrete road in front of it.

o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

To be responsible for concreting a public road is ~~unreasonable~~ a large additional cost & the rest of our neighbors have dirt roads.

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

We are the last people on this road, as of now the road is dirt & would not make any changes

o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

If developers were to come in later they would have to address the entirety of the dirt road, & do it all at once.

Applicant Authorization

I authorize the City of Marvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Marvel as they deem necessary for the processing of this application.


Applicant Signature

9/27/21
Date

10/12/21
Submit variance request material to the Permit Department, City of Marvel, 20025 Highway 6 Marvel, Texas 77576 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

9820 Uzzell Road Variance Request Explanation

We are beginning the process of filing the proper paperwork in order to build a new home for our growing family at 9820 Uzzell Rd. According to the City of Manvel's major thoroughfare plan, Uzzell Road is proposed to be expanded and have a final width of 80'. This will take an additional 5' from our properties frontage. Our property will be the only one on Uzzell Rd. that reflects this. Also, Uzzell Rd. is currently only asphalted the first three quarters beginning at 1128. Starting at Kings Dr. the road currently turns into a dirt road. We have been recently informed that in order to build our home on our lot we would be considered developers and therefore are responsible to concrete and curb the public road in front of our lot on our side of the road. This will be the only concreted and curbed portion of all of Uzzell Rd, the only portion that reflects the 80' width and would be completely surrounded by a dirt road. In addition, if the 5' width is taken from the property frontage the entire ditch would be blocked drastically impeding the roads drainage. If in the future a developer were to convert the acreage further down Uzzell into a subdivision, the entire dirt road would need to be addressed and converted from dirt to concrete/asphalt and the developer could do it all together at one time. As of now that acreage is cow pastures, we are not located in a neighborhood and should not be the only ones on the road that is responsible to construct a public road.

Exhibit 2

Location Map

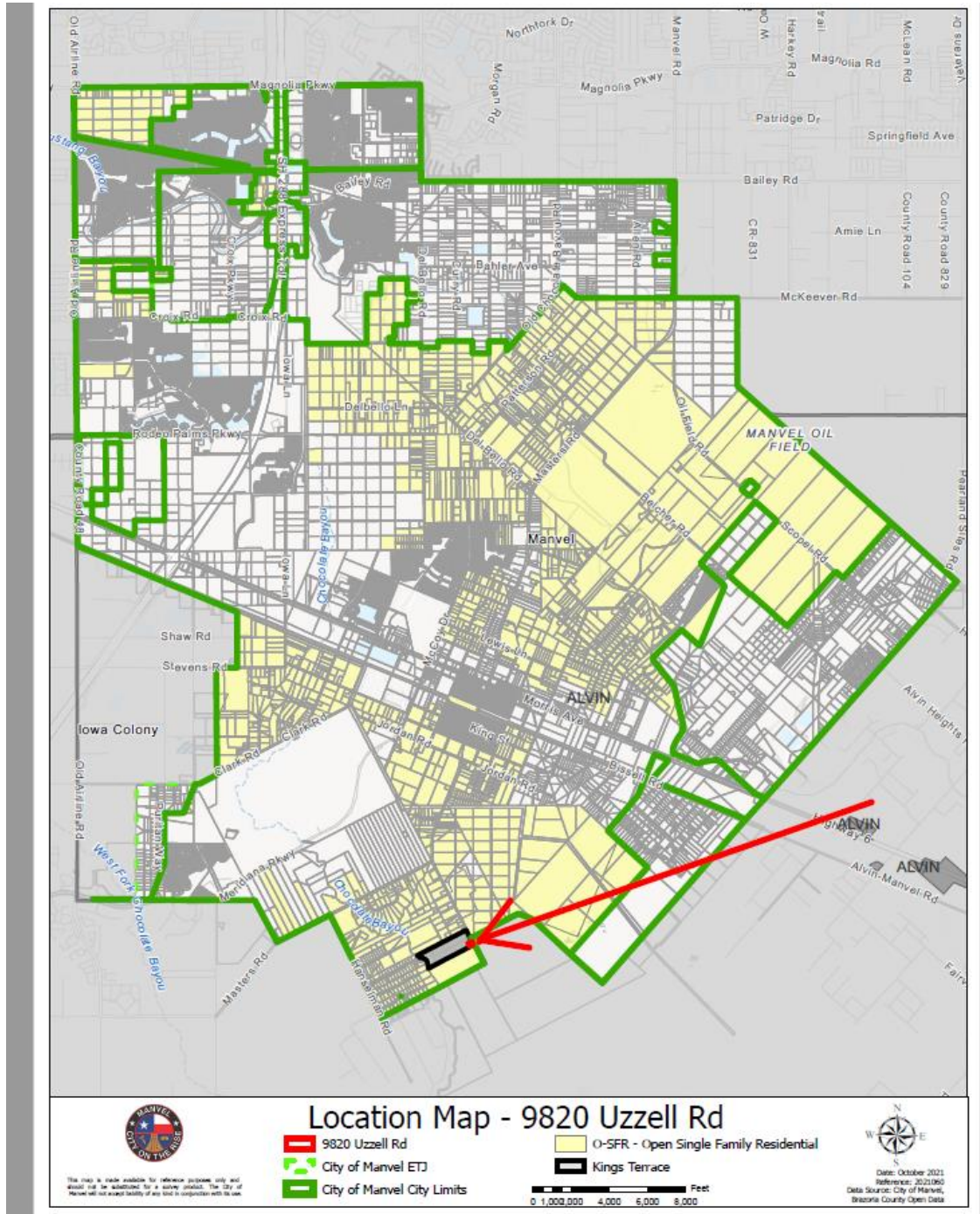
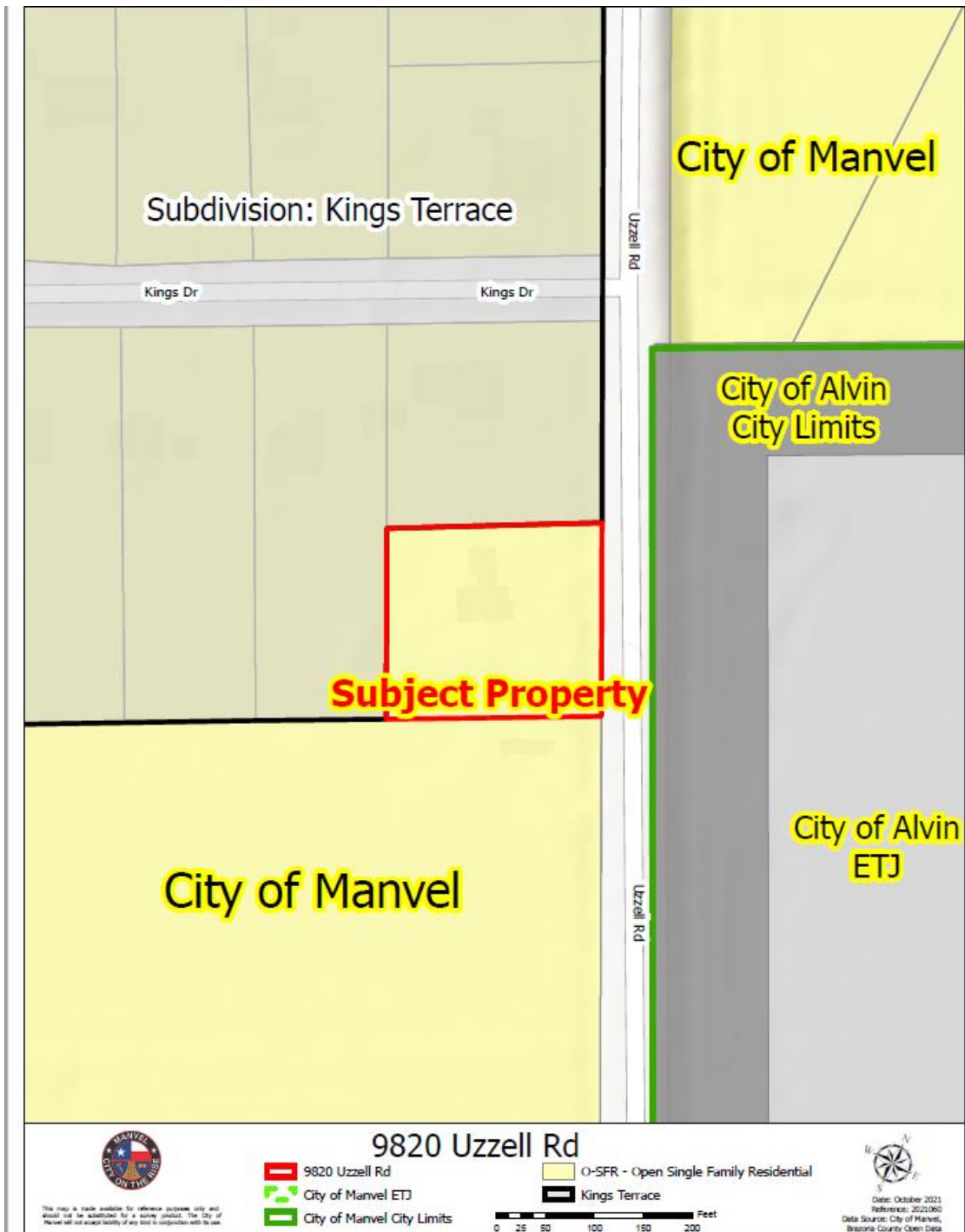


