

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
April 18, 2022**

**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

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071 - "Consultation with Attorney"
DISCUSS LITIGATION MUD 61 VS CITY OF MANVEL

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with Attorney, and Texas Government Code, Section 551.072: "Deliberation Regarding Real Property" to discuss the following:
PURCHASING OPPORTUNITY

Workshop Session Continued

Discussion on Rules of Procedures for Meetings of the City Council.

Discussion on any subject listed on the Agenda dated April 18, 2022.

Regular Session

Call To Order

Inspirational Reading - Council Member Tyson

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.

Regular Agenda

1. Consideration and possible action to schedule the canvass of the May 7, 2022 Election on May 16, 2022.
2. Consideration and possible action to approve a variance to the Subdivision Ordinance Chapter 62, Section 62-11, "Additional Street Requirements" for property located at 7401 Lewis Lane and authorize the Mayor to execute the Development Agreement. (Tabled on 4/4/2022)
3. Consideration and possible action to approve Resolution 2020-R-03;
A RESOLUTION BY THE CITY OF MANVEL, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
4. Consideration and possible action to approve Ordinance 2022-O-12;
AN ORDINANCE AMENDING ORDINANCE NO. 2021-O-29 AMENDING THE CITY FISCAL YEAR 2022 BUDGET ENDING SEPTEMBER 30, 2022, BY

AMENDING THE CAPITAL PROJECTS FUND TO ACCOUNT FOR THE PURCHASE OF REAL PROPERTY AND OTHER COSTS ASSOCIATED WITH THE PURCHASE, 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.

5. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-13;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. "SIGNS" BY REVISING SECTION 53-10(2) PERTAINING TO THE REMOVAL OF POLITICAL SIGNS AFTER AN ELECTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
6. Consideration and possible action regarding application for an oil and gas drilling permit for Scout Well #1RE Well, an oil and gas well located in Section 66 of HT&BRR Co/Talmage, JS Survey, Abstract 560 Brazoria County, Texas, with State Plane Coordinates - Texas South Central Zone NAD 27 of X:3143814.3 and Y:616707.2, located in the City of Manvel, Texas.
7. Consideration and possible action to direct staff regarding the creation and adoption of a resolution declaring the City of Manvel, Texas to be a "Pro-life" City and said resolution be presented to City Council at the May 2, 2022, City Council Meeting. (Requested by Council Member Davis)

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 meeting minutes to date.
2. Acceptance of infrastructure improvements for Pursley Boulevard Phase Three to begin the one-year Maintenance Period.

Mayor and Council Comments

Update on current events and city issues.

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

Items of community interest include:

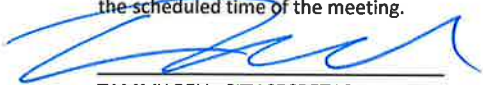
- Expressions of thanks, congratulations, or condolence;

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

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on April 14, 2022 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



RESOLUTION NO. 2017-R-13

A RESOLUTION OF THE CITY OF MANVEL, TEXAS, ADOPTING RULES OF PROCEDURE FOR MEETINGS OF THE CITY COUNCIL; PROVIDING THAT ALL OTHER RESOLUTIONS INCONSISTENT OR IN CONFLICT HERewith ARE HEREBY REPEALED.

* * * * *

WHEREAS, section 3.10 of The City Charter provides that the city council shall, by resolution, determine its own rules and order of business; and

WHEREAS, the City Council deems it in the best interest of the City to amend and adopt new Rules of Procedure herein; NOW THEREFORE,

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

Section 1. The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Manvel, and the conduct of all members and other persons in attendance at such meetings.

Rule 1. Meetings, Regular and Special

(A) The city council shall hold at least one (1) regular meeting each month and as many additional special meetings as the Council deems necessary to transact the business of the city. Generally, the City Council shall meet in the Council chambers of the City hall on the first and third Mondays of each month, commencing at 7:00 p.m. In the event Monday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council. Any meeting of City Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.

(B) Other special meetings shall be held on the call of the Mayor or four Councilmembers. The agenda for such meetings shall be established at the discretion of those calling the meeting. Special meetings shall be posted 72 hours prior to the called meeting, except where permitted by state law for emergency meetings.

(C) All meetings shall be held at City Hall or at such other public place as may be approved by city council, and all meetings of the city council shall be open to the public, except as authorized by state law.

(D) Four Council members shall constitute a quorum for the transaction of business.

(E) The City Council may retire into Executive Session as authorized by the Texas Open Meetings Act (Texas Government Code, Chapter 551). These Rules of Procedure shall

apply to the conduct of Councilmembers in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act or other law.

Rule 2. Chairman and call to order

The Mayor or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the City Council. If the Mayor and the Mayor Pro-Tem are absent, any Councilmember may be appointed by ~~the Mayor~~ or a majority of the Council to preside. At the hour of the meeting, the Mayor shall assume the chair, call the Council to order, and the City Secretary shall record the roll.

Rule 3. Handling of agenda subjects

The City Council is the sole judge of its own procedure and in full control of the business before it. Neither the Mayor, the Mayor pro-tem, nor any Councilmember appointed to preside shall have any power to either recess a meeting or adjourn a meeting, or prevent the City Council from considering an agenda item or lay the same out for consideration except in strict accordance with Texas open meetings act, and as enacted herein. If, notwithstanding the positive provisions of this rule, the presiding officer whether Mayor, Mayor Pro-Tem, or Council member presiding, shall attempt to prevent City Council from taking any action on any agenda item brought before it, any Councilmember present may call for a vote of the City Council to consider the matter.

Rule 4. Conduct of Mayor and Councilmembers

Any member of the City Council including the Mayor, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of Council with such disorderly conduct is subject to being expelled from such meeting upon motion passed by 2/3 vote of the Council present at this meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct. Disorderly Conduct is defined under the Texas Penal Code, Section 42.01.

Rule 5. Non-interruption

Each member of the City Council shall be permitted to address the chair while either seated or standing, and after recognition shall not be interrupted while speaking without his/her consent.

Rule 6. Handling of question of order

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Councilmembers present may over rule the decision of the chair. When the chair makes a ruling on a point of order and one of the

Councilmembers states, "I appeal the ruling of the chair", or words to such effect, no other business shall be transacted until the question, "shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

Rule 7. Procedure for submitting agenda items

Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration by the Mayor or by any member of the Council, or City Manager, shall be submitted to the City Secretary not later than noon of the Tuesday preceding the meeting at which the same is to be considered.

Rule 8. Motion to table

Since the City Council of the City of Manvel will always have regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the City Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

Rule 9. Procedure to debate

Upon any ordinance, resolution or other measure being laid out, or any motion being made, any Councilmember present, before there is any debate opened on the subject, may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted, and the presiding officer shall immediately put the question, "shall the objection be sustained"? If the objection is sustained by a vote of two-thirds of the Councilmembers present the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated (except in accordance with Rule 11).

Rule 10. Closing of debate

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" To a vote of the Council, and if two thirds of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 11. Reconsideration of a subject

When an ordinance, resolution, motion, or other measure of any sort has been placed before the City Council and defeated, the same identical question shall not again be considered by the City Council until ninety (90) days have elapsed.

Rule 12. Reducing motion to writing

All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and upon request of any other member of the Council, or Mayor, the party making any such oral motion (except a motion to order a vote on a subject being considered per rule 10 or to table, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to do the same. If a motion be made by any member of the Council in writing and filed with the presiding officer, it shall still require a second.

Rule 13. Secretarial procedure

The City Secretary shall be the Secretary of the Council and shall act as reading and recording clerk to the Council. By his or her signature, the Secretary shall certify the correctness of the minutes and journals, shall record all actions taken by the Council, shall record the vote upon each measure when taken by the ayes and nays, and shall schedule and place on Council agendas, public hearings at the earliest practicable dates and shall perform such other duties as may be required of the City Secretary by the Mayor and the City Council. The City Secretary shall mark the absence of the Mayor or any other member of Council. The City Secretary shall test and attest to the satisfactory operation of the tape recorder, and maintain proper functioning and tape changes as needed throughout the meeting. In the absence of the City Secretary, any suitable person may be appointed by the City Secretary or Mayor to serve as acting City Secretary of any meeting. The City Secretary shall ensure that a tape recording or certified agenda of any executive session shall be made and shall secure such following each meeting. The City Secretary shall keep a copy of these rules in the Council chamber, available for reference.

Rule 14. Voting

No action of the city council shall be valid or binding unless approved by the affirmative vote of a majority of the entire city council. Each member of city council, if present, shall vote upon all matters before the city council, except when the matter involves the consideration of that member's own official conduct or where that member's participation in the vote is prohibited by state law.

Rule 15. Citizens' right to be heard

Any citizen shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any

action be taken by Council, except to indicate that the matter may be placed on a later agenda. **A time shall be set aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person. The Mayor shall retain the discretion to further limit or increase this time for public comments on agenda items.** Citizens attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. In addition, citizens may request a Council member to place an item on the agenda for deliberative purposes.

No member of the public shall be heard until recognized by the presiding officer. It is not necessary, however, for a member of the public to prepare and submit a card requesting the right to address the Council for public hearings. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing the City Council, shall be deemed guilty of disrupting a meeting (Section 42.05 of the Texas Penal Code, Class B Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council Chambers by the sergeant-at-arms or other agent designated by City Council.

Rule 16. Order of Business

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any regular meeting shall be as follows:

- (1) Call to order.
- (2) Invocation.
- (3) Pledge of allegiance.
- (4) Special Recognition and Acknowledgements
- (5) Public hearings - as called.
- (6) The Council shall receive petitions and hear any member of the public as provided in Rule 15, and any appeal or other matter shall then be heard by the City Council.
- (7) Committee or special reports.
- (8) City manager reports and/or Mayor's report
- (9) Tabled items shall then be considered.
- (10) Items for discussion and action shall then be considered.
- (11) Then the Council shall consider any resolutions and/or ordinances that are currently before them.
- (12) Consent agenda
 - A. Bids.
 - B. Appointments.
 - C. Matters routine in nature.
 - D. Routine resolutions.
 - E. Minutes.
- (13) Communications from the Mayor and Council shall be presented.

Rule 17. Order of business for special meetings

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any special meeting shall be as follows:

- (1) Call to order
- (2) The presiding officer shall state the purpose(s) of the meeting.
- (3) No business shall be discussed or acted upon at such meeting unless the subject has been duly posted in accordance with the Texas open meetings act.
- (4) Adjourn meeting.

Rule 18. Suspension of rules of procedure

Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate state law, and provided that not less than two-thirds Council members vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended. The requirement of two thirds to suspend a rule shall not apply to Rules 16 and 17, but the order of business may be suspended by a majority vote.

Rule 19. Rules of Procedure

Except where in conflict with any state law, City ordinance or the rules of procedure adopted by this resolution, the rules of procedure laid down in *Robert's Rules of Order*, 75th Anniversary Edition, shall govern the proceedings of the City Council.

Rule 20. Sergeant at Arms

The highest ranking police officer of the Manvel Police Department in attendance at any meeting of the City Council, whether regular or special, shall be, and is hereby, designated and appointed as the Sergeant at Arms for such meeting.

Rule 21. Authority to Sign Grant Applications

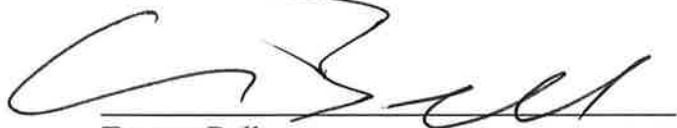
The Mayor is authorized to sign and submit grant applications on behalf of the City. Said applications shall be approved or ratified by City Council on or before the next regular scheduled City Council Meeting.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Manvel,
Texas on this the 10th day of July, 2017.
Effective October 2017



Debra Davison, Mayor
Manvel, Texas

ATTEST:



Tammy Bell
City Secretary





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 18, 2022

TOPIC: Subdivision variance request for property located at 7401 Lewis Lane, seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements*.

BACKGROUND: The property is 21.014 acres located at 7401 Lewis Lane. The property is owned by Alvin Independent School District (AISD) and used as an agriculture barn facility. The property is zoned Open-Single Family Residential (O-SFR) District. The existing agriculture barn facility was permitted by the City in 2010. AISD would like to expand the existing agriculture barn facility. The facility expansion will require the property is platted. The City's subdivision ordinance requires one-half of all perimeter road to be constructed to concrete curb and gutter per Section 62-111. The perimeter roads for the 21.014 acre tract of land include Lewis Lane (north), an unnamed 60-foot right-of-way (east), and Canaan Road (south). Lewis Lane is an asphalt surface, the unnamed 60-foot right-of-way is unimproved, and Canaan Road is unimproved. Lewis Lane is also classified as an arterial with an ultimate right-of-way width of 100-feet according to the City's Major Thoroughfare Plan. AISD has already improved School Street per Section 62-111 with the construction of E.C. Mason Elementary School. The City Council is currently in the process of approving the abandonment of Oleander Street right-of-way between Lewis Lane (north) to Canaan Road (south). The first reading of Ordinance No. 2022-O-09 was approved by City Council at their March 21, 2022, meeting.

According to the proposed plat, AISD has 1,381.71 linear feet on Lewis Lane, 661.92 linear feet on the unnamed 60-foot right-of-way, and 849.57 linear feet on Canaan Road. Canaan Road and the unnamed 60-foot right-of-way have other property owners that abut; however, the properties take road access from another street.

1. Unnamed 60-foot ROW: two different property owners abut the unnamed 60-foot right-of-way, but one property owner takes access from Lewis Lane and the other property owner from Cemetery Road.
2. Canaan Road: five different property owners abut the Canaan Road right-of-way, but each property owner takes lot access from Large Avenue or Cemetery Road.

Lewis Lane will require a 20-foot right-of-way dedication in order for it to be constructed to the ultimate width in the Thoroughfare Plan. The Canaan Road right-of-way was abandoned by City Council on the E.C. Mason Elementary School site. The portion of Canaan Road that AISD is responsible for construction is between School Drive and the unnamed 60-foot right-of-way. Canaan Road terminates at Cemetery Road (east) but traverses the C-1 ditch. Also, unnamed 60-foot right-of-way extends to Lewis Lane (north) and Canaan Road (south) per City's GIS map and the proposed plat.

Staff is recommending approval of the subdivision variance request with conditions because Canaan Road and the unnamed 60-foot right-of-way are not currently utilized by other property owners, and Lewis Lane does not require improvement to Thoroughfare Plan standards at this time.

The City Council heard this subdivision variance at their April 4, 2022, meeting. The Council inquired if Alvin ISD was had any opposition to the conditions presented in the development agreement. Alvin ISD stated they had only received the development agreement on the same day and could not comment. City Council inquired if staff had reported the proposed conditions to Alvin ISD. Staff responded that the proposed conditions had been emailed to the applicant's firm. The subdivision variance was tabled by City Council to the next meeting.

It should be of note, City staff emailed the proposed development agreement to John Camarillo and Randy Peacock of Miller Survey (applicant) on March 31, 2022, at 5:14 p.m.

Since the City Council meeting, the City Manager has had meetings with Alvin ISD to ascertain the direction in which the school district would like to move forward. An option was given for consideration to improve only Lewis Lane at a later date when bond issuance was needed to repurpose the old E.C. Mason Elementary School building. Lewis Lane is a Major Thoroughfare on the City's map that will require widening and improvements to concrete curb and gutter. It is also an important east/west corridor that connects to McCoy Drive (west) to Pearland Sites Road (east). At the time of writing this update, City staff has not received feedback to report to City Council.

RECOMMENDATION: The staff recommends approval of the variance request to Section 62-111, where one half of perimeter roadways for Lewis Lane; an unnamed, unimproved 60-foot right-of-way abutting the eastern property line; and Canaan Road by escrowing funds to the city in the amount of construction (design, testing, construction, inspections, other, etc.) calculated by the city engineer at the time of tender of escrow funds. The escrow funds shall be due to the city at the earlier of:

1. the tenth anniversary of the approval date of this Agreement;
2. upon further subdivision of the Property by Developer or any successor in interest, (if no construction payment has been tendered then one-half of the road will be constructed to city standards as per subdivision ordinance and design criteria);
3. within 90 days of the city giving notice that it will construct the roadway;
4. upon the occurrence of the abutting property owners (along Lewis Lane, an unnamed, unimproved 60-foot right-of-way abutting the eastern property line, or Canaan Road) developing or redeveloping the abutting property. Upon such occurrence, Developer or any successor in interest may either pay the road construction costs to the city or join in construction of the roadway with the abutting property owners; or
5. upon sale of the Property by Developer or any successor in interest, (if no construction payment has been tendered then one-half of the road will be constructed to city standards as per subdivision ordinance and design criteria).

ATTACHMENTS: Application, Development Agreement, Proposed Plat, Vicinity Zoning Map, Vicinity Aerial Map, Major Thoroughfare Map

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER Jessica Rodriguez	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
---	---





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 4, 2022

TOPIC: Subdivision variance request for property located at 7401 Lewis Lane, seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements*.

BACKGROUND: The property is 21.014 acres located at 7401 Lewis Lane. The property is owned by Alvin Independent School District (AISD) and used as an agriculture barn facility. The property is zoned Open-Single Family Residential (O-SFR) District. The existing agriculture barn facility was permitted by the City in 2010. AISD would like to expand the existing agriculture barn facility. The facility expansion will require the property is platted. The City's subdivision ordinance requires one-half of all perimeter road to be constructed to concrete curb and gutter per Section 62-111. The perimeter roads for the 21.014 acre tract of land include Lewis Lane (north), an unnamed 60-foot right-of-way (east), and Canaan Road (south). Lewis Lane is an asphalt surface, the unnamed 60-foot right-of-way is unimproved, and Canaan Road is unimproved. Lewis Lane is also classified as an arterial with an ultimate right-of-way width of 100-feet according to the City's Major Thoroughfare Plan. AISD has already improved School Street per Section 62-111 with the construction of E.C. Mason Elementary School. The City Council is currently in the process of approving the abandonment of Oleander Street right-of-way between Lewis Lane (north) to Canaan Road (south). The first reading of Ordinance No. 2022-O-09 was approved by City Council at their March 21, 2022, meeting.

According to the proposed plat, AISD has 1,381.71 linear feet on Lewis Lane, 661.92 linear feet on the unnamed 60-foot right-of-way, and 849.57 linear feet on Canaan Road. Canaan Road and the unnamed 60-foot right-of-way have other property owners that abut; however, the properties take road access from another street.

1. Unnamed 60-foot ROW: two different property owners abut the unnamed 60-foot right-of-way, but one property owner takes access from Lewis Lane and the other property owner from Cemetery Road.
2. Canaan Road: five different property owners abut the Canaan Road right-of-way, but each property owner takes lot access from Large Avenue or Cemetery Road.

Lewis Lane will require a 20-foot right-of-way dedication in order for it to be constructed to the ultimate width in the Thoroughfare Plan. The Canaan Road right-of-way was abandoned by City Council on the E.C. Mason Elementary School site. The portion of Canaan Road that AISD is responsible for construction is between School Drive and the unnamed 60-foot right-of-way. Canaan Road terminates at Cemetery Road (east) but traverses the C-1 ditch. Also, unnamed 60-foot right-of-way extends to Lewis Lane (north) and Canaan Road (south) per City's GIS map and the proposed plat.

Staff is recommending approval of the subdivision variance request with conditions because Canaan Road and the unnamed 60-foot right-of-way are not currently utilized by other property owners, and Lewis Lane does not require improvement to Thoroughfare Plan standards at this time.

RECOMMENDATION: The staff recommends approval of the variance request to Section 62-111, where one half of perimeter roadways for Lewis Lane; an unnamed, unimproved 60-foot right-of-way abutting the eastern property line; and Canaan Road by escrowing funds to the city in the amount of construction (design, testing, construction, inspections, other, etc.) calculated by the city engineer at the time of tender of escrow funds. The escrow funds shall be due to the city at the earlier of:

1. the tenth anniversary of the approval date of this Agreement;
2. upon further subdivision of the Property by Developer or any successor in interest, (if no construction payment has been tendered then one-half of the road will be constructed to city standards as per subdivision ordinance and design criteria);
3. within 90 days of the city giving notice that it will construct the roadway;
4. upon the occurrence of the abutting property owners (along Lewis Lane, an unnamed, unimproved 60-foot right-of-way abutting the eastern property line, or Canaan Road) developing or redeveloping the abutting property. Upon such occurrence, Developer or any successor in interest may either pay the road construction costs to the city or join in construction of the roadway with the abutting property owners; or
5. upon sale of the Property by Developer or any successor in interest, (if no construction payment has been tendered then one-half of the road will be constructed to city standards as per subdivision ordinance and design criteria).

ATTACHMENTS: Application, Development Agreement, Proposed Plat, Vicinity Zoning Map, Vicinity Aerial Map, Major Thoroughfare Map

FUNDING ISSUES



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

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2022, is by and between the City of Manvel, Texas, (“City”) and Alvin Independent School District, property owner of certain hereinafter described property located within the City, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the expansion of a school agriculture barn facility on 21.014 acres of land located at 7401 Lewis Lane.

WHEREAS, Developer wishes to expand an existing school agriculture barn facility on 21.014 acres of land located within the City limits of the City of Manvel, said tract being located at 7401 Lewis Lane; and,

WHEREAS, construction of an expansion to the existing agriculture barn facility will require approval of a plat and compliance with the City’s subdivision ordinance; and

WHEREAS, Section 62-111 of the City Code requires all streets be constructed in accordance with the city’s design criteria and the developer is responsible for construction of necessary improvements on all perimeter streets in order to bring the pavement and curbing to minor street standards for the one-half of the street abutting the development; and

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

NOW THEREFORE, for and 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 subdivision of 21.014 acres of land located in the H.T. & B.R.R. Co. Survey, A-283 and Mary V. O’Donnell Survey, A470, Brazoria County, Texas (the “Property”). The Property is more fully described and depicted in the survey attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of an expansion to an existing school agriculture barn facility on the Property, owned by Developer.

1.03 The Property has never been platted. To construct an expansion to the existing school agriculture barn facility on the Property will require compliance with the City’s subdivision ordinance. Section 62-111of the City’s subdivision ordinance requires one-half of abutting

perimeter streets be constructed in accordance with the City's design criteria for asphalt roads. The Developer has applied to vary this requirement for their property.

2. CITY APPROVAL

2.01 Approval of variance. Pursuant to its authority under Section 62-5 of the City Code, the City agrees to allow the Developer to vary the requirements of Section 62-111 of the city's subdivision ordinance for Lewis Lane, an unnamed, unimproved 60-foot right-of-way abutting the eastern property line, and Canaan Road, with conditions.

2.02 Conditions. The required conditions are as follows:

(i) Developer shall satisfy the requirement to construct one half of perimeter roadways for Lewis Lane; an unnamed, unimproved 60-foot right-of-way abutting the eastern property line; and Canaan Road by escrowing funds to the city in the amount of construction (design, testing, construction, inspections, other, etc.) calculated by the city engineer at the time of tender of escrow funds. The escrow funds shall be due to the city at the earlier of:

- (a) the tenth anniversary of the approval date of this Agreement;
- (b) upon further subdivision of the Property by Developer or any successor in interest, (if no construction payment has been tendered then one-half of the road will be constructed to city standards as per subdivision ordinance and design criteria);
- (c) within 90 days of the city giving notice that it will construct the roadway;
- (d) upon the occurrence of the abutting property owners (along Lewis Lane, an unnamed, unimproved 60-foot right-of-way abutting the eastern property line, or Canaan Road) developing or redeveloping the abutting property. Upon such occurrence, Developer or any successor in interest may either pay the road construction costs to the city or join in construction of the roadway with the abutting property owners; or
- (e) upon sale of the Property by Developer or any successor in interest, (if no construction payment has been tendered then one-half of the road will be constructed to city standards as per subdivision ordinance and design criteria).

(ii) 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 an expansion to the existing school agriculture barn facility, Developer agrees that the City shall not issue any other construction permit or approve any further plat of the Property until the Developer complies with 2.02 of this Agreement;

(ii) Developer agrees to begin construction of the school agriculture barn facility, and diligently pursue to completion, within one-year of City Council approval; and

(iii) Developer agrees to pay the cost of recordation of this Agreement within thirty (30) days of invoice by the city.

3.02 Developer acknowledges that the city's covenants are contingent upon the Developer constructing the addition to the existing school agriculture barn facility. Failure of the Developer to begin to construct the school agriculture barn facility addition, and diligently pursue completion, within one-year 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
20031 Morris Avenue
Manvel, Texas 77578
ATTN: City Manager

If to Developer: Alvin Independent School District
ATTN: Bill Van Wagner
301 E. House Street
Alvin, Texas 77511

- 4.10 **Remedies.** In addition to any remedy provided by law, including but not limited to breach of contract, the Developer stipulates and agrees that, upon default by Developer, City may revoke/withhold issuance of a certificate of occupancy for the Property, and Developer agrees to hold City harmless for any liability from said revocation/fail to issue.

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.

Executed on this the _____ day of _____, 2__.

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

Alvin Independent School District:

By: _____

Name: Bill Van Wagner

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

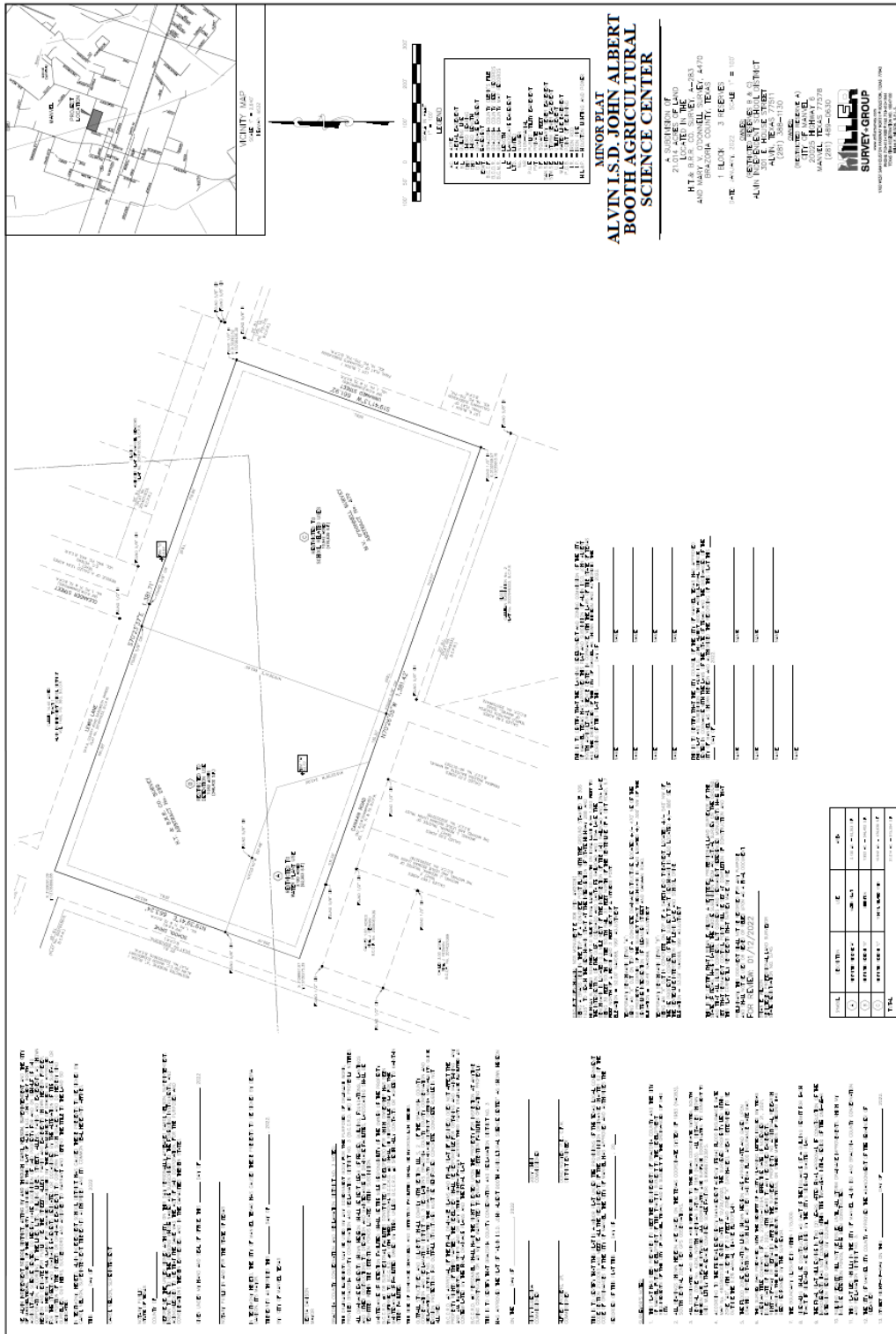
 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

Exhibit A

Being a subdivision of 21.014 acres of land located in the H.T. & B.R.R. CO. Survey, A-283 and Mary V. O'Donnell Survey, A470, Brazoria County, Texas.



WE, ALVIN INDEPENDENT SCHOOL DISTRICT, ACTING BY AND THROUGH CAROL NELSON, SUPERINTENDENT AND THE CITY OF MANVEL, TEXAS, OWNERS OF THE PROPERTY SUBDIVIDED, IN THIS PLAT OF ALVIN I.S.D. JOHN ALBERT BOOTH AGRICULTURAL SCIENCE CENTER, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID CORPORATION, ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE, THE STREETS, ALLEYS, PARKS AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNED TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY, HERETO, ALVIN INDEPENDENT SCHOOL DISTRICT, HAS CAUSED THESE PRESENTS TO BE SIGNED BY CAROL NELSON, SUPERINTENDENT, THEREUNTO AUTHORIZED AND ITS COMMON SEAL HEREUNTO AFFIXED,

THIS _____ DAY OF _____, 2022

CAROL NELSON, SUPERINTENDENT

NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____

BEFORE ME, THE UNDER SIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CAROL NELSON, SUPERINTENDENT, KNOWN TO ME, TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENTS, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF SAID CORPORATION, FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITIES THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2022

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

IN TESTIMONY HERETO, THE CITY OF MANVEL, TEXAS HAS CAUSED THESE PRESENTS TO BE SIGNED BY DEBRA DAVISON, ITS MAYOR.

THEREUNTO AUTHORIZED THIS _____ DAY OF _____, 2022.

BY: CITY OF MANVEL, TEXAS

DEBRA DAVISON

MAYOR

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

THE DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.

ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDING, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES, LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN SUBDIVISION.

MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.

THE SIDE OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDDED.

OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH SECTION LLL 5, 2 OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUALS ITS GUIDE, EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.

B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING. ANY AND ALL EASEMENTS, FEE STRIPS AND OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.

B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANYTIME DURING CONSTRUCTION OR AS MY BE WARRANTED TO ENSURE THE DETENTION FACILITIES OPERATING PROPERLY.

THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3

HAS APPROVED THE PLAT OF "ALVIN I.S.D. JOHN ALBERT BOOTH AGRICULTURAL SCIENCE CENTER" AS SHOWN HEREON

ON THE _____ DAY OF _____, 2022

RICKY KUBECZKA

COMMISSIONER

JODY CHIBI

COMMISSIONER

ALFRED FROBERG, JR.

COMMISSIONER

DONG NGUYEN, P.E., C.F.M.

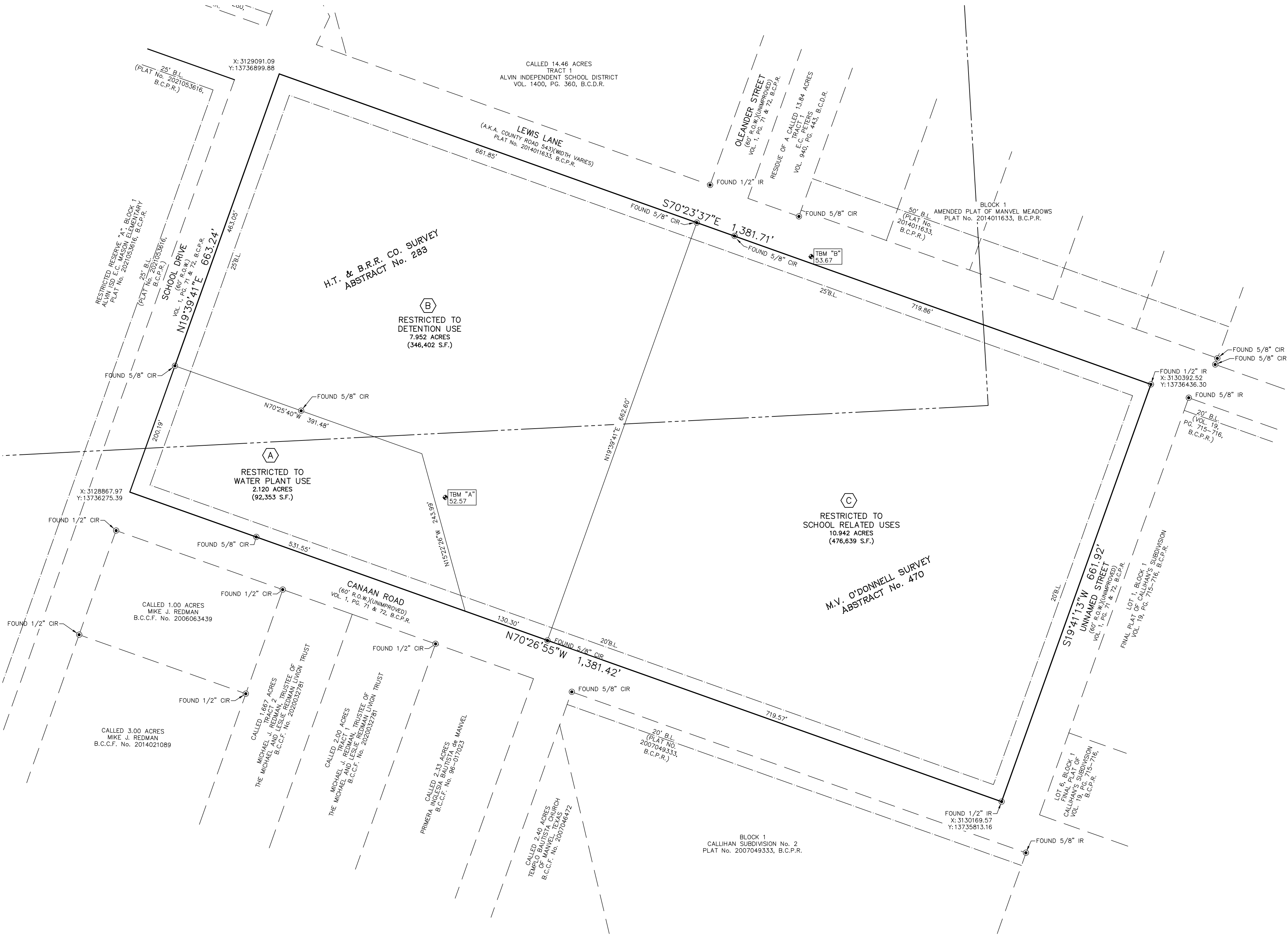
DISTRICT ENGINEER

THIS IS TO CERTIFY THAT THIS PLAT IS A MINOR PLAT UNDER THE PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE SECTION 212.0065 AND MEETS ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL. THE CITY OF MANVEL HAS APPROVED AND AUTHORIZES THE

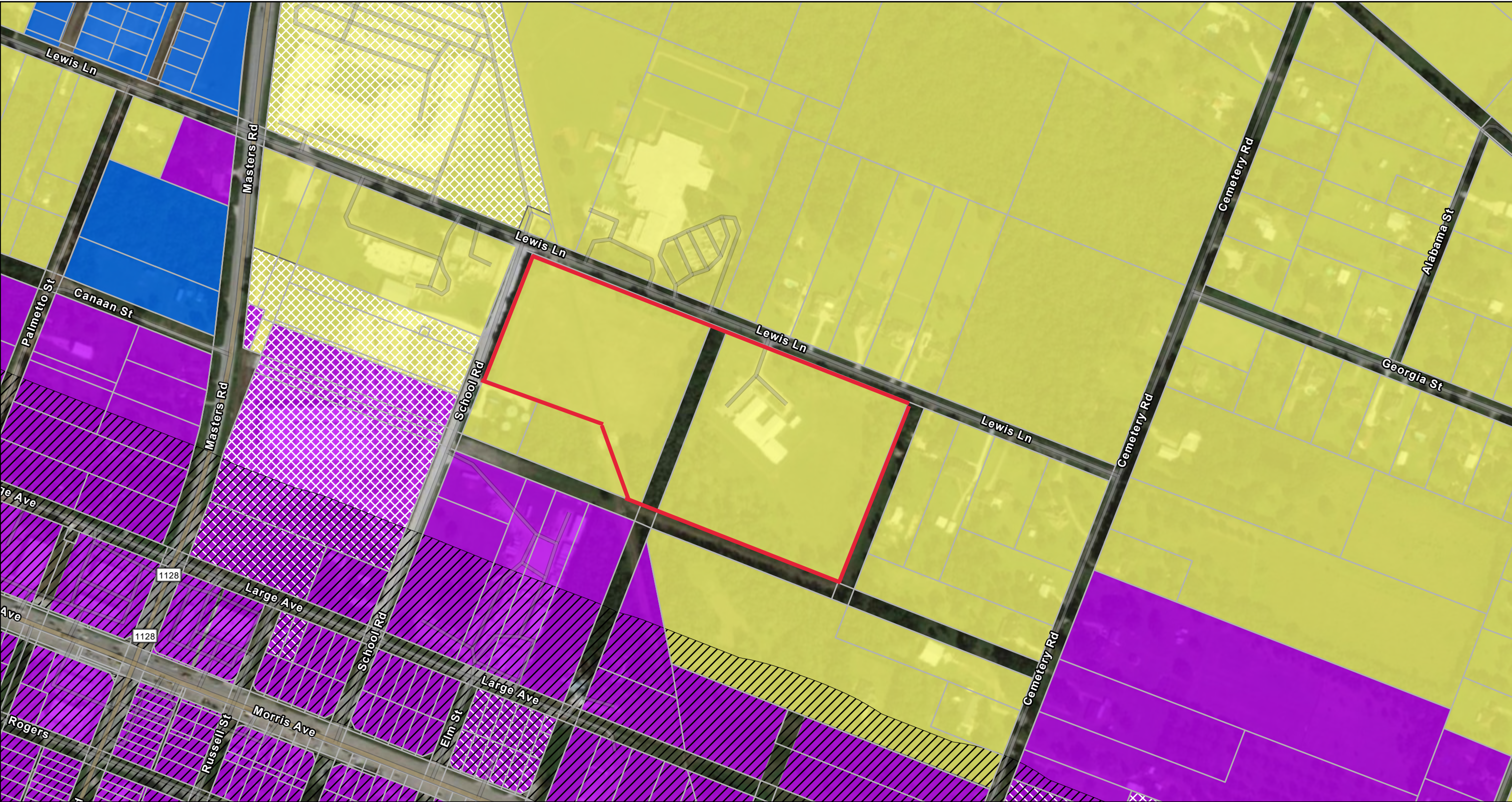
RECORDED OF THIS PLAT THIS ____ DAY OF _____, 20 ____

SURVEYOR'S NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF BRAZORIA COUNTY AND THE CITY OF MANVEL. FUTURE DEVELOPMENT OF THIS TRACT IS SUBJECT TO THE DEVELOPMENT REQUIREMENTS OF THE CITY OF MANVEL, TEXAS, AND IS SUBJECT TO THE ORDINANCES OF SAID CITY.
- ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
- ALL COORDINATES AND BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE No. 4204, NORTH AMERICAN DATUM OF 1983 (NAD83). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. ALL COORDINATES ARE SURFACE COORDINATES. TO CONVERT TO GRID MULTIPLY THE AVERAGE COMBINED SCALE FACTOR: 0.999867723615.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP No. 48039C0130K, REVISED DATE OF 12/30/2020, THE SURVEYED PROPERTY LIES WITHIN ZONE "AO", WITH A DEPTH OF 2.0 FEET AND ZONE "X" (UNSHADED). AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- THE FLOOD ZONE SEPARATION LINES SHOWN HEREON ARE APPROXIMATE AND BASED UPON GRAPHIC REPRESENTATION OF SUCH LINES AS PER SAID FEMA FLOOD INSURANCE RATE MAP.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A CITY PLANNING LETTER ISSUED BY TEXAS AMERICAN TITLE COMPANY, G.F. No. 2791021-12164, EFFECTIVE DATE OF NOVEMBER 21, 2021, ISSUED DATE OF DECEMBER 1, 2021, WITH REGARD TO ANY RECORDED EASEMENTS, RIGHTS-OF-WAY OR SETBACKS AFFECTING THE SURVEYED PROPERTY. NO ADDITIONAL RESEARCH REGARDING THE EXISTENCE OF EASEMENTS, RESTRICTIONS, OR OTHER MATTERS OF RECORD HAS BEEN PERFORMED BY THE SURVEYOR.
- THE BOUNDARY CLOSURE IS WITHIN 1:15,000.
- SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT, IF SIDEWALKS ARE REQUIRED BY THE CITY'S SIDEWALK MASTER PLAN.
- THE FINAL PLAT WILL EXPIRE IN TWO (2) YEARS AFTER FINAL APPROVAL, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OF THE ONE-YEAR EXTENSION PERIOD GRANTED BY COUNCIL.
- BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.
- THIS PLAT LIES WHOLLY IN THE CITY OF MANVEL, ALVIN ISD AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.
- THE CITY OF MANVEL CITY COUNCIL APPROVED THE ABANDONMENT OF THE REMAINDER OF OLEANDER
- STREET RIGHT-OF-WAY ON THIS _____ DAY OF _____, 2022.

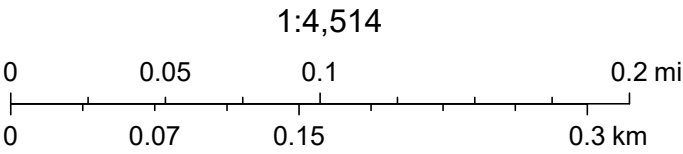


City of Manvel GIS Map



3/23/2022, 5:45:19 PM

- Parcels
- Zoning - State Highway 6 Overlay District
- Zoning - Specific Use Permit
- Zoning - District
- Light Commercial District
- Open Single-Family Residential District
- Highway Mixed Use District



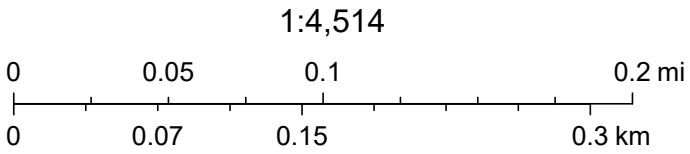
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Manvel GIS Map



3/23/2022, 5:46:02 PM

 Parcels



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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): Brian E. Wilson

Phone: 713-413-1900 e-mail: wilson@millersurvey.com

Owner: Alvin Independent School District

Owner Address: 301 E. House Street City: Alvin State: TX Zip: 77511

Phone: 281-245-2555 e-mail: bvanwagner@alvinisd.net

Property Information

Site Address: 7401 Lewis Lane, Manvel, TX 77578

Legal description (from deed): Outlots 98 & 99 of Dr. A.A. Luther Subdivision, Vol. 1, Pg. 71&72, B.C.P.R
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 1005044

Description of Subdivision Variance Request

Sec. 62-41(28) Applicant seeking variance to allow replatting of tract without requirement to build a road
on adjacent streets.

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?

The property is owned by Alvin I.S.D. and the City of Manvel. The easterly portion of the property is used as an agriculture student center for Alvin I.S.D. FFA student projects and the southwest portion is used as a water plant by the City of Manvel. The northwest portion property is used as a detention pond, maintained by Brazoria County Conservation and Reclamation District No. 3. Canaan Road is located on the southwest side of the property and an Unnamed Street is located to the southeast side, both unimproved. The current development takes access from existing Lewis Lane and School Drive, and does not necessitate construction of Canaan Road nor the Unnamed Street. Additionally, no adjacent properties take access from Canaan Road or Unnamed Street. Portions of Canaan Road and Unnamed Street are currently being used for drainage (maintained by Brazoria County Conservation and Reclamation District No. 3.

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

Replatted use of the property will be restricted to: School related uses, detention, and water plant. Strict application of the ordinance would require applicant to construct streets unnecessarily, since not needed for access and traffic. The unique use and circumstances of the property and surrounding properties, do not necessitate the construction of these streets.

- 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.

The property is bounded on the southeast and southwest sides by public streets dedicated by plat of Dr. A.A. Luther Subdivision in 1939, which were never constructed and are not being used for access. Traffic for the Alvin I.S.D. property enters and exits via Lewis Lane, (asphalt - 20 feet wide) and the City of Manvel property has access via School Drive both having capacity to handle traffic from the property.

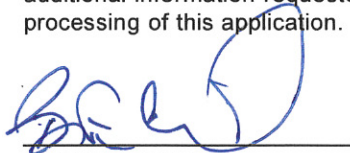
- o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

Surrounding properties do not take access from the unimproved streets. All adjacent tracts take access from Lewis Lane, School Drive, and Large Avenue.

Applicant Authorization

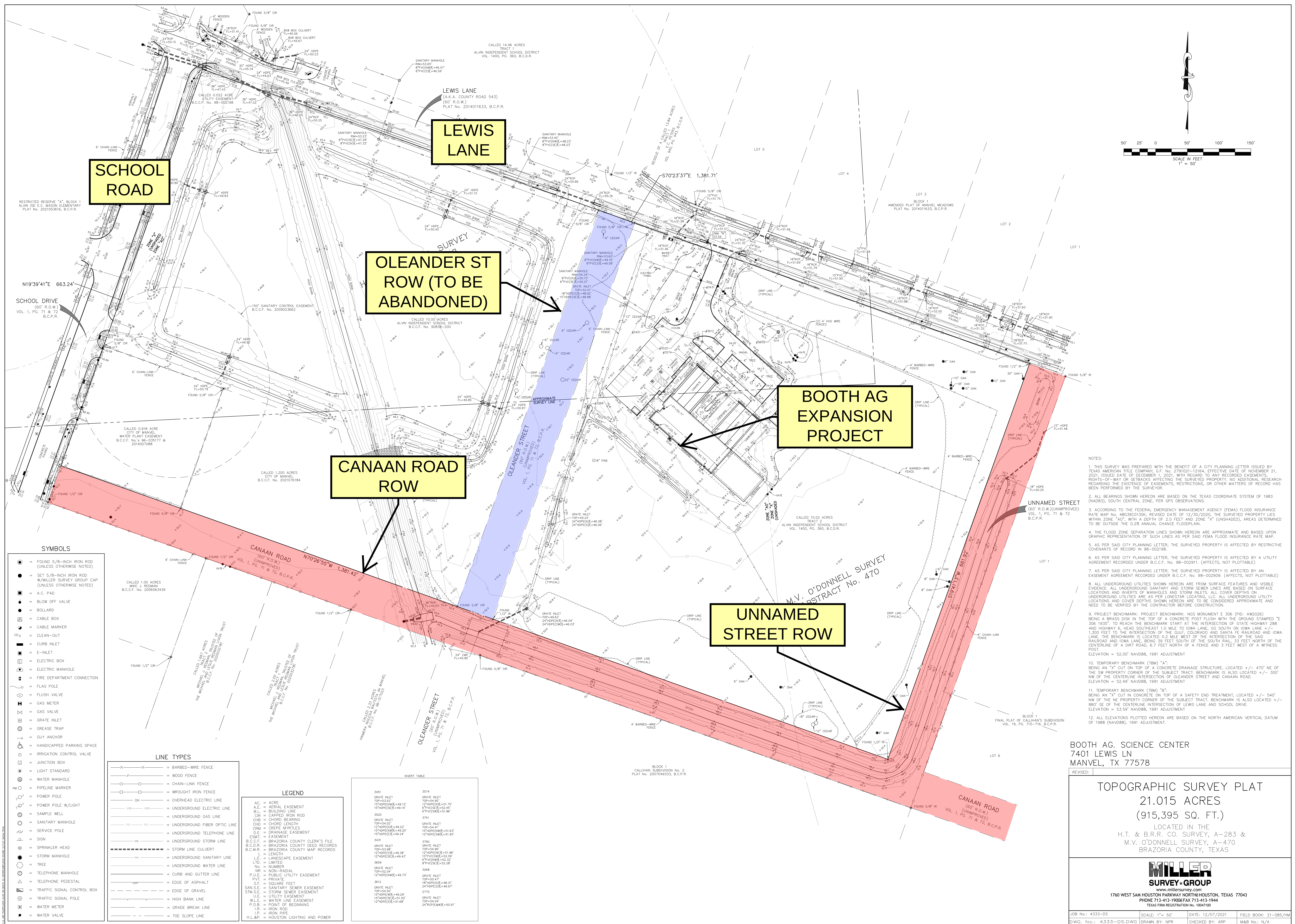
I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

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 Manvel as they deem necessary for the processing of this application.

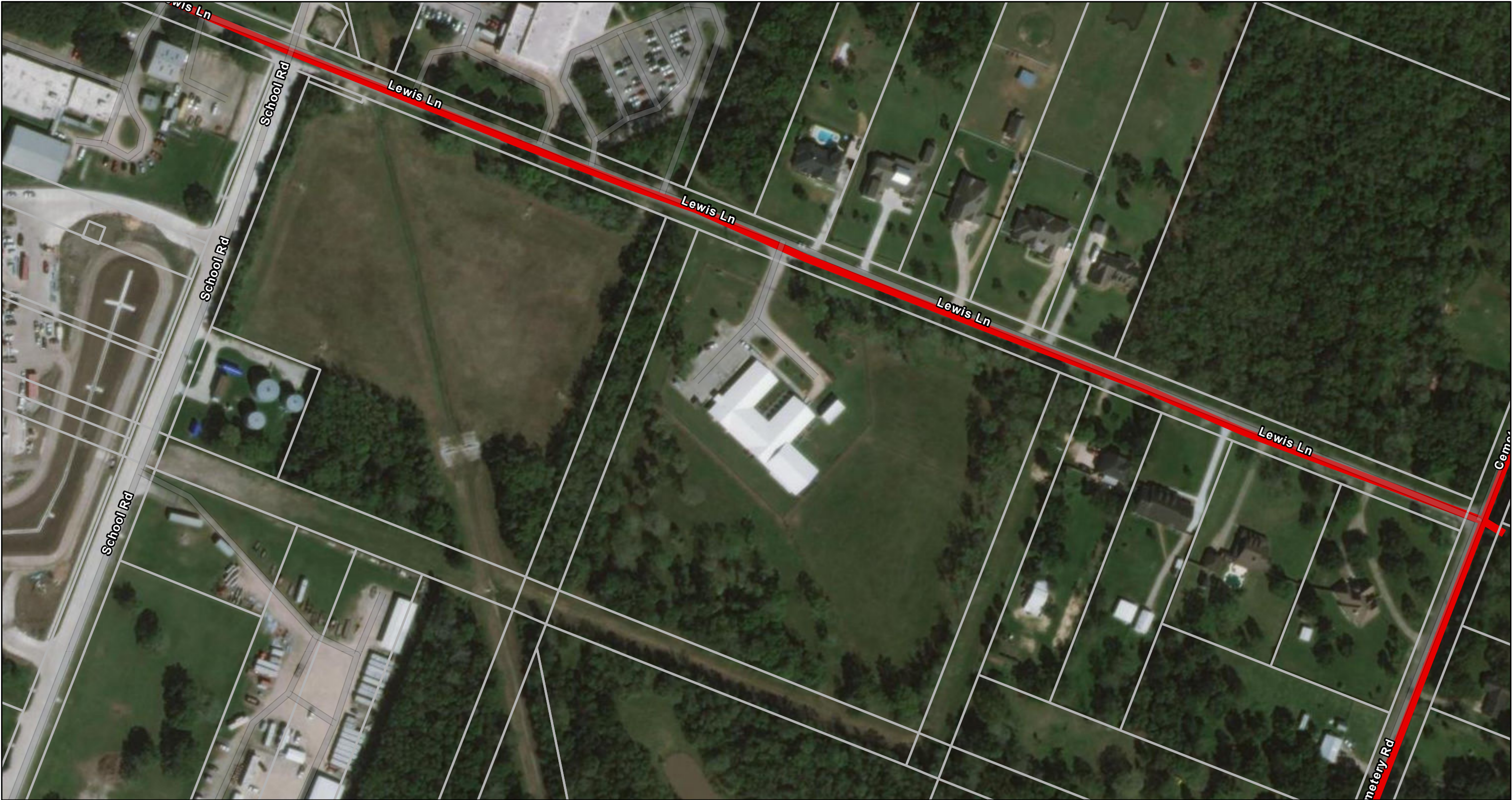

Applicant Signature

1-17-2022
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 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.

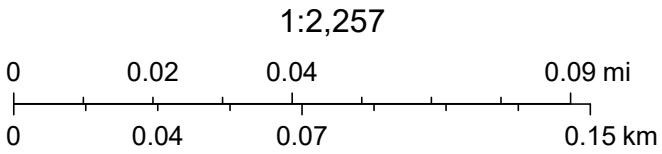


City of Manvel GIS Map



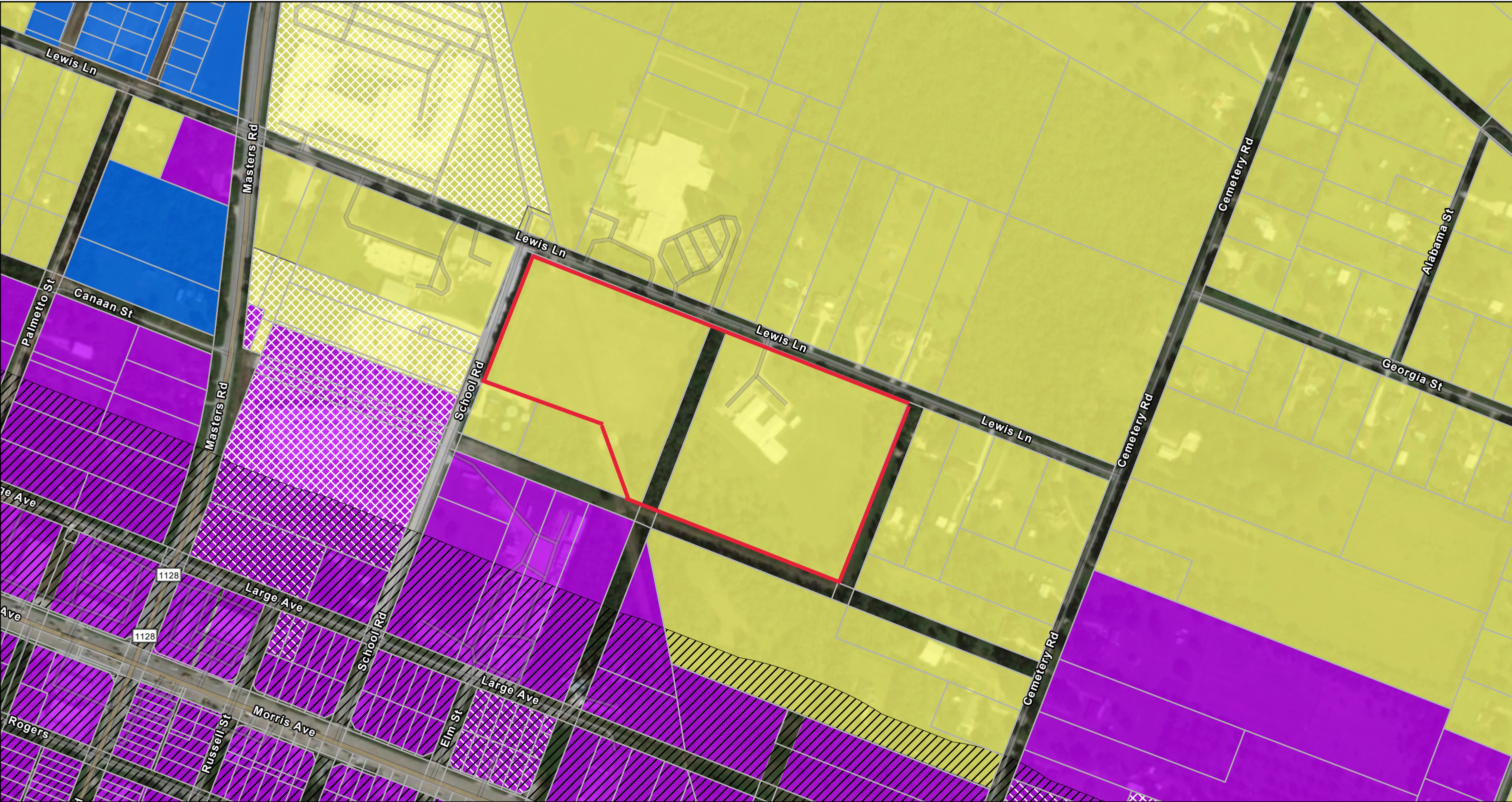
3/23/2022, 5:41:33 PM

-  Parcels
- Major Thoroughfare - 2021 Major Thoroughfares
-  Proposed Arterial (100' ROW)
-  Arterial (100' ROW)



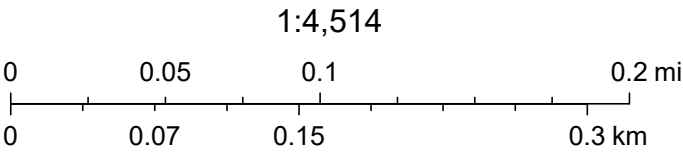
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Manvel GIS Map



3/23/2022, 5:45:19 PM

- Parcels
- Zoning - State Highway 6 Overlay District
- Zoning - Specific Use Permit
- Zoning - District
- Light Commercial District
- Open Single-Family Residential District
- Highway Mixed Use District



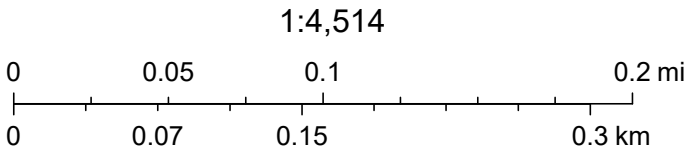
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Manvel GIS Map



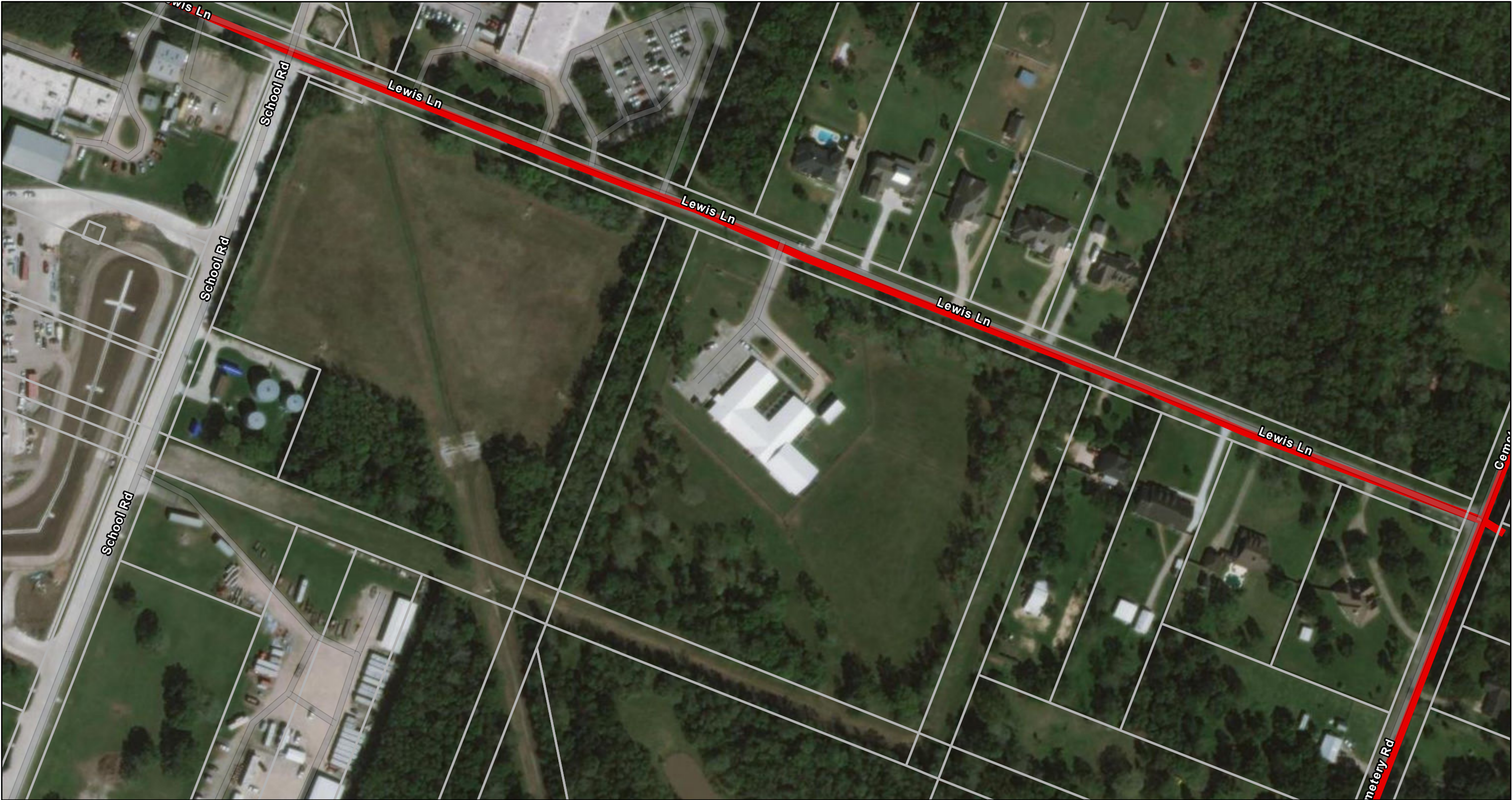
3/23/2022, 5:46:02 PM

 Parcels



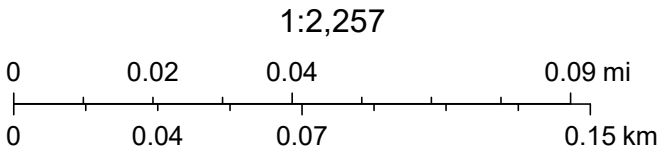
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Manvel GIS Map



3/23/2022, 5:41:33 PM

-  Parcels
- Major Thoroughfare - 2021 Major Thoroughfares
-  Proposed Arterial (100' ROW)
-  Arterial (100' ROW)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

RESOLUTION NO. 2022-R-03

A RESOLUTION BY THE CITY OF MANVEL, TEXAS FINDING THAT CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Manvel, Texas ("City") is an electric utility customer of CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company"), and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, the City is a member of the Gulf Coast Coalition of Cities ("GCCC") (such participating cities are referred to herein as "GCCC"), a coalition of similarly situated cities served by CenterPoint that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in CenterPoint's service area; and

WHEREAS, on or about April 5, 2022 CenterPoint filed with the City an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") Pursuant to 16 Tex. Admin. Code § 25.243 seeking Total DCRF Revenue Requirement of \$198,422,017 to be effective on September 1, 2022; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, GCCC is coordinating its review of CenterPoint's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, the GCCC's members and attorneys recommend that GCCC members deny the DCRF.

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

Section 1. That the rates proposed by CenterPoint to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 2. That the Company shall continue to charge its existing rates to customers within the City.

Section 3. That the City's reasonable rate case expenses shall be reimbursed in full by CenterPoint within 30 days of presentation of an invoice to CenterPoint.

Section 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5. That a copy of this Resolution shall be sent to Denise Gaw, CenterPoint Energy Service Company, LLC, 1111 Louisiana Street, Houston, Texas 77002 and to Thomas Brocato, General Counsel to the Gulf Coast Coalition of Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this _____ day of _____, 2022.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 2022-O-12

AN ORDINANCE AMENDING ORDINANCE NO. 2021-O-29 AMENDING THE CITY FISCAL YEAR 2022 BUDGET ENDING SEPTEMBER 30, 2022, BY AMENDING THE CAPITAL PROJECTS FUND TO ACCOUNT FOR THE PURCHASE OF REAL PROPERTY AND OTHER COSTS ASSOCIATED WITH THE PURCHASE, 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.

WHEREAS, by Ordinance No. 2021-O-29, the City Council of the City of Manvel, Texas, adopted its original budget for Fiscal Year ending September 2022; and

WHEREAS, by Ordinance No. 2021-O-32, 2022-O-04, and 2022-O-11 the City Council of the City of Manvel, Texas, amended its budget for Fiscal Year ending September 2022; and

WHEREAS, Texas Local Government Code §102.010 provides that a municipality may make changes in the budget for municipal purposes; and

WHEREAS, the Capital Projects Fund budget amendment is needed for the purchase of real property situated in Brazoria County, Texas at 7235 Palmetto, Manvel, Tx 7757 (Manvel Lot OL 92C Acres 1.0) and other cost associated with said purchase; and

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

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct. The City Council deems the purpose for this budget amendment is a municipal purpose.

SECTION 2: That the budget for Fiscal Year ending September 30, 2022, of the City of Manvel, Texas, is hereby amended as follows;

50-09-4999 Transfer In - Fund Balance	\$15,784,716.00	\$400,000	\$16,184,716.00
50-91-7523 Purchases of Land	\$0.00	\$400,000	\$400,000

SECTION 3: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2022.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

ORDINANCE NO. 2022-O-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. "SIGNS" BY REVISING SECTION 53-10(2) PERTAINING TO THE REMOVAL OF POLITICAL SIGNS AFTER AN ELECTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, due to potential vagueness and varying interpretations of the time limit that political signs may remain after an election, in particular for run-off candidates, the city council deems it in the best interest of the health, safety and welfare of its citizens to amend section 53-10(2) to clarify this regulation; NOW THEREFORE,

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

Section 1. The Code of Ordinances of the City of Manvel, Texas is hereby amended by amending section 53-10(2) of Chapter 53. "Signs", to read and provide as follows:

"CHAPTER 53. SIGNS

...

Sec. 53-10. - Permitted signs.

The following signs are allowed in all districts and are exempt from the permit requirements of this chapter:

...

- (2) Temporary political signs concerning candidates for public office and ballot issues and not exceeding 36 square feet in area. Such signs shall be erected not more than 30 days preceding the first day early voting commences for the election or referendum to which they pertain and removed not later than ten days after the date of the election or referendum. Political signs for candidates who are in a run-off shall be allowed to remain until ten days after their run-off election. Such signs shall only be located on private property;

..."

Section 2. **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter 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.

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

Section 4. **Severability.** In the event any 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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2022.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Aspect Holdings, LLC

Scout #1RE

April 18, 2022



Aspect Holdings - Scout #1RE

Project History and Application Request

- March 2014 - PIC Operating initially applied and was granted a permit
- Dec 2015 - PIC spud the Scout 1 well
- Jan 2016 - The well was deemed uneconomic and was plugged
- Sept 2017 - Aspect became interested in the prospect after reprocessing historic seismic data
- May 2018 - Aspect applied and was granted a permit to re-enter the existing well
- 2018 to 2020 - Natural gas prices declined to 10-year lows and the project was deferred
- Sept/Oct 2021 - Aspect resumed plans for the drilling project and expired applications were refiled
- Nov 2021 – Aspect appeared and was granted permission by the City of Manvel to waive the public notification process
- Oct 2021 – Mar 2022 – Permits were secured with the RRC, TxDOT and FAA

Key Take Away

- The final permit needed for project execution is with the City of Manvel
- The proposed project has already been approved by the City on two previous occasions.



Existing Scout #1RE Wellhead

Aspect Holdings - Scout #1RE

Operational Plan and Schedule

Activity	Duration	Schedule
Permitting	Ongoing	April '22
Road/Pad Construction	21 days	June '22
Drilling	21 days	July '22
Completion	14 days	July-Aug '22
Flow Testing	3-days	Aug '22
Pipeline Construction	14-days	Aug '22
Well Put on Production	Upon completion of pipeline	Sept '22

Aspect Holdings - Scout #1RE

Environmental Health and Safety

Company History

- Aspect has a 29-year history of outstanding safety and environmental performance

Groundwater Protection

- Surface casing has been set 3x deeper than RRC recommendation

Spill Prevention

- Closed looped drilling - No reserve pit will be utilized

Waste Disposal

- Produced water will be transported to an approved disposal well
- Solid waste will be hauled offsite and disposed at a licensed facility

Air Quality

- Following a 1-3 day well test; no additional flaring will occur

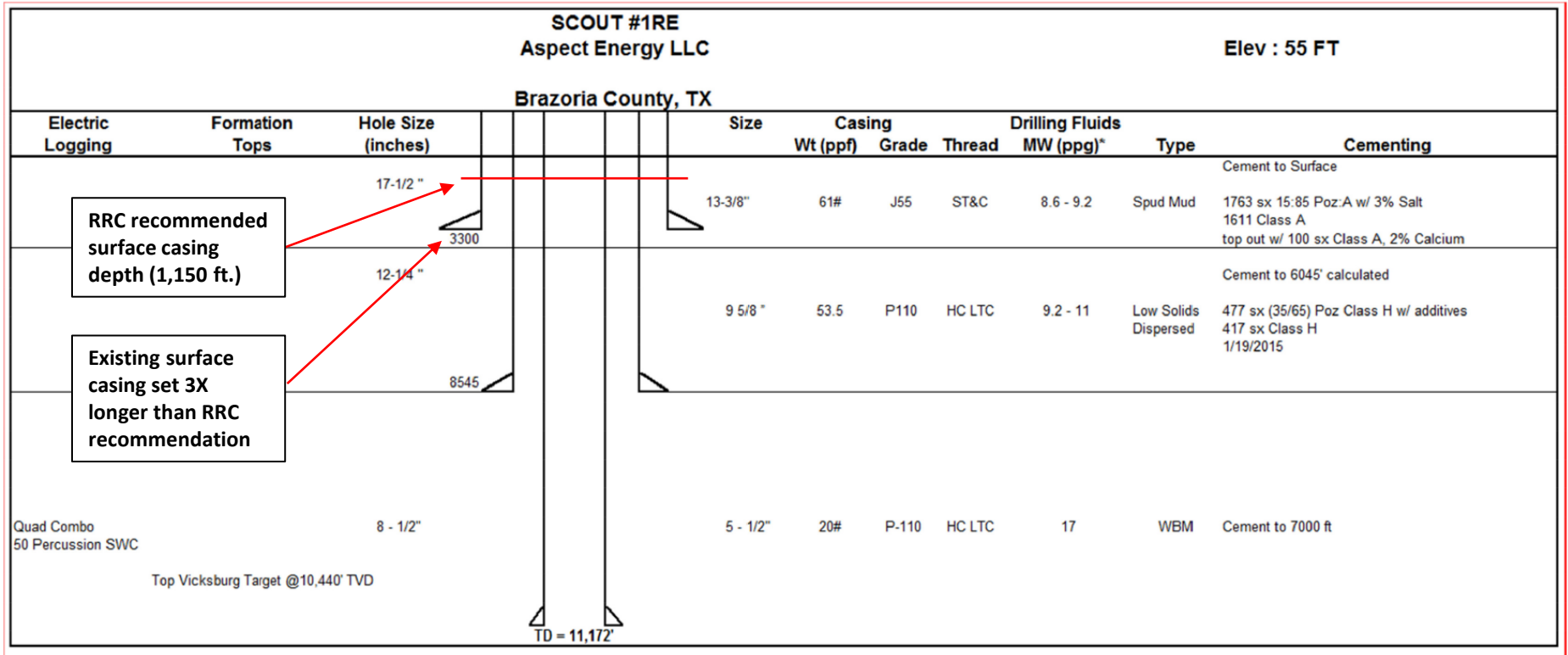
Traffic & Site Security

- Off-duty police officer will be onsite during mob/demob to provide traffic control
- Bar gate will be installed on the access road and the well pad will be fenced to prevent public access



Aspect Holdings - Scout #1RE

Well Design



Aspect Holdings - Scout #1RE

Texas Railroad Commission – Approved Permit

API No. <u>42-039-33204</u> Drilling Permit # <u>873178</u> SWR Exception Case/Docket No. <u>0288705</u> (R37)		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. A certification of the automated data is available in the RRC's Austin office.</i>			FORM W-1 07/2004 Permit Status: Approved	
1. RRC Operator No. <u>035453</u>		2. Operator's Name (as shown on form P-5, Organization Report) ASPECT ENERGY, LLC		3. Operator Address (include street, city, state, zip): 1601 WEWATTA ST SUITE 600 DENVER, CO 80202-0000		
4. Lease Name SCOUT		5. Well No. 1RE				
GENERAL INFORMATION						
6. Purpose of filing (mark ALL appropriate boxes): ☐ New Drill ☐ Recompletion ☐ 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 BRAZORIA		13. Surface Location ☒ Land ☐ Bay/Estuary ☐ Inland Waterway ☐ Offshore		
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	17. Survey HT&B RR CO/TALMAGE, J S		18. Abstract No. <u>A-560</u>	19. Distance to nearest lease line: ft. <u>50.91</u>	
20. Number of contiguous acres in lease, pooled unit, or unitized tract: <u>50.91</u>						
21. Lease Perpendiculars: <u>590</u> ft from the <u>NORTH</u> line and <u>100</u> ft from the <u>WEST</u> line.						
22. Survey Perpendiculars: <u>590</u> ft from the <u>NORTH</u> line and <u>1848</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	30. Completion Depth	31. Distance to Nearest Well in this Reservoir	
03	00006001	WILDCAT	Oil or Gas Well	11000	0.00	
03	44652600	IOWA COLONY (9050 VICKSBURG)	Gas Well	8752	0.00	
03	44652700	IOWA COLONY (9700 VICKSBURG)	Gas Well	11000	0.00	
BOTTOMHOLE LOCATION INFORMATION is required for DIRECTIONAL, HORIZONTAL, AND AMENDED AS DRILLED PERMIT APPLICATIONS (see W-1D attachment)						
Remarks [Sep 28, 2021 4:00 PM]: Created from expired Permit #840523; [RRC STAFF Oct 27, 2021 8:37 AM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.; [RRC STAFF Dec 8, 2021 9:09 AM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.; [RRC STAFF Feb 22, 2022 4:57 PM]: can e approved on March 21st.; [RRC STAFF Apr 4, 2022 4:30 PM]: Problems identified with this permit are resolved.			Certificate: I certify that information stated in this application is true and complete, to the best of my knowledge. Kevin Haring, Land Records & Regulatory Analyst Sep 28, 2021 Name of filer Date submitted (303)5737011, x214 kharing@aspectenergy.com Phone E-mail Address (OPTIONAL)			
RRC Use Only Data Validation Time Stamp: Apr 4, 2022 5:06 PM(Current Version)						

Aspect Holdings - Scout #1RE

Permit Bond

Bond #EACX40014374

LICENSE OR PERMIT BOND

Know all persons by these presents, That we Aspect Energy, LLC of 1601 Wewatta Street, Suite 600, Denver, CO 80202 hereinafter referred to as the Principal, and Endurance Assurance Corporation, as Surety, are held and firmly bound unto City of Manvel, P.O. Box 187, Manvel, TX 77578, hereinafter referred to as the Oblige, in the sum of Five Hundred Thousand and No/100 Dollars (\$500,000.00) for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas, the Principal has made application for a license or permit to the Oblige for the purpose of drilling and operating such wells within the city limits of the City of Manvel in accordance with the terms of this Permit and Chapter 35, Article V. Oil and Gas Wells of the Manvel City Code.

Now therefore, if the principal shall faithfully comply with all ordinances, rules and regulations which have been or may hereafter be in force concerning and License or Permit, and shall save and keep harmless the Oblige from all loss or damage which it may sustain or for which it may become liable on account of the issuance of said license or permit to the Principal, then this obligation shall be void; to remain in full force and effect.

It is hereby understood and agreed that this bond may not be canceled by the surety, nor any intention not to renew be exercised by the surety, until sixty (60) days after receipt by the City, by registered or certified mail of written notice, of such intent to cancel or to not renew.

Signed, Sealed and Dated this 28th day of October, 2021.

Aspect Energy, LLC (Principal)

BY: Shan Conley, CEO

Endurance Assurance Corporation (Surety)

BY: Maria D. Zuniga
Maria D. Zuniga, Attorney-in-Fact



POWER OF ATTORNEY

10034

KNOW ALL BY THESE PRESENTS, that Endurance Assurance Corporation, a Delaware corporation, Endurance American Insurance Company, a Delaware corporation, Lexon Insurance Company, a Texas corporation, and/or Bond Safeguard Insurance Company, a South Dakota corporation, each, a "Company" and collectively, "Sompco International," do hereby constitute and appoint: Marc W. Boots, Vickie Lacy, Maria D. Zuniga, Joseph R. Aubert, Ashley Kolestar, Ryan Varela, Richard Covington as true and lawful Attorney(s)-in-Fact to make, execute, seal, and deliver for, and on its behalf as surety or co-surety, bonds and undertakings given for any and all purposes also to execute and deliver on its behalf as aforesaid renewals, extensions, agreements, waivers, consents or stipulations relating to such bonds or undertakings provided, however, that no single bond or undertaking so made, executed and delivered shall obligate the Company for any portion of the penal sum thereof in excess of the sum of ONE HUNDRED MILLION DOLLARS (\$100,000,000.00).

Such bonds and undertakings for said purposes, when duly executed by said attorney(s)-in-fact, shall be binding upon the Company as fully and to the same extent as if signed by the President of the Company under its corporate seal attested by its Corporate Secretary.

This appointment is made under and by authority of certain resolutions adopted by the sole shareholder of each Company by unanimous written consent effective the 15th day of June, 2019, a copy of which appears below under the heading entitled "Certificate".

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the sole shareholder of each Company by unanimous written consent effective the 15th day of June, 2019 and said resolution has not since been revoked, amended or repealed:

RESOLVED, that the signature of an individual named above and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signature or seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, each Company has caused this instrument to be signed by the following officers, and its corporate seal to be affixed this 15th day of June, 2019.

Endurance Assurance Corporation
By: Richard M. Appel
Richard Appel: SVP & Senior Counsel

Endurance American Insurance Company
By: Richard M. Appel
Richard Appel: SVP & Senior Counsel

Lexon Insurance Company
By: Richard M. Appel
Richard Appel: SVP & Senior Counsel

Bond Safeguard Insurance Company
By: Richard M. Appel
Richard Appel: SVP & Senior Counsel



ACKNOWLEDGEMENT

On this 15th day of June, 2019, before me, personally came the above signatories known to me, who being duly sworn, did depose and say that he/she is an Officer of each of the Companies; and that he executed said instrument on behalf of each Company by authority of his office under the bylaws of each Company.

By: Amy Taylor
Amy Taylor, Notary Public, My Commission Expires 5/9/23

CERTIFICATE

I, the undersigned Officer of each Company, DO HEREBY CERTIFY that:

1. That the original power of attorney of which the foregoing is a copy was duly executed on behalf of each Company and has not since been revoked, amended or modified; that the undersigned has compared the foregoing copy thereof with the original power of attorney, and that the same is a true and correct copy of the original power of attorney and of the whole thereof;
2. The following are resolutions which were adopted by the sole shareholder of each Company by unanimous written consent effective June 15, 2019 and said resolutions have not since been revoked, amended or modified:

"RESOLVED, that each of the individuals named below is authorized to make, execute, seal and deliver for and on behalf of the Company any and all bonds, undertakings or obligations in surety or co-surety with others: RICHARD M. APPEL, BRIAN J. BEGGS, CHRISTOPHER DONELAN, SHARON L. SIMS, CHRISTOPHER L. SPARRO, MARIANNE L. WILBERT

; and be it further

RESOLVED, that each of the individuals named above is authorized to appoint attorneys-in-fact for the purpose of making, executing, sealing and delivering bonds, undertakings or obligations in surety or co-surety for and on behalf of the Company."

3. The undersigned further certifies that the above resolutions are true and correct copies of the resolutions as so recorded and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 28th day of October, 2021

By: Daniel S. Leine
Daniel S. Leine, Secretary

NOTICE: U. S. TREASURY DEPARTMENT'S OFFICE OF FOREIGN ASSETS CONTROL (OFAC)

No coverage is provided by this Notice nor can it be construed to replace any provisions of any surety bond or other surety coverage provided. This Notice provides information concerning possible impact on your surety coverage due to directives issued by OFAC. Please read this Notice carefully.

The Office of Foreign Assets Control (OFAC) administers and enforces sanctions policy, based on Presidential declarations of "national emergency". OFAC has identified and listed numerous foreign agents, front organizations, terrorists, terrorist organizations, and narcotics traffickers as "Specially Designated Nationals and Blocked Persons". This list can be located on the United States Treasury's website - <https://www.treasury.gov/press-releases/Pages/SDNlist.aspx>

In accordance with OFAC regulations, if it is determined that you or any other person or entity claiming the benefits of any coverage has violated U.S. sanctions law or is a Specially Designated National and Blocked Person, as identified by OFAC, any coverage will be considered a blocked or frozen contract and all provisions of any coverage provided are immediately subject to OFAC. When a surety bond or other form of surety coverage is considered to be such a blocked or frozen contract, no payments nor premium refunds may be made without authorization from OFAC. Other limitations on the premiums and payments may also apply.

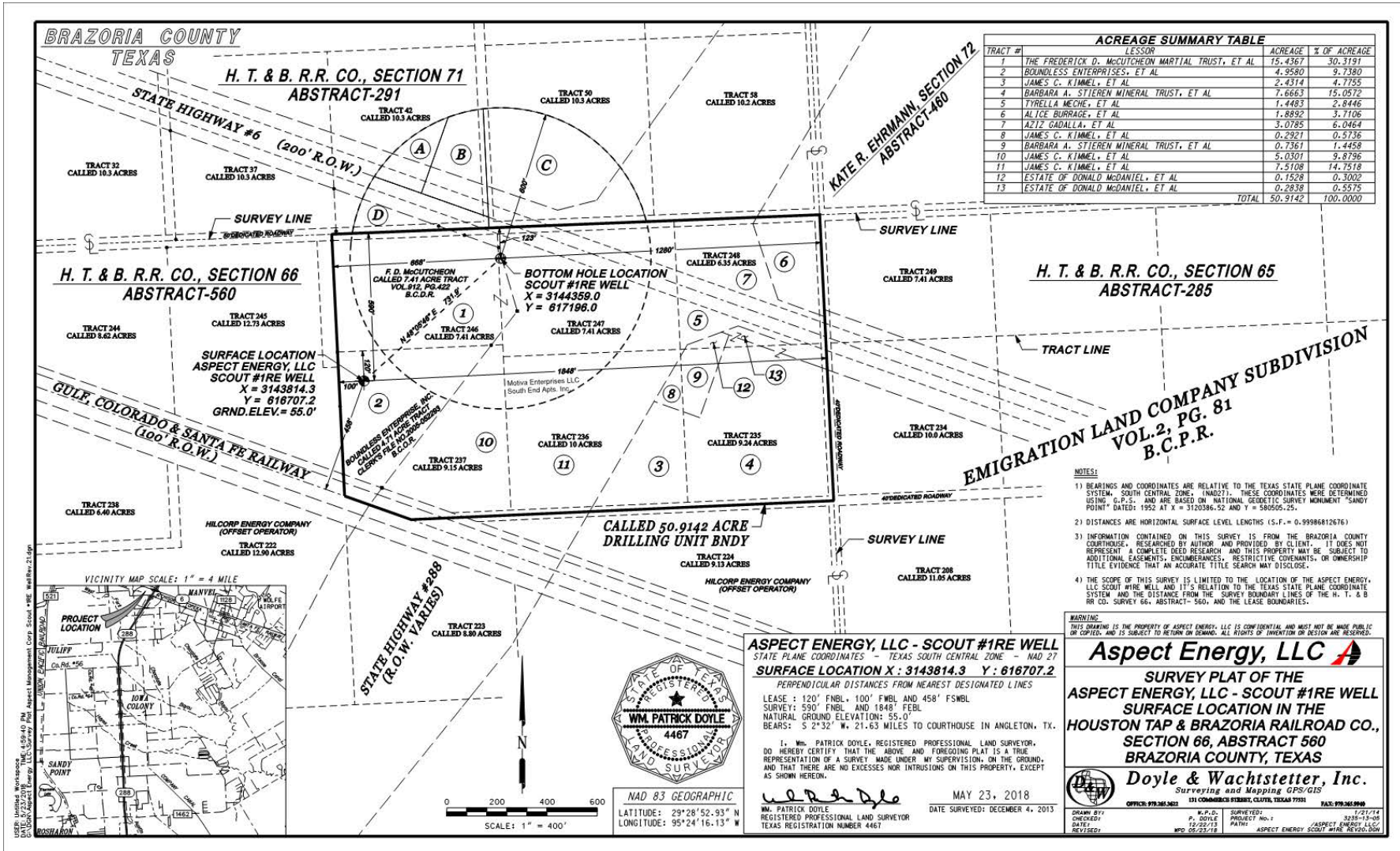
Any reproductions are void.

Surety Claims Submission: LexonClaimAdministration@sompco-intl.com

Telephone: 616-663-9500 Mailing Address: Sompco International, 12890 Lebanon Road, Mount Juliet, TN 37122-2870

Aspect Holdings - Scout #1RE

Survey Plat



Aerial Photo of Proposed Development





Existing
Driveway
Access and
Culvert

API No. <u>42-039-33204</u> Drilling Permit # <u>873178</u> SWR Exception Case/Docket No. <u>0288705</u> (R37)		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 07/2004 Permit Status: Approved	
1. RRC Operator No. <u>035453</u>		2. Operator's Name (as shown on form P-5, Organization Report) ASPECT ENERGY, LLC		3. Operator Address (include street, city, state, zip): 1601 WEWATTA ST SUITE 600 DENVER, CO 80202-0000			
4. Lease Name SCOUT		5. Well No. 1RE					
GENERAL INFORMATION							
6. Purpose of filing (mark ALL appropriate boxes): ☐ New Drill ☐ Recompletion ☐ 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 11000		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. 03		12. County BRAZORIA		13. Surface Location ☒ Land ☐ Bay/Estuary ☐ Inland Waterway ☐ Offshore			
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 66	16. Block	17. Survey HT&B RR CO/TALMAGE, J S		18. Abstract No. A-560	19. Distance to nearest lease line: ft.	20. Number of contiguous acres in lease, pooled unit, or unitized tract: 50.91	
21. Lease Perpendiculars: <u>590</u> ft from the <u>NORTH</u> line and <u>100</u> ft from the <u>WEST</u> line. 22. Survey Perpendiculars: <u>590</u> ft from the <u>NORTH</u> line and <u>1848</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	30. Completion Depth	31. Distance to Nearest Well in this Reservoir	
03	00006001	WILDCAT		Oil or Gas Well	11000	0.00	
03	44652600	IOWA COLONY (9050 VICKSBURG)		Gas Well	8752	0.00	
03	44652700	IOWA COLONY (9700 VICKSBURG)		Gas Well	11000	0.00	
BOTTOMHOLE LOCATION INFORMATION is required for DIRECTIONAL, HORIZONTAL, AND AMENDED AS DRILLED PERMIT APPLICATIONS (see W-1D attachment)							
Remarks [Sep 28, 2021 4:00 PM]: Created from expired Permit #840523; [RRC STAFF Oct 27, 2021 8:37 AM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.; [RRC STAFF Dec 8, 2021 9:09 AM]: There have been problems identified with this permit (see problem letter attachment). Notification sent.; [RRC STAFF Feb 22, 2022 4:57 PM]: can e approved on March 21st.; [RRC STAFF Apr 4, 2022 4:30 PM]: Problems identified with this permit are resolved.				Certificate: I certify that information stated in this application is true and complete, to the best of my knowledge. Kevin Haring, Land Records & Regulatory Analyst <u>Name of filer</u> <u>Sep 28, 2021</u> Date submitted <u>(303)5737011, x214</u> Phone <u>kharing@aspectenergy.com</u> E-mail Address (OPTIONAL)			
RRC Use Only Data Validation Time Stamp: <u>Apr 4, 2022 5:06 PM(Current Version)</u>							

Permit Status:	Approved
<i>The RRC has not approved this application. Duplication or distribution of information is at the user's own risk.</i>	

**RAILROAD COMMISSION OF TEXAS
OIL & GAS DIVISION**

APPLICATION FOR PERMIT TO DRILL, RECOMPLETE, OR RE-ENTER

*This facsimile W-1 was generated electronically from data submitted to the RRC.
A certification of the automated data is available in the RRC's Austin office.*

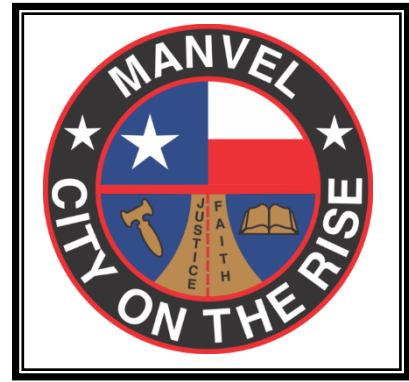
Form W-1D 07/2004
Supplemental Directional Well Information

Permit #	873178
Approved Date:	Apr 04, 2022

1. RRC Operator No. 035453	2. Operator's Name (exactly as shown on form P-5, Organization Report) ASPECT ENERGY, LLC	3. Lease Name SCOUT	4. Well No. 1RE
Lateral Drainhole Location Information			
5. Field as shown on Form W-1 WILDCAT (Field # 00006001, RRC District 03)			
6. Section 66	7. Block	8. Survey HT&B RR CO / TALMAGE, J S	9. Abstract 560
10. County of BHL BRAZORIA			
11. Bottom hole Lease Line Perpendiculars 123 ft. from the North line. and 668 ft. from the West line 12. Bottom hole Survey Line Perpendiculars # 123 ft. from the North line. and 1280 ft. from the East line			
5. Field as shown on Form W-1 IOWA COLONY (9050 VICKSBURG) (Field # 44652600, RRC District 03)			
6. Section 66	7. Block	8. Survey HT&B RR CO / TALMAGE, J S	9. Abstract 560
10. County of BHL BRAZORIA			
11. Bottom hole Lease Line Perpendiculars 123 ft. from the North line. and 668 ft. from the West line 12. Bottom hole Survey Line Perpendiculars # 123 ft. from the North line. and 1280 ft. from the East line			
5. Field as shown on Form W-1 IOWA COLONY (9700 VICKSBURG) (Field # 44652700, RRC District 03)			
6. Section 66	7. Block	8. Survey HT&B RR CO / TALMAGE, J S	9. Abstract 560
10. County of BHL BRAZORIA			
11. Bottom hole Lease Line Perpendiculars 123 ft. from the North line. and 668 ft. from the West line 12. Bottom hole Survey Line Perpendiculars # 123 ft. from the North line. and 1280 ft. from the East line			

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 4/4/2022

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

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Development Services

Discussion on any subject listed on the Agenda dated April 4, 2022. General

Discussion on agenda items as followed:

Mayor Davison asked if Agenda item #1, #2, and #3 could be grouped together.

Council Member Albert - Why does agenda item #4 have to continue to be on the agenda? Council

Member Davis - Agenda item #6 asked for an overview of the Subdivision Variance Request.

Mayor Davison adjourned the workshop at 6:30 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 7:00 p.m.

Those in attendance were:

Present: 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
Mayor Debra Davison

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Development Services

Inspirational Reading - Council Member Davis

Pledge

Citizen Comments: "Comment Card" Required

Mary Ann Atkinson - In favor of SUP for Her Heart Pregnancy Help Center

Donald Atkinson - Lighting on Meridiana Pkwy, In favor of Her Heart Pregnancy Help Center

Rene Arriaga, Executive Director of Her Heart Pregnancy Help Center - Spoke in favor of Her Heart Pregnancy Help Center

Laura Morehead - Spoke in favor of Her Heart Pregnancy Help Center

Rodney Smith - 20210 Hwy 6 Owner of Blades Barber Studio - Spoke against Her Heart Pregnancy Help Center

Public Hearing

TO HEAR INPUT FROM THE PUBLIC ON AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) WITH SPECIFIC USE PERMIT (SUP) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621410 "FAMILY PLANNING CENTERS"; 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.

Mayor Davison opened the public hearing at 7:17 p.m.

First call for comments -

Steven Mann, Church on Masters Road - In support of this ministry, Her Heart Pregnancy Help Center.

Second call for comments -

Renee Arriaga, spoke again in favor of Her Heart Pregnancy Help Center

Third call for comments -

None

Mayor Davison closed the public hearing at 7:21 p.m.

City Manager Update

Covid from 21st to the current date

Total of 6,256 - up 25 from the last meeting

16 confirmed, up 11

2 probable, up 1

6,190 recovered, up 12

48 deaths, up 1

A new officer started today. Two employees starting in the next two weeks - Fire Marshal & City Planner. Two others that are going through the physical process - Code Enforcement Officer & Utility Tech.

Regular Agenda

Mayor Davison moved the Consent Agenda before the Regular Agenda.

Council Member Dan Davis made the motion to approve the Consent Agenda. Council Member Lorraine Hehn seconded the motion.

The motion carried with a 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

1. Consideration and possible action to approve a Final Plat for Meridiana Detention Reserve Y; BEING A SUBDIVISION OF 9.975 ACRES OUT OF THE OLIVER HALL SURVEY, A-203; BEING A PARTIAL REPLAT OF A PORTION OF LOTS 6 THROUGH 14 OF LULLING STONE SECTION ONE, AS RECORDED IN VOL. 21, PGS. 267-270 OF THE BRAZORIA COUNTY PLAT RECORDS; AND BEING A PORTION OF LOT 15 OF LULLING STONE SECTION ONE AMENDING PLAT AS RECORDED IN VOL. 22, PGS. 165-166 OF THE BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(FAVORABLE RECOMMENDATION BY PD&Z FAILED 0/6)

Voted on in Regular Agenda item #3

2. Consideration and possible action to approve a Final Plat for Meridiana Detention Reserve Z

Phase 1;

BEING A SUBDIVISION OF 11.89 ACRES OUT OF THE OLIVER HALL SURVEY, A-203; ALSO BEING A PARTIAL REPLAT OF A PORTION OF LOTS 1 THROUGH 8 OF LULLING STONE SECTION ONE, A SUBDIVISION RECORDED IN VOL. 21, PGS. 267-270 OF THE BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

(FAVORABLE RECOMMENDATION BY PD&Z FAILED 0/6)

Voted on in Regular Agenda item #3

3. Consideration and possible action to approve a Final Plat for Meridiana Section 30B; BEING A SUBDIVISION OF 11.25 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(FAVORABLE RECOMMENDATION BY PD&Z FAILED 0/6)

Council Member Jason Albert made the motion to approve Regular Agenda items 1, 2, and 3. Council Member Dan Davis seconded the motion.

The motion FAILED with a vote: 0/7

Yes: None

No: 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

Abstained: None

4. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

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

The motion carried with a 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

5. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-10; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) WITH SPECIFIC USE PERMIT (SUP) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621410 "FAMILY PLANNING CENTERS"; 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.

(Forwarded with favorable recommendation by PD&Z - Vote 4/2)

Council Member Davis recused himself from the conversation and voting. An abstention affidavit is on file.

Council Member Hehn made the motion to approve. Council Member Albert seconded the motion. The motion FAILED with a vote: 6/0/1 abstain (Council Member Davis)

Yes: None

No: 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

Absent: None

Abstained: City Council Member Place 4 Dan Davis

6. Consideration and possible action to approve a variance to the Subdivision Ordinance Chapter 62, Section 62-11, *"Additional Street Requirements"* for property located at 7401 Lewis Lane and authorize the Mayor to execute the Development Agreement.
Jessica Rodriguez, Director of Development Services, gave City Council an overview of the subdivision variance.

Council Member Albert made the motion to table. Mayor Davison seconded the motion. The motion carried with a 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

7. Consideration and possible action on appointing members to the Building and Standards Commission.

Council Member Albert made the motion to approve Mark McElroy, Aaron Bell, Martin Vela, Mark Pauley, David Headley. Council Member Hehn seconded the motion.

The motion carried with a 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. Consideration and possible action to direct staff on a proposed amendment to the city sign ordinance regarding political signs. (Requested by Council Member Davis).

Council Member Davis suggests direction to staff to clean up the language to allow for political signs for a run-off election.

Council Member Albert made the motion to direct staff to clean up the language in the sign ordinance to allow for signs during a run-off election. Council Member Hudson seconded the

motion.

The motion carried with a 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

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve Preliminary Plat for Meridiana Unit 14 Commercial Reserve;
BEING A SUBDIVISION OF 1.53 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
3. Approve Preliminary Plat for Meridiana Unit 23 Open Space;
BEING A SUBDIVISION OF 36.13 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
4. Approve Preliminary Plat for Meridiana Detention Reserve D-2;
BEING A SUBDIVISION OF 8.95 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
5. Approve Final Plat for Meridiana Section 54A;
BEING A SUBDIVISION OF 8.916 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
6. Acceptance of infrastructure improvements for the Redeemer Church to begin the 2-year maintenance period.
7. Acceptance of infrastructure improvements for Meridiana Detention Basin T Phase 1 to begin the 1-year maintenance period.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with Attorney, and Texas Government Code, Section 551.072: "Deliberation Regarding Economic Development Negotiations" to discuss the following:

Discuss Economic Development Agreement and PUD for MUD 83

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with Attorney, and Texas Government Code, Section 551.072: "Deliberation Regarding Real Property" to discuss the following:

Purchase of the following property;

MANVEL BLK 6 LOT 7-8, MANVEL TX 77578

MANVEL LOT OL 92C ACRES 1.0, MANVEL TX 77578

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with Attorney, and Texas Government Code, Section 551.072: "Deliberation Regarding Real Property" to discuss the following:

Deliberate the purchase, exchange, lease, or value of real property.
ROW abandonment - Portion of unimproved Oleander Street

Mayor Davison recessed the meeting into executive session at 7:39 p.m.

Mayor Davison reconvened the meeting out of executive session at 8:41 p.m.

There was no action taken in executive session.

Regular Agenda

9. Consideration and possible action to approve Ordinance 2022-O-11;
AN ORDINANCE AMENDING ORDINANCE NO. 2021-O-29 AMENDING THE CITY FISCAL YEAR 2022 BUDGET ENDING SEPTEMBER 30, 2022, BY AMENDING VARIOUS BUDGETS TO ACCOUNT FOR MID-YEAR APPROPRIATIONS FOR ADDITIONAL REVENUES AND EXPENDITURES, 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 Albert - Asks for clarification on recycling center expenditure.

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

The motion carried with a 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

10. Consideration and possible action approving the purchase of real property located at; MANVEL BLK 6 LOT 7-8, MANVEL TX 77578, and MANVEL LOT OL92C, MANVEL TX 77578 and authorize the City Manager to execute all documentation needed for the purchase.

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

The motion carried with a vote: 5/2

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

No: City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis

Absent: None

Abstained: None

11. Consideration and possible action to approve the second and final reading of Ordinance 2022-O-09;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING

THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF 60' CITY RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.913 ACRES OF LAND, BEING THE UNIMPROVED PORTION OF OLEANDER STREET LOCATED BETWEEN LEWIS LANE (IMPROVED) AND CANAAN ROAD (UNIMPROVED), IN THE CITY OF MANVEL, 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 DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

(Forwarded with favorable recommendation by PD&Z 5/0)

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

The motion carried with a 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

Chamber Candidate Forum at the Nolan Ryan Center in Alvin
Taste of the Town Volunteers - Thursday, April 21st from 2-7

Adjourn

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

The motion carried with a 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 8:51 p.m.

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS