

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 10/13/2021

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 5:00 p.m.
Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 4 Dan Davis
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

Absent: City Council Member Place 6 Jerome Hudson

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager/City Engineer
Tammy Bell, City Secretary

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

Adrian Gaspar expressed his concerns over the City Manager, Director of Fire Services position and the discussions that were had at the previous council meetings.

Spoke in disagreement with proposed impact fee -

Duane Heckmann, Richard Mueller, Matthew Gerdes, Russ Bynum

Regular Agenda

1. Consideration and possible action to approve the second and final reading of Ordinance 2021-O-25;

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

Lorraine- Comfortable with the study and the action taken by the board. Not comfortable going back to the drawing table. Has trust that what the staff has provided is a good package.

Jason question on table 4.2 footnote #3 references the 2021 master water plan - this was assumed the plan was going to be completed that HDR is working on.

The concern is if this is not a finalized plan yet, or if one of the projects is bigger or smaller, what is the impact on what action is being taken tonight?

Kyle - This may need to be looked at more than once every 5 years.

Jason - If we adopt the max, what is recommended for the fee?

Kyle - If the council wants the development to pay for the cost - set it at the max. If not, the suggestion would be to go with the Safe Harbor Fee.

If the Council does not want to adopt the ordinance with the language to adopt the maximum rate, then they would update the language to reflect the safe harbor information. If that is done, you cannot go higher than that rate.

City Manager would set the maximum rate at \$19,000.00, but it is the Council's decision on what they want to adopt.

Niccole - The benefit to adding the safe harbor language would be that no rebate would come after that?

Bobby - Not necessarily, that is something separate from what is being discussed.

Kyle - If the council sets the rate at the max and the projects come in less, the rebate will be paid back. If you set the rate less than that, the citizens will have to pick up the shortfall.

Kyle - My suggestion is to not take action on item 3 so all developers are treated the same.

Dan - Government's job not to create an even playing field but to create equal opportunity. That's why we have development agreements, etc., because we want to put the community first. I don't think that's a realistic perspective, because different developers have different things to offer. I say we leverage some of what is coming to offset the burden of what is currently in place. Either 50% or max, there is a risk. What risk are we willing to take?

Larry Akekry made a motion to approve the ordinance with the maximum rate. Lorraine Hehn seconded.

The motion failed with a 3-3-1 vote.

Larry - Lorraine - Niccole - YES

Dan - Jason - Mayor - NO

Jerome - ABSENT

Mayor Davison made a motion to accept with caveat that the rate be set at the 50% (\$9,548) with Safe Harbor Fee.

Dan Davis seconded the motion.

The motion failed with a 3-3-1 vote.

Mayor - Jason - Dan - YES

Lorraine - Larry - Nicole - NO
Jerome - ABSENT

Lorraine Hehn made the motion to accept the report but change the max rate at 75% (\$3,662 on water/\$10,660 on wastewater) of the originally proposed max rate. Nicole Tyson seconded the motion.

The motion failed with a 3-3-1 vote.

Nicole - Lorraine - Larry - YES

Mayor - Dan - Jason - NO

Jerome - ABSENT

Dan Davis made a motion to reconsider the 50%. Mayor seconded the motion.

The motion failed with a 3-3-1 vote.

Mayor - Dan - Jason - YES

Nicole - Lorraine - Larry - NO

Jerome - ABSENT

Vote - 3-3

Dan Davis Motion to table. Jason Albert seconded the motion.

The motion failed with a 2-4-1

Jason - Dan - YES

Mayor - Lorraine - Larry - Nicole - NO

Jerome - ABSENT

Lorraine made the motion to reconsider the 50% of max. Dan seconded the motion. *Lorraine was not eligible to make a motion to reconsider

Jason made a motion to reconsider the 50%. Mayor seconded the motion.

The motion passed with a 4-2-1 vote.

Mayor - Jason - Dan - Lorraine - YES

Larry - Nicole - NO

Jerome - ABSENT

Mayor made a motion to set at 50% Safe Harbor rate. Dan seconded the motion.

The motion passed with a 4-2-1 vote.

Mayor - Jason - Dan - Lorraine - YES

Larry - Nicole - NO

Jerome - ABSENT

2. Consideration and possible action to approve Resolution 2021-R-26;

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

Amount - \$9,548

\$2,441 - water

Dan Davis made the motion to approve with the 50% as shown by Richard. Nicole Tyson seconded

The motion passed with a 5-1-1 vote.

Mayor - Dan - Jason - Lorraine - Nicole - YES

Larry - NO

Jerome - ABSENT

3. Consideration and possible action to approve The First Amendment to Interlocal and Development Agreement by and between the CITY OF MANVEL, TEXAS, a Texas home-rule city, BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 ("*District*"), a conservation and reclamation district and political subdivision of the State of Texas, and Hillwood Enterprises, L.P., a Texas limited partnership.

Dan - Would like to hear from Russ to know if amendment will still be needed?

Russ - Amendment is no longer needed.

No action taken.

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 Jason Albert made the motion to adjourn at 7:08 p.m. Council Member Dan Davis seconded the motion.

The motion carried with a vote:

Vote: 6/0/1

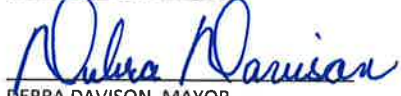
Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert

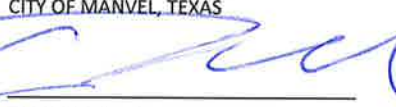
No: None

Absent: City Council Member Place 6 Jerome Hudson

Abstained: None

CERTIFICATION


DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