Exhibit 3
Subject Property and Zoning



9820 Uzzell Rd

- 9820 Uzzell Rd
- City of Manvel City Limits
- City of Manvel ETJ
- Alvin City Limits

0 25 50 100 150 200 Feet

Date: October 2021
Reference: 2021060
Data Source: City of Manvel,
Brazoria County Open Data

Exhibit 5
Asphalt Section of Uzzell Rd



Exhibit 6 - Beyond subject property and dirt road



Asphalt ending at 9820
Uzzell Road

Dirt Road beyond 9820
Uzzell Road



STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

DEVELOPMENT AGREEMENT (FOR VARIANCE)

This Development Agreement executed as of the ____ day of _____, 2021, is by and between the City of Manvel, Texas, (“City”) and the Joseph A. Madsen, property owner of certain hereinafter described properties located within the City, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of a 1.00-acre tract located at 9820 Uzzell Road.

WHEREAS, Developer wishes to construct a single-family structure on a 1.00 tract of land located within the City limits of the City of Manvel, said tracts being located at 9820 Uzzell Road; and,

WHEREAS, construction of a single-family structure will require approval of a plat and compliance with the City’s subdivision ordinance; and

WHEREAS, Section 62-46 (f) of the City Code requires that in the event the tract of land being platted is adjacent to a street or road that does not meet the city design criteria manual specifications, the developer shall be required to improve all such public/private streets (frontage and perimeter) to meet those specifications from the point where such street does meet the city's requirements, to the farthestmost boundary of the plat; and

WHEREAS, pursuant to Section 62-5 of the City Code, the Developer has applied for a variance from this perimeter road requirement;

NOW THEREFORE, in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the City Council, the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this agreement is all the property legally described as: being a 1.00-acre tract situated in the Charles Prescott Survey, Abstract 354, Brazoria County, Texas, (the “Property”). The Property is more fully described and depicted in the map attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of a proposed single-family structure on the property, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure on the properties will require approval of a plat and compliance with the City’s Subdivision Ordinance. 62-46 (f) requiring that in the event the tract of land being platted is adjacent to a street or road that does not meet the city design criteria manual specifications, the developer shall be required to improve all such public/private streets (frontage and perimeter) to meet those

specifications from the point where such street does meet the city's requirements, to the farthestmost boundary of the plat. The Developer has applied to vary this requirement for his property.

2. CITY APPROVAL

2.01 Pursuant to its authority under Section 62-5 of the City Code, the City agrees to allow the Developer to plat the Properties and vary the requirements of 62-46 (f) of the City's Subdivision Ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) The owner/applicant to construct one half of the perimeter road (Uzzell Road) to an asphalt surface per Design Criteria Manual to the farthestmost boundary of the plat;
- (ii) The subdivision variance will expire upon change of use of the Property from single-family residential; or
- (iii) Upon replatting into more than two lots/reserves.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

(i) Other than permits for the construction of the single-family structure and accessory residential structures, the City shall not issue any other construction permit or approve any further plat/re-plat of the Property until the Developer constructs the perimeter street per 2.02 of this agreement;

(ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within two years of city council approval;

(iii) Developer agrees to pay the cost of recordation of this agreement within thirty (30) days of invoice by the City and evidence the agreement on a "plat note" on the plat of said Property.

3.02 Developer acknowledges that the City's covenants are contingent upon the Developer, or successor constructing the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, and diligently pursue completion, within two-years of city council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

4. MISCELLANEOUS

- 4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.
- 4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the City has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Manvel
20025 Morris Avenue
Manvel, Texas 77578
ATTN:City Manager

If to Developer: Joseph Madsen
2804 Quail Run Dr
Alvin, TX 77511

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF MANVEL:

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20__, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

Notary, State of Texas

Joseph A. Madsen

By _____
Name: Joseph A. Madsen

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

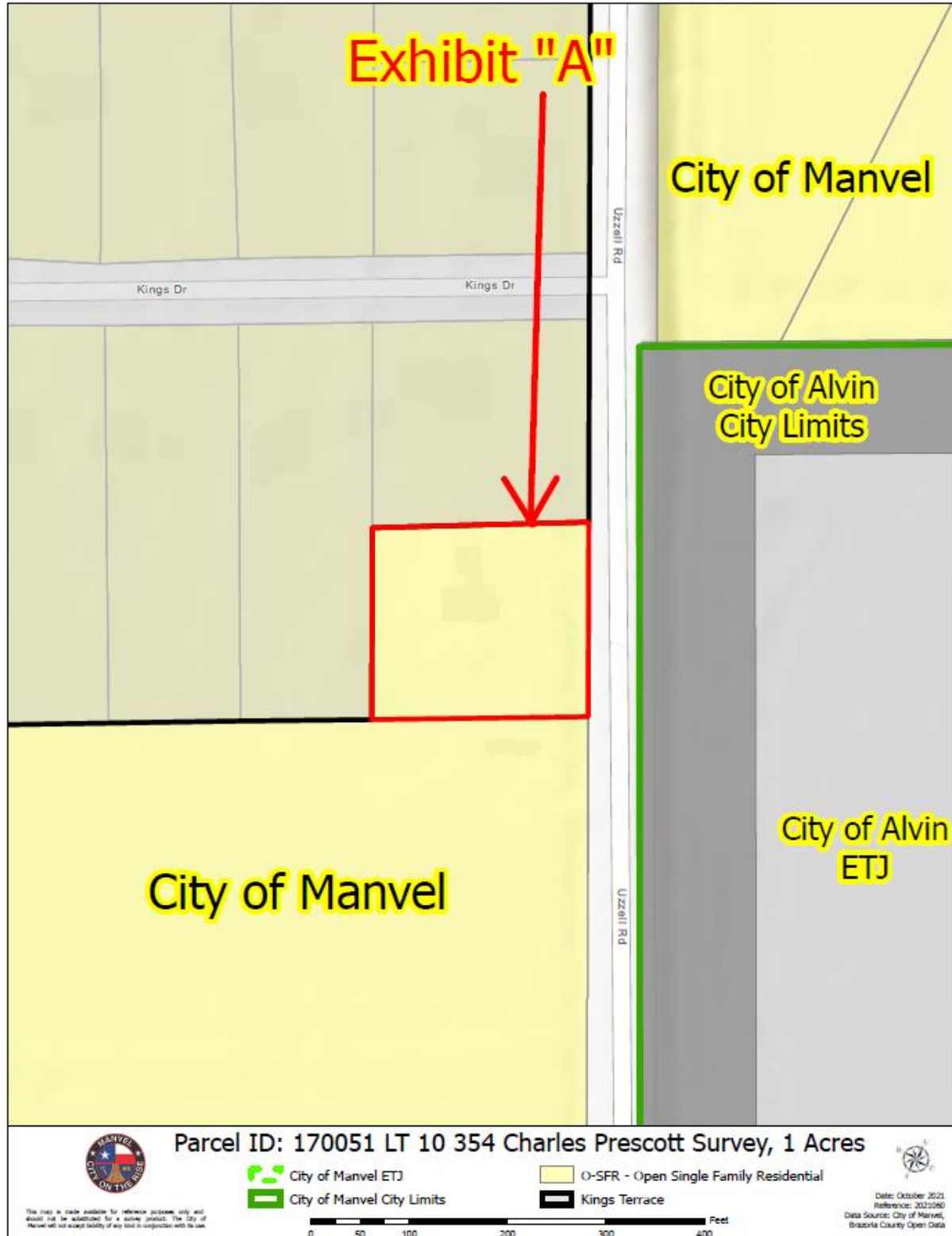
 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

Exhibit A

Being a 1.00-acre tract situated in the Charles Prescott Survey, Abstract 354, Brazoria County, Texas.



ORDINANCE NO. 2021-O-31

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, REORGANIZING THE ADMINISTRATIVE DEPARTMENTS OF THE CITY; APPROVING THE CITY OF MANVEL ORGANIZATIONAL CHART; PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 5.01 of The City Charter provides that the administrative departments of the City of Manvel are as established by the Charter and as may be established by ordinance; and

WHEREAS, additionally, section 5.01 states that the city council has the power to discontinue, re-designate, or combine any of the departments and/or administrative offices, by ordinance; and

WHEREAS, traditionally the city adopted the Organizational Chart by resolution, which in the past has included re-designation and creation of departments; and

WHEREAS, in 2021 by Ordinance No. 2021-O-15, the City Council formally established and ratified the current administrative departments of the city; and

WHEREAS, the City Council of the City of Manvel seeks to reorganize the administrative departments of the City and adopt a new Organization Chart as a result of said reorganization.

NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, THAT:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Consistent with section 5.01 of The City Charter, the administrative departments of the city are formally established and ratified as the following:

- (1) Officers/departments established by the Charter:

City Manager

City Attorney

City Secretary

Municipal Court Judge

- (2) Administrative departments established by Charter:

Municipal Court (Admin); and

- (3) Administrative departments established/ratified by ordinance herein:

Department of Development Services

Department of Community Services

Department of Administrative Services
Police Department
~~[Department of Fire Safety and Code Enforcement]~~
Department of Fire Safety

Section 3. Except as provided by the Charter, the city manager is authorized to appoint, suspend, and/or remove all or any one of the directors of departments, with the concurrence of the city council. As provided by section 5.02 of The City Charter, the city manager has the authority to appoint, suspend, and/or remove all other employees of the city

Section 4. The Organizational Chart for officers and employees of the City of Manvel, a copy of which is attached hereto as Exhibit A, and for all things made a part hereof, is hereby adopted and approved as the Organizational Chart for the City of Manvel.

Section 5. All ordinances, resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED AND APPROVED on first reading this _____ day of _____, 2021.

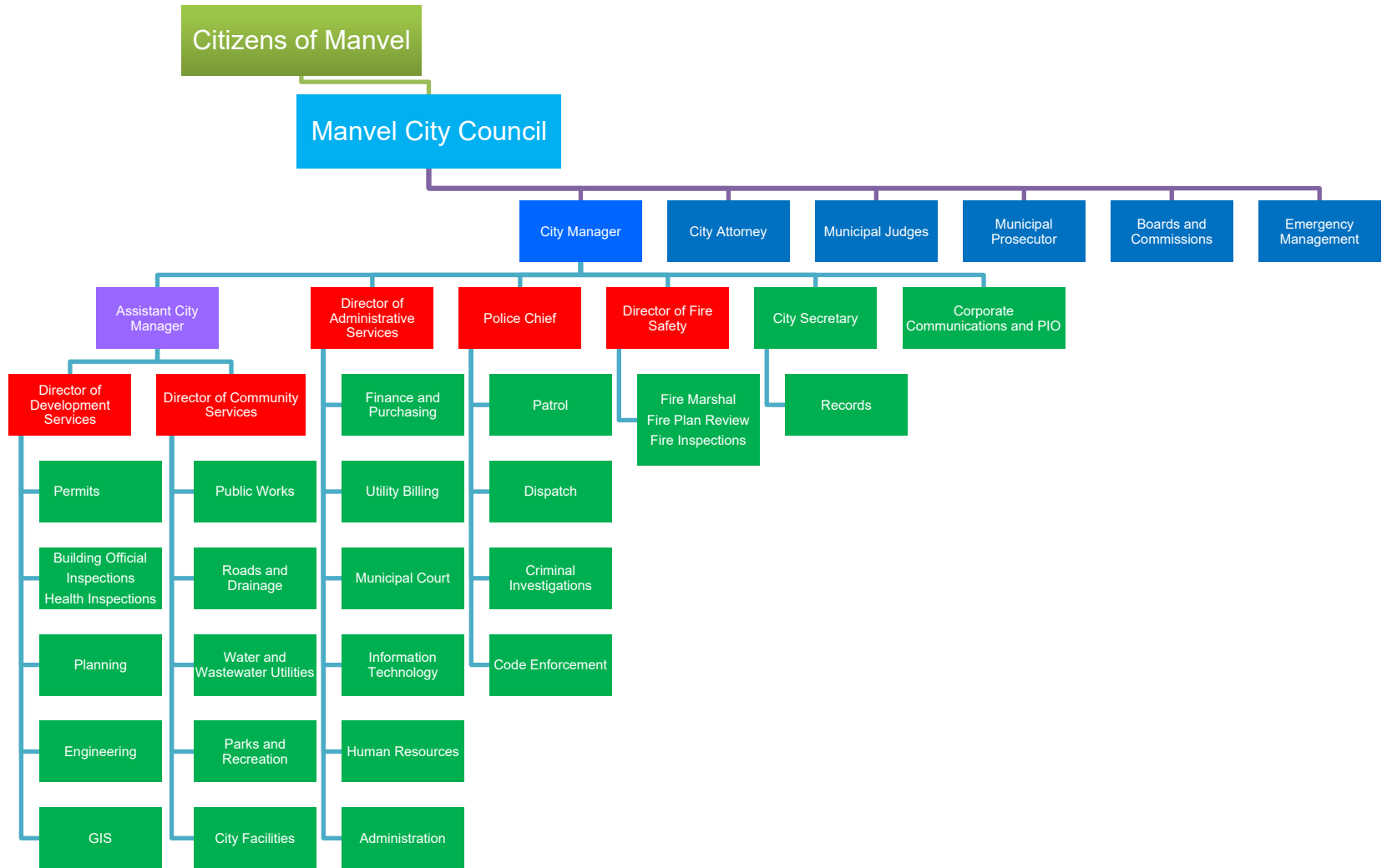
PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2021.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

City of Manvel Organizational Chart



Legend

Council appointments/State Law appointments

Departments

Divisions

Approved – 11/1/2021



TMRS-USC T CPI

2021-O-33
TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF MANVEL; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

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

Section 1. Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.403 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date has at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of said title) in an amount that is **100%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of said title). The Updated Service Credit hereby allowed shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(b) On the terms and conditions set out in Section 853.601 of said title, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, and who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said 853.601.

(c) In accordance with the provisions of subsection (d) of Section 853.401 of said title, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the date aforesaid on the full amount of such person's earnings as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of this City under current service annuities and prior service annuities arising from service by such employees to this City.

An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of annuity increase under this Section is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **70%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this ordinance.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereby.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of this City and of its account in the Benefit Accumulation Fund of the System.

Effective Date Subject to approval by the Board of Trustees of Texas Municipal Retirement System, the updated service credits and increases in retirement annuities granted hereby shall be and become effective on the **1st day of January, 2022**.

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 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 and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 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



2021-O-34
TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

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

Section 1. Authorization of Restricted Prior Service Credit.

(a) On the terms and conditions set out in Sections 853.305 of Subtitle G of Title 8, Texas Government Code, as amended (hereinafter referred to as the "TMRS Act"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who is now or who hereafter becomes an employee of this City shall receive restricted prior service credit for service previously performed as an employee of any of the entities described in said Section 853.305 provided that (1) the person does not otherwise have credited service in the System for that service, and (2) the service meets the requirements of said Section 853.305.

(b) The service credit hereby granted may be used only to satisfy length-of-service requirements for retirement eligibility, has no monetary value in computing the annuity payments allowable to the member, and may not be used in other computations, including computation of Updated Service Credits.

(c) A member seeking to establish restricted prior service credit under this ordinance must take the action required under said Section 853.305 while still an employee of this City.

Section 2. This ordinance shall become effective on the first day of January, 2022.

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 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 and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2021.

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

Attest: _____
Debra Davison, Mayor

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: Del Bello Lakes Section 10
Date: Tuesday, November 9, 2021 10:25:27 AM
Attachments: [image003.png](#)

Kyle and Tammy,

In order to begin the **two-year** maintenance period, a final inspection walk-through has been conducted for:

Del Bello Lakes Section 10

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.
~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(281) 489-0630

www.cityofmanvel.com



From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: FW: Meridiana Section 33A
Date: Monday, November 8, 2021 6:15:29 PM
Attachments: [image001.png](#)
[image002.png](#)

Kyle and Tammy,

-
In order to begin the one-year maintenance period, a final inspection walk-through has been conducted for:

Meridiana Section 33A

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the One Year Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(281) 489-0630

www.cityofmanvel.com



From: Dane Kendall <dkendall@ehrainc.com>
Sent: Tuesday, November 2, 2021 8:37 AM
To: Elaine Graham <egraham@cityofmanvel.com>; Dan Johnson <dan.johnson@cityofmanvel.com>
Cc: Jessica Rodriguez <jrodriguez@cityofmanvel.com>; Hannah Ritchey <hritche@ehrainc.com>; Brian Aarseth <brian@risecommunities.net>; Jared Bowlin, P.E. <jbowlin@ehrainc.com>; Gilbert

Salas <gilbert.salas@cityofmanvel.com>

Subject: Meridiana Section 33A, 081-011-33: Maintenance Bonds & As-builts.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Citrix Attachments

Expires May 1, 2022

As-builts - Meridiana Sec 33A.pdf	9.7 MB
Maint Bond (from Contract).pdf	295.7 KB
Northtex - Original Change Rider for Sec 33A.pdf	201.5 KB

Download Attachments

Dane Kendall uses Citrix Files to share documents securely.

Good Day Elaine/Dan,

Please see an email copy of the documents for Meridiana 33A. The original copies of the Maintenance Bonds will be couriered to your office this morning, for acceptance onto the next Council Agenda.

Also I believe that Detention QRS was submitted last month as well.

Please feel free to email me if you have any questions.

Thanks,

Dane Kendall

Construction Project Manager

10011 Meadowglen Lane

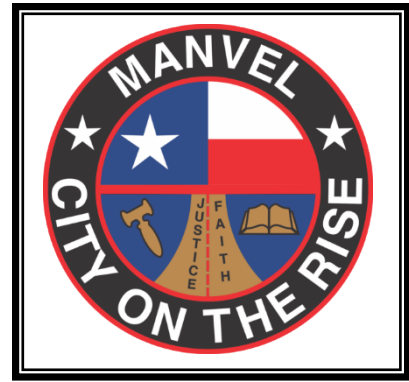
Houston, Texas 77042

Direct: [713.337.7431](tel:713.337.7431)



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 11/1/2021

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 6:00 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City 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

Also Present:

1. Update by Council Member Hehn on the 2021 TML Annual Conference.

Council Member Hehn provided a general update on some of the discussions/presentations she attended during the TML Conference that she felt would be helpful for Manvel.

Topics:

*Communication / Social Media, Public Outreach

*Broadband Infrastructure

The City Manager updated the Council that ARPA funds can be used for Broadband Infrastructure. The City IT plan is in the works and included in the plan will be broadband options.

*SB29 Bill - (Community Sensorship) Tax payer fund for political lobbying. Could possibly put the rural areas in a hardship.

*Elections - SB 1 - Cities and counties will see an impact in the cost needed to run the elections.

SB1439 - Not sure if this one has passed. Deals with the property tax rate.

HB 1929 - Land Use
HB1927 - Handgun carry law

2. Discussion on the police vehicle replacement program and the option of hiring a part-time or full-time mechanic as requested by Council Member Davis.

Council Member Daivis - We can split this topic into two areas;

1)Police vehicle replacement program -

Asked the Chief the following;

How many vehicles and what year they were that went to Surfside? Chief - 2 Tahoes

Did you know the City of Surfside has purchased 3 Broncos? Chief - no

How many vehicles are in the shop or needing maintenance? Chief - not sure

How many patrol vehicles does the city currently have? Chief - 9

Council Member Hehn asked the City Manager about the current vehicle replacement policy.

The City Manager stated that this is done in the budget process. This allows the city to replace vehicles as they have reached their life span.

Council Member Albert clarified that the city does not have a vehicle replacement plan. The city has a process but not an actual plan.

Council Member Davis continued with the following questions;

What is the current cost of vehicle maintenance per vehicle? Chief \$10,000-15,000 per year.

With all the large projects in the pipeline and the possibility of having to go out for debt, the city needs to be proactive in areas where costs can be saved.

The Mayor feels like this topic needs its own workshop session to be discussed in greater detail.

3. Discussion on standard agenda items for the City Manager update.

No discussion.

4. Discussion on any subject addressed on the Agenda for November 1, 2021.

No discussion.

Mayor Davison adjourned the workshop at 7:06 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 7:06 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City 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

Absent: None
Also Present: Kyle Jung, City Manager
Dan Johnson, Asst City Manager/City Engineer
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Chris Thomas, Finance Director
Jessica Rodriguez, Director of Development Services
Tammy Bell, City Secretary

Inspirational Reading - Council Member Jason Albert

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 x6 for staff assistance.*

City Manager Update

Update on current events and city issues.

Status of Live Streaming Meetings

A water treatment plant operator was hired and started today.

Covid

Total 3741 - up 63

102 confirmed - down 54

26 probable

3573 total

1 death, total of 4

Streaming of Meetings - the meetings are being streamed live starting this evening.

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2021-O-31;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, REORGANIZING THE
ADMINISTRATIVE DEPARTMENTS OF THE CITY; APPROVING THE CITY OF
MANVEL ORGANIZATIONAL CHART; PROVIDING AN EFFECTIVE DATE.

Jason - The Director of Fire Safety should be changed.

Arson investigations are not listed anywhere.

The City Manager stated there are 3 areas that a Fire Marshal does;

Plan reviews

Inspections

Arson Investigations

Lorraine -

The need for the city is to have inspections and fire plan reviews. A Fire Marshal does not do these things. Council Member Hehn wants clarification on what a FM does. After talking to the County FM the city does not need to pay a high dollar position for someone who is just an Arson Investigator.

Mayor - Positive comments on Code Enforcement going under the Police Department.

Jason - Fire Safety should fall under the Fire Marshal's Office.

Mayor - Plan reviews and fire inspections should be done by the Fire Marshal.

Jason - Option 1 seems to be the suitable option.

Council Member Davis made the motion to approve. Mayor Davison seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City 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

2. Consideration and possible action to approve Ordinance 2021-O-32;
AN ORDINANCE AMENDING ORDINANCE NO. 2021-O-29 AMENDING THE CITY FISCAL YEAR 2022 BUDGET ENDING SEPTEMBER 30, 2022, BY AMENDING THE GENERAL FUND BUDGET TO ACCOUNT FOR TMRS STAFF RETIREMENT SERVICE CREDIT, POLICE EMPLOYEE DEVELOPMENT PROGRAM, AND STAFF NEXT LEVEL BENEFIT PLAN. AND AMENDING THE UTILITY FUND BUDGET TO ACCOUNT FOR STAFF RETIREMENT SERVICE CREDIT AND MEDICAL BENEFIT PLAN. DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Jason - At the budget meeting he asked about updating all staff from 3% to 5%, but he does not see that increase for all staff on this ordinance.

Jason is extremely disappointed that the additional increase was not included.

Mayor - It was decided we would hold off on the staff as a whole until the salary survey was completed.

Council Member Albert made the motion to approve. Council Member Hehn seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City 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

Mayor Davison made the motion to move agenda item number 6 up. Motion seconded by Dan Davis.

The motion carried with a 7/0 vote.

3. Consideration and possible action to approve the first of two readings of Ordinance 2021-O-33;
AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN

SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF Manvel; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

4. Consideration and possible action to approve the first of two readings of Ordinance 2021-O-34; AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.
5. Consideration and possible action to approve a Master Terms and Conditions Agreement between Next Level Medical and the City of Manvel for acute and primary care medical services.

Council Member Davis made the motion to approve agenda item #3, #4, and #5. Council Member Hudson seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City 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

6. Consideration and possible action to accept the recommendation for Changes to the City Charter as forwarded by the Charter Commission on 8/31/2021 and direct staff regarding proposed amendments and calling a special election.

This item was voted on after item #2 on the regular agenda.

Dan - If this passes tonight and is approved by the voters, he will be donating any funds he receives to a non-profit.

Mayor - Was on the original charter commission and was opposed to council being paid. Tonight the Mayors' vote will be whether this should be on the ballot as recommended by the Charter Commission to have the voters determine the outcome.

Niccole Mitchell - Charter Commission Chair

Jason Albert asked how the board completed the review so quickly? Niccole stated that the board took their role seriously and did the homework reviewing the current charter to prepare for each meeting.

This item is not for the current council to determine if they will be paid, but to let the voters decide if those who fill the council seats in the upcoming years will be paid.

Robina Spruill - Concurred with the statements made by Niccole. Requested that the council take the recommendation of the board and add this item to the ballot to allow the voters to determine if the council should be

paid. This is not taking from the community, it is adding to the community.

Council Member Albert hopes that if this goes on a ballot, that the voters will vote "no" to paying the Council. Council Member Hehn made the motion to approve. Council Member Hudson seconded the motion.

The motion carried with a vote:

Vote:6-1

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: City Council Member Place 4 Dan Davis

Absent: None

Abstained: None

7. Consideration and possible action to authorize the City Manager to negotiate a Professional Services Agreement for the City Center Engineering Services.

Mayor Davison made the motion to approve. Council Member Hudson seconded the motion.

The motion carried with a vote:

Vote:7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City 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

8. Discussion on the mowing of Tx Dot Right-of-Ways as requested by Council Member Akery.

Discussion on need for more frequent mowing along TXDOT right-of-ways, i.e. HWY 6.

9. Consideration and possible action to direct staff on the following as requested by Council Member Davis;
 - a) Allocation of the ARPA Funds.
 - b) Re-engagement of the Animal Control Advisory Committee.
 - c) Amendments to the Sex Offender Ordinance.
 - d) Creation of a right of access policy for any electronic communications by elected and appointed positions.
 - e) Amendment to the Zoning Ordinance to allow for full kitchens in living quarters for in-law suites.

a) American Rescue Plan Act Project Funding
Regional Drainage Pond - Phase 1 (Siphon reversal and begin dry detention)
FM 1128 water and sewer extension to Police Station, Police Station Park, and Public Works
Broadband/fiber optic extension to City Center
Drainage on Old Chocolate Bayou (\$517,500)
Paving Carpenter Road (Not eligible category - \$150,000)
Elevated storage tower
Bring this back to the Council once the staff has completed the list of suggestions.

b) This was at the request of resident Alina Rogers. This would be an opportunity to engage an active board to work with the police department and non-profits to find homes for these animals.

Is there an openness tonight to give direction to staff?

Jason Albert stated the city currently is not in compliance with the animal advisory board ordinance.

c) Sex offender ordinance - the City of Pearland and Alvin have recently updated their Sex Offender Ordinance.

Council Member Davis wants to make sure our Ordinance is good. Council Member Hehn agrees.

Council agrees to have staff review the ordinance and bring back any suggested amendments.

d) Council Member Davis asked the City Manager if it is true that a higher ranking employee went to IT with a request to review council emails for a Public Information request?

Kyle - Staff gets public information requests weekly. Due to an open records request from MUD 61, a large request for information came in. The question was asked if IT could do a global search for key words to find emails dealing with the individual topic.

Jason would like Bobby to look at the existing policy and see if what we have is sufficient?

Dan would like to see a policy that is along the lines that if a city employee is going to request emails for elected officials or any appointed officials, it is done in writing.

Council Member Davis made the motion to direct staff to create a policy that emails for elected officials or appointed officials must be made in writing, even if the request is from the staff level. Council Member Albert seconded the motion. The motion FAILED 2-5 (Council Members Davis and Albert voted for the motion).

e) Council Member Davis and Albert are in favor of staff bringing an ordinance back to council for review on this. Mayor Davison is against amending the zoning ordinance.

Council Member Davis made the motion to direct staff to review this and bring back options and pitfalls for full kitchens. Council Member Albert seconded the motion. The motion FAILED 3-4 (those who voted in favor were Jason Albert, Dan Davis, and Niccole Tyson)

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.

1. Approve Meridiana Detention Reserve N-2 Preliminary Plat;
Being a subdivision of 7.08 acres out of the Oliver Hall Survey, A-203, City of Manvel,
Brazoria County, Texas.
2. Acceptance of infrastructure improvements for MUD 29 Water Plant Expansion GST 2 to
begin the One Year Maintenance Period.
3. Final acceptance of infrastructure improvements for Bluewater Lakes Section 4 and release of
associated maintenance bonds.

Council Member Lorraine Hehn made the motion to approve. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City 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

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 salutary 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 salutary 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

Council Member Dan Davis made the motion to adjourn. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City 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

The meeting adjourned at 10:10 p.m.

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 10/29/2021 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.

On File

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS