

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
May 2, 2022**

**NOTICE IS HEREBY GIVEN
6:30 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

Discussion on any subject listed on the Agenda dated May 2, 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.*

Presentation

Proclamations:

National Police Week - May 15, 2022 - May 21, 2022

National Public Works Week - May 15, 2022 - May 21, 2022

City Manager Update

Update on current events and city issues.

Regular Agenda

1. Consideration and possible action to appoint the following to the Zoning Board of Adjustment for a two-year term;
 - a. Raf Lopez (Re-appointment)
 - b. George Collins (Re-appointment)
 - c. Kim Bickham (Re- appointment)
 - d. Mary Ann Atkinson
 - e. Ron Keels
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, and 4/18/2022)
3. Consideration and possible action to approve an Interlocal Agreement between Brazoria County and City of Manvel (IS22-0009) for County assistance to provide labor and equipment to repair FY 22 roads as listed on the Project Request Summary.
4. Consideration and possible action to approve the Retail Water and Wastewater Agreement between the City of Manvel and Brazoria County Municipal District No. 57.
5. Consideration and possible action to approve 2022 Amended and Restated Development Agreement for Wastewater Treatment Plant between the City of Manvel, Brazoria County MUD 29, and Brazoria County MUD 47.
6. Consideration and possible action to approve Resolution 2022-R-04;
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.

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. Acceptance of the Meeting Minutes to date.
2. Acceptance of the infrastructure improvements to begin the one year Maintenance Period for the following;
 - *Meridiana Section 28A
 - *Cumulus Drive Phase 2
 - *Detention Basin U
3. Approve the second and final reading 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.
4. Approve the 2020 TIRZ #3 Annual Report (approved by the TIRZ #3 and SMDA Boards on 4/27/2022).

Mayor and Council Comments

Update on current events and city issues.

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

Items of community interest include:

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

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on April 29, 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



Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week; and

Whereas, the members of the law enforcement agency of the City of Manvel play an important role in safeguarding the rights and freedoms of the citizens of our community; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the police department has grown to be a modern and scientific law enforcement agency that unceasingly provides a vital public service;

Now, Therefore, I, Debra Davison, Mayor of the City of Manvel, Texas, and on behalf of the members of the Manvel City Council, call upon all citizens of Manvel and upon all patriotic, civic, and educational organizations to observe May 15, as "Police Officers Memorial Day" and the week of May 15, 2022, thru May 21, 2022, as



"National Police Week"

with appropriate ceremonies and observances in which we all join together in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Debra Davison, Mayor
May 2, 2022

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

*National Public Works Week
May 15 – 21, 2022
“Ready and Resilient”*

Whereas, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of Manvel, Texas; and

Whereas, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

Whereas, it is in the public interest for the citizens, civic leaders, and children in Manvel, Texas to gain knowledge of and maintain ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

Whereas, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association.

Now, Therefore, I, Debra Davison, Mayor of the City of Manvel, Texas do hereby designate the week May 15 – 21, 2022 as;



“National Public Works Week”

In the City of Manvel, Brazoria County, Texas, and I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

*Debra Davison, Mayor
May 2, 2022*

Print**Boards & Commissions Volunteer Application - Submission #369****Date Submitted: 4/29/2022**

INSTRUCTIONS: Please complete the entire form and sign at the bottom of the second page. A copy of your Driver's License or other state issued ID will need to be attached to the application in order for it to be processed. Please return your completed application to the City Secretary's Office at 20025 HWY 6, Manvel Tx 77578. Please note, knowingly making a false entry in, or false alteration of, a governmental record is an offense under section 37.10 of the Texas Penal Code and, upon conviction, may subject a violator to criminal penalties.

QUALIFICATIONS: In addition to the qualifications for service on a board required by city ordinances or state law, a person appointed to a board must not be delinquent in the payment of taxes, water service charge or other obligation to the city.

Name*

Ronald Keels

Please indicate your preference below*

- ☐ Croix Park Task Force (Meeting dates TBA)
- ☐ Events Task Force (Meeting dates TBA)
- ☐ Planning, Development, and Zoning Commission (Meets 2nd and 4th Monday of the month at 7:00 p.m.)
- ☐ Manvel Economic Development Corporation (Meets 2nd Wednesday of the month at 7:00 p.m.)
- ☒ Zoning Board of Adjustments (Meets as needed)
- ☐ TIRZ 3 Board
- ☐ SMDA Board (Meets as needed)
- ☐ Building & Standards Commission (Meets as needed)
- ☐ Parks and Recreation Board (Meets 1st Wednesday of the month at 6:30 p.m.)
- ☐ Rental Appeals Board (Meets as needed)
- ☒ YES, I would be interested in serving on subcommittees that may be formed

Personal Information**Home Address***

6735 Granger Lane

Telephone***Fax #****Email Address***

rjktexasbmc@gmail.com

How many years have you been a resident of Manvel?*

5 years

Are you a registered voter?*

- ☒ Yes
- ☐ No

Occupational Information

Are you a business owner?*☒ Yes☐ No**Business Name**

BMC Supply

Occupation

(retired- BP Chemical)

Business Address

P. O. Box 2094

Telephone #**Fax #****Are you a Citizen of the United States?***☒ Yes☐ No**Do you have a current Driver's License?***☒ Yes☐ No**Driver's License #*****Exp Date*****DOB*****Have you ever been convicted of a felony?***☐ Yes☒ No

If yes, explain

Have you been convicted of, received probation or deferred adjudication for, any offense that was not a felony within the last 10 years?*

☐ Yes

☒ No

If yes, explain

Are you, or have ever been, an adversary party to pending litigation against the City of Manvel?*

☐ Yes

☒ No

If yes, explain

Have you ever, or do you currently serve on any city boards?*

☒ Yes

☐ No

If so, what board/city and dates?

Alvin (Parks)

How many city board meetings have you attended in the last 3 months?*

none

What board meetings did you attend?

Are you involved in any community activities? (Civic or Hobbies)*

☒ Yes

☐ No

If yes, explain

Church activities

Are you related to any City Employee or Council Member?*

☐ Yes

☒ No

if so, please state who:

Do you have any outstanding taxes or other debt owed to the city?*

☐ Yes

☒ No

Explanation

Have you been cited in the past year for non-compliance of any City Codes/Ordinances*

☐ Yes

☒ No

If yes, explain

Please indicate briefly why you would like to be appointed to a Board or Commission:*

My wife and I moved to Manvel from Alvin 5 years ago and I want to get more involved with the City.

PROVIDE ALL INFORMATION REQUESTED: INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD/COMMISSION OPPORTUNITIES. Your complete application form will be maintained in our active files for one year from the date of the application. I understand that should I not be appointed to a City of Manvel board or commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Manvel's document retention schedule.

DISCLAIMER AND SIGNATURE

I certify that my answers above are true and complete. I understand that the information contained in this application may be considered among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Manvel board or commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Manvel board or commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Manvel Board or Commission, I understand that false or misleading information in my application may result in my removal from my position.

I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understand the above statement.

Electronic Signature***Date***

Ronald J. Keels

4/29/2022

FOR OFFICE USE ONLYDate application received _____ New applicant? ☐ Yes ☐ No

If no, applicant previously served on _____

Via: ☐ Website ☐ Mail ☐ In-person ☐ Newspaper

Appointment made to: _____ Term expires: _____

☐ Statement & Oath completed☐ No appointment made at this time, retain application for one year.

Print

Boards & Commissions Volunteer Application - Submission #333

Date Submitted: 1/24/2022



INSTRUCTIONS: Please complete the entire form and sign at the bottom of the second page. A copy of your Driver's License or other state issued ID will need to be attached to the application in order for it to be processed. Please return your completed application to the City Secretary's Office at 20025 HWY 6, Marvel Tx 77578. Please note, knowingly making a false entry in, or false alteration of, a governmental record is an offense under section 37.10 of the Texas Penal Code and, upon conviction, may subject a violator to criminal penalties.

QUALIFICATIONS: In addition to the qualifications for service on a board required by city ordinances or state law, a person appointed to a board must not be delinquent in the payment of taxes, water service charge or other obligation to the city.

Name*

Mary Ann Atkinson

PDZ ZBoA

Please indicate your preference below*

- ☐ Croix Park Task Force (Meeting dates TBA)
- ☐ Events Task Force (Meeting dates TBA)
- ☒ Planning, Development, and Zoning Commission (Meets 2nd and 4th Monday of the month at 7:00 p.m.)
- ☐ Manvel Economic Development Corporation (Meets 2nd Wednesday of the month at 7:00 p.m.)
- ☒ Zoning Board of Adjustments (Meets as needed)
- ☐ TIRZ 3 Board
- ☐ SMDA Board (Meets as needed)
- ☐ Building & Standards Commission (Meets as needed)
- ☐ Parks and Recreation Board (Meets 1st Wednesday of the month at 6:30 p.m.)
- ☐ Rental Appeals Board (Meets as needed)
- ☐ YES, I would be interested in serving on subcommittees that may be formed

Personal Information

Home Address*

7425 JORDAN RD, Please place over the fence

Telephone*

Fax #

Email Address*

mjackhell05@gmail.com

How many years have you been a resident of Manvel?
*

17

Are you a registered voter?*

☒ Yes

☐ No

Occupational Information

Are you a business owner?*

☐ Yes

☒ No

Business Name

Occupation

Business Address

Telephone #

Fax #

Are you a Citizen of the United States?*

☒ Yes

☐ No

Do you have a current Driver's License?*

☒ Yes

☐ No

Driver's License #*

Exp Date*

DOB*

Have you ever been convicted of a felony?*

☒ Yes

☐ No

If yes, explain

Have you been convicted of, received probation or deferred adjudication for, any offense that was not a felony within the last 10 years?*

☐ Yes

☒ No

If yes, explain

Are you, or have ever been, an adversary party to pending litigation against the City of Manvel?*

☐ Yes

☒ No

If yes, explain

Have you ever, or do you currently serve on any city boards?*

☒ Yes

☐ No

If so, what board/city and dates?

Events / Manvel / 2018-2019

How many city board meetings have you attended in the last 3 months?*

Manvel

What board meetings did you attend?

Parks in 2018-19

Are you involved in any community activities? (Civic or Hobbies)*

☐ Yes

☒ No

If yes, explain

Are you related to any City Employee or Council Member?*

☐ Yes

☒ No

if so, please state who:

TX

Do you have any outstanding taxes or other debt owed to the city?*

☐ Yes

☒ No

Explanation

Have you been cited in the past year for non-compliance of any City Codes/Ordinances*

☐ Yes

☒ No

If yes, explain

Please indicate briefly why you would like to be appointed to a Board or Commission:*

I would like to be more involved in the growth of Manvel the City on the Rise.

PROVIDE ALL INFORMATION REQUESTED: INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD/COMMISSION OPPORTUNITIES. Your complete application form will be maintained in our active files for one year from the date of the application. I understand that should I not be appointed to a City of Manvel board or commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Manvel's document retention schedule.

DISCLAIMER AND SIGNATURE

I certify that my answers above are true and complete. I understand that the information contained in this application may be considered among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Manvel board or commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Manvel board or commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Manvel Board or Commission, I understand that false or misleading information in my application may result in my removal from my position.

I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understand the above statement.

Electronic Signature*

Date*

Mary Ann Atkinson

1/24/2022

FOR OFFICE USE ONLY

Date application received _____ New applicant? ☐ Yes ☐ No

If no, applicant previously served on _____

Via: ☐ Website ☐ Mail ☐ In-person ☐ Newspaper

Appointment made to: _____ Term expires: _____

☐ Statement & Oath completed

☐ No appointment made at this time, retain application for one year.



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 _____
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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)

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 SEEDED.

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.

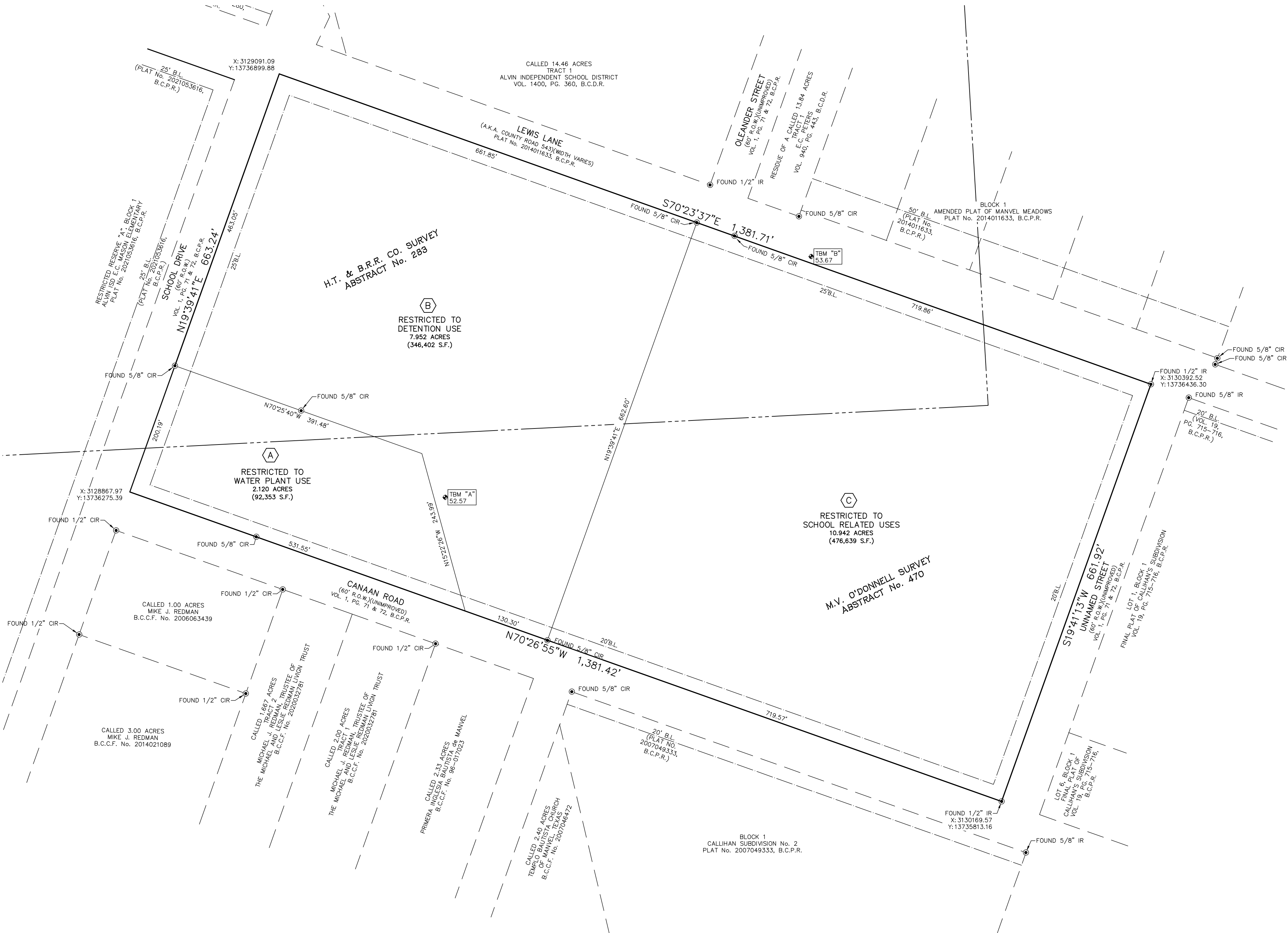
DISTRICT ENGINEER

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.



PROJECT BENCHMARK: NGS MONUMENT E 306 (PID: AW2026) BEING A BRASS DISK IN THE TOP OF A CONCRETE POST FLUSH WITH THE GROUND STAMPED "E 306 1935". TO REACH THE BENCHMARK START AT THE INTERSECTION OF STATE HIGHWAY 288 AND HIGHWAY 6, HEAD SOUTHEAST 1.0 MILE TO IOWA LANE, GO SOUTH ON IOWA LANE +/- 1,300 FEET TO THE INTERSECTION OF THE GULF, COLORADO AND SANTA FE RAILROAD AND IOWA LANE. THE BENCHMARK IS LOCATED 0.2 MILE WEST OF THE INTERSECTION OF THE SAID RAILROAD AND IOWA LANE, BEING 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF A FENCE AND 3 FEET WEST OF A WITNESS POST. ELEVATION = 52.00' NAVD88, 1991 ADJUSTMENT

TEMPORARY BENCHMARK (TBM) "A": BEING AN "X" CUT ON TOP OF A CONCRETE DRAINAGE STRUCTURE, LOCATED +/- 470' NE OF THE SW PROPERTY CORNER OF THE SUBJECT TRACT. BENCHMARK IS ALSO LOCATED +/- 300' NW OF THE CENTERLINE INTERSECTION OF OLEANDER STREET AND CANAAN ROAD. ELEVATION = 52.49' NAVD88, 1991 ADJUSTMENT

TEMPORARY BENCHMARK (TBM) "B": BEING AN "X" CUT IN CONCRETE ON TOP OF A SAFETY END TREATMENT, LOCATED +/- 540' NW OF THE NE PROPERTY CORNER OF THE SUBJECT TRACT. BENCHMARK IS ALSO LOCATED +/- 880' SE OF THE CENTERLINE INTERSECTION OF LEWIS LANE AND SCHOOL DRIVE. ELEVATION = 53.59' NAVD88, 1991 ADJUSTMENT

THIS IS TO CERTIFY THAT I BRIAN E. WILSON, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVE PLATED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND, AND THAT ALL BLOCK CORNERS, LOT CORNERS AND PERMANENT REFERENCED MONUMENTS HAVE BEEN SET, THAT PERMANENT CONTROL POINTS WILL BE SET AT COMPLETION OF CONSTRUCTION AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR RELED UPON AS A FINAL DOCUMENT.

FOR REVIEW: 01/12/2022

BRIAN E. WILSON
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE REGISTRATION NO. 5745

THIS IS TO CERTIFY THAT THE PLANNING DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF ALVIN I.S.D. JOHN ALBERT BOOTH AGRICULTURAL SCIENCE CENTER IN CORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

NAME _____ NAME _____

NAME _____ NAME _____

NAME _____ NAME _____

NAME _____ NAME _____

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS HAS APPROVED THIS PLAT AND SUBDIVISION OF ALVIN I.S.D. JOHN ALBERT BOOTH AGRICULTURAL SCIENCE CENTER IN CORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

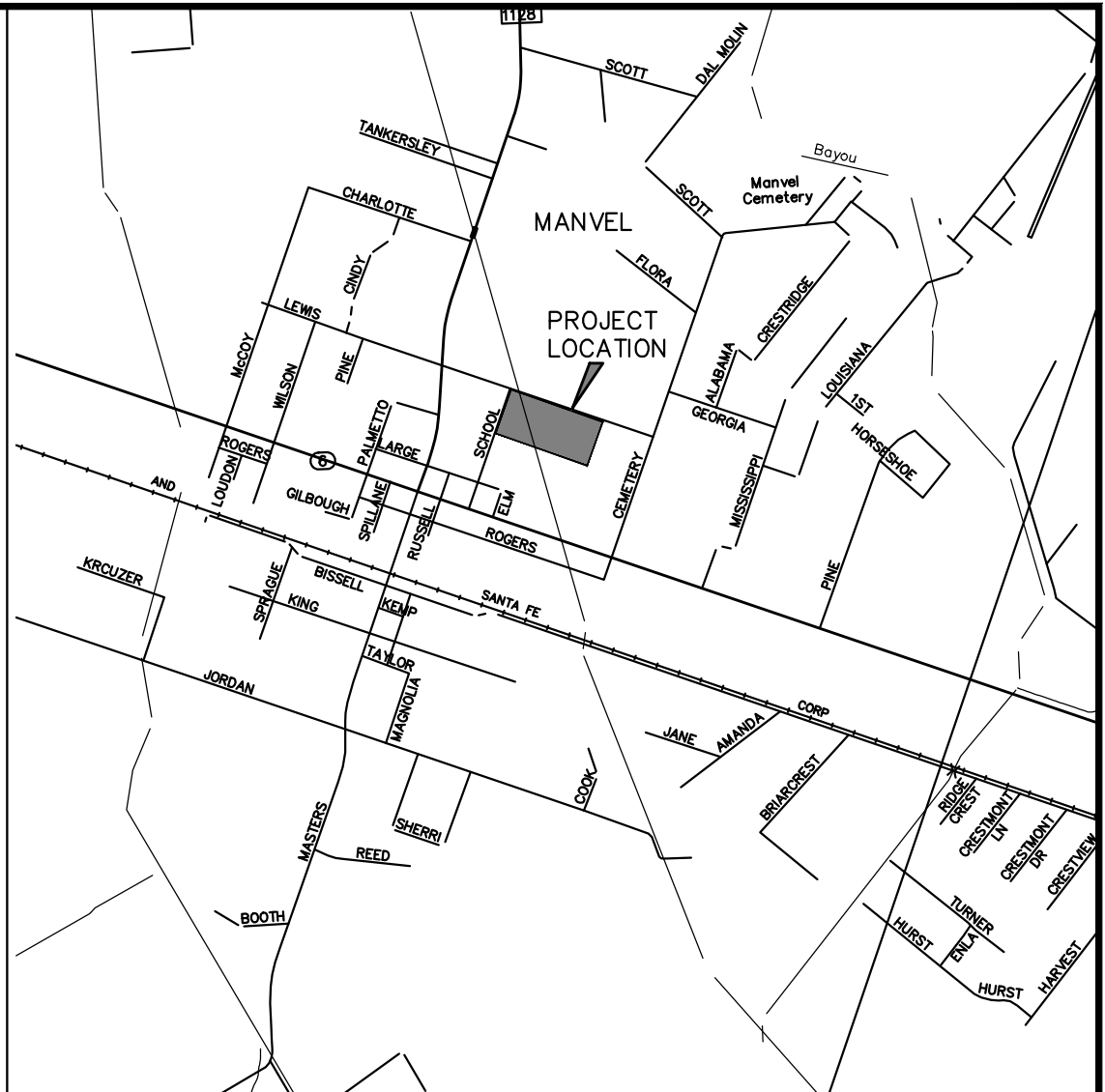
NAME _____ NAME _____

NAME _____ NAME _____

NAME _____ NAME _____

NAME _____ NAME _____

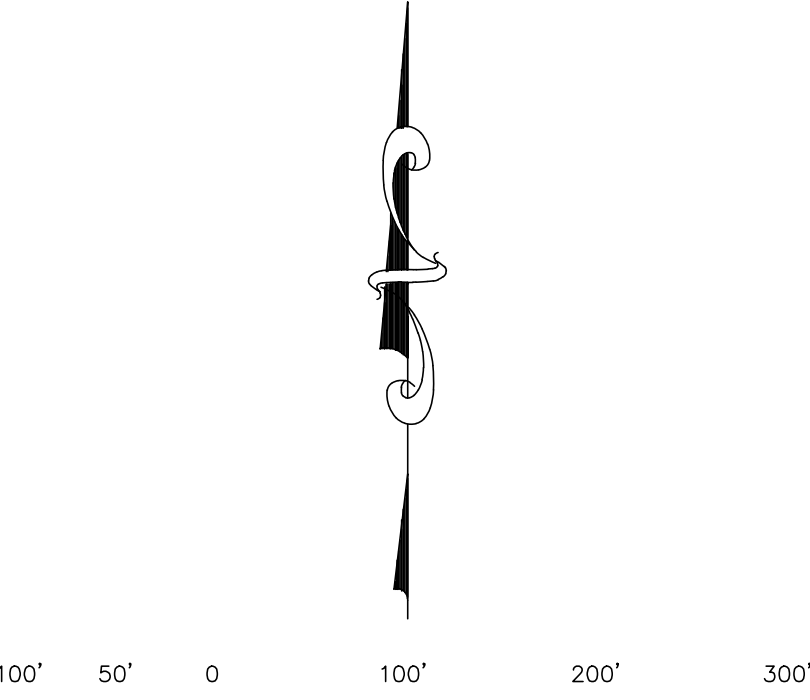
SYMBOL	DESCRIPTION	USE	AREA
	RESTRICTED RESERVE "A"	WATER PLANT	2.120 AC. - 92,353 S.F.
	RESTRICTED RESERVE "B"	DETENTION	7.952 AC. - 346,402 S.F.
	RESTRICTED RESERVE "C"	SCHOOL RELATED USES	10,942 AC. - 476,639 S.F.
TOTAL			21,014 AC. - 915,394 S.F.



VICINITY MAP

SCALE: 1" = 2,640'

KEYMAP: 6532



MINOR PLAT ALVIN I.S.D. JOHN ALBERT BOOTH AGRICULTURAL SCIENCE CENTER

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

1 BLOCK 3 RESERVES
DATE: JANUARY, 2022 SCALE: 1" = 100'

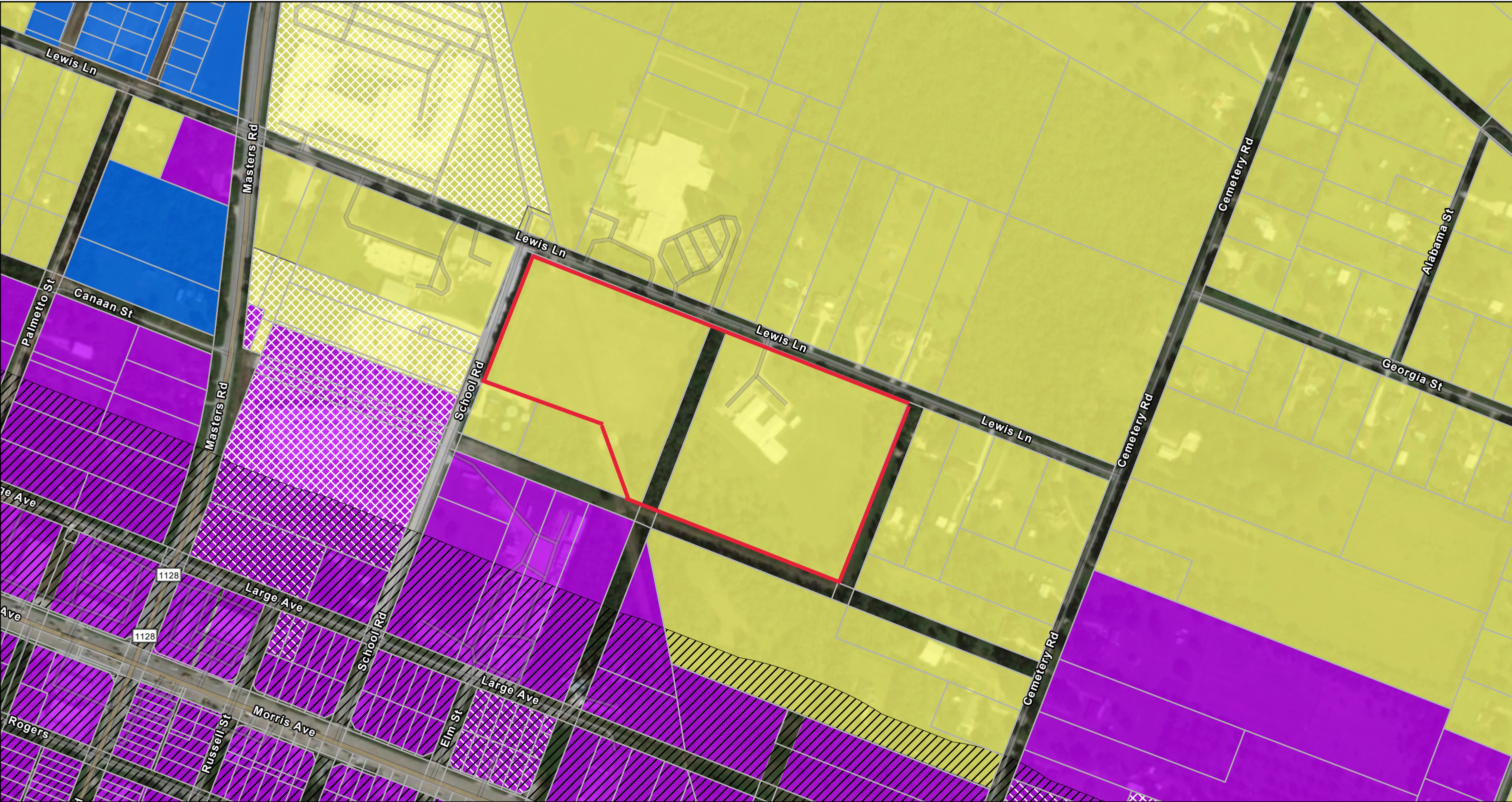
OWNER:
(RESTRICTED RESERVES B & C)
ALVIN INDEPENDENT SCHOOL DISTRICT
301 E. HOUSE STREET
ALVIN, TEXAS 77511
(281) 388-1130

OWNER:
(RESTRICTED RESERVE A)
CITY OF MANVEL
20025 HIGHWAY 6
MANVEL, TEXAS 77578
(281) 489-0630

MILLER
SURVEY★GROUP

www.millersurvey.com
1760 WEST SAM HOUSTON PARKWAY NORTH • HOUSTON, TEXAS 77043
PHONE 713-413-1900 • FAX 713-413-1944
TEXAS FIRM REGISTRATION NO. 10047100
BRIAN E. WILSON, R.P.L.S.

City of Manvel GIS Map



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

- Parcels

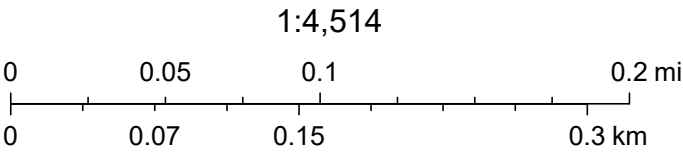
Zoning - State Highway 6 Overlay District

Zoning - Specific Use Permit
- Zoning - District

Light Commercial District

Open Single-Family Residential District

Highway Mixed Use District



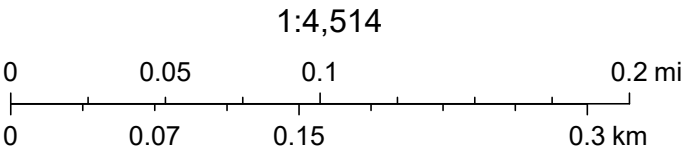
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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.

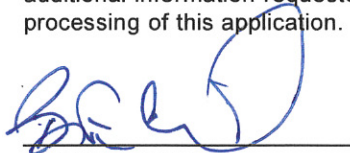
- o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

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

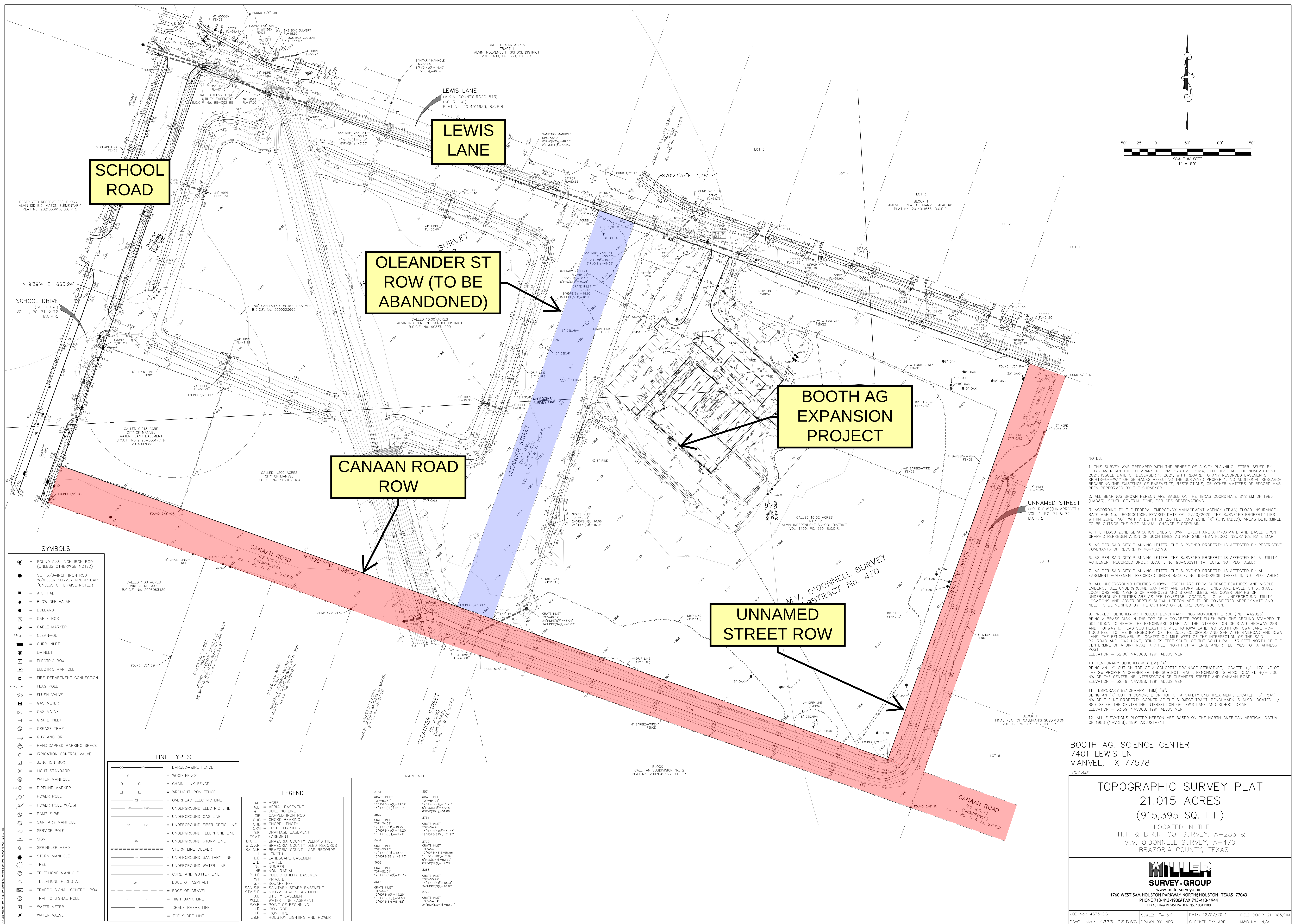
I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

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.

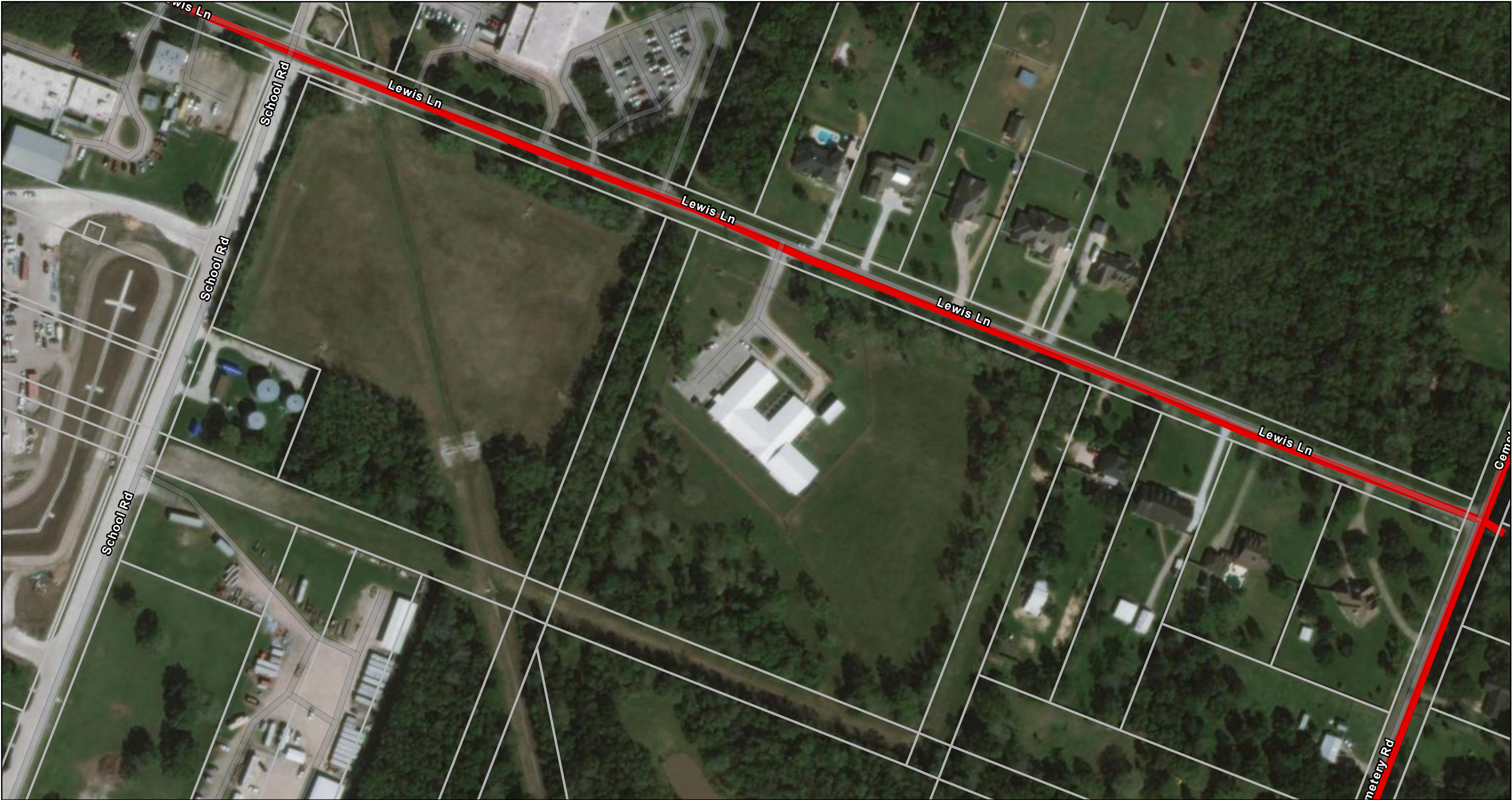

Applicant Signature

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.

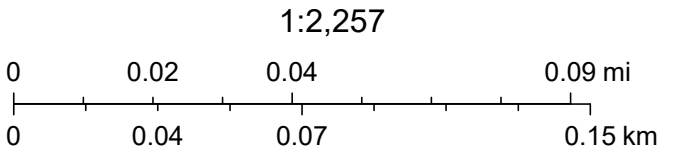


City of Manvel GIS Map



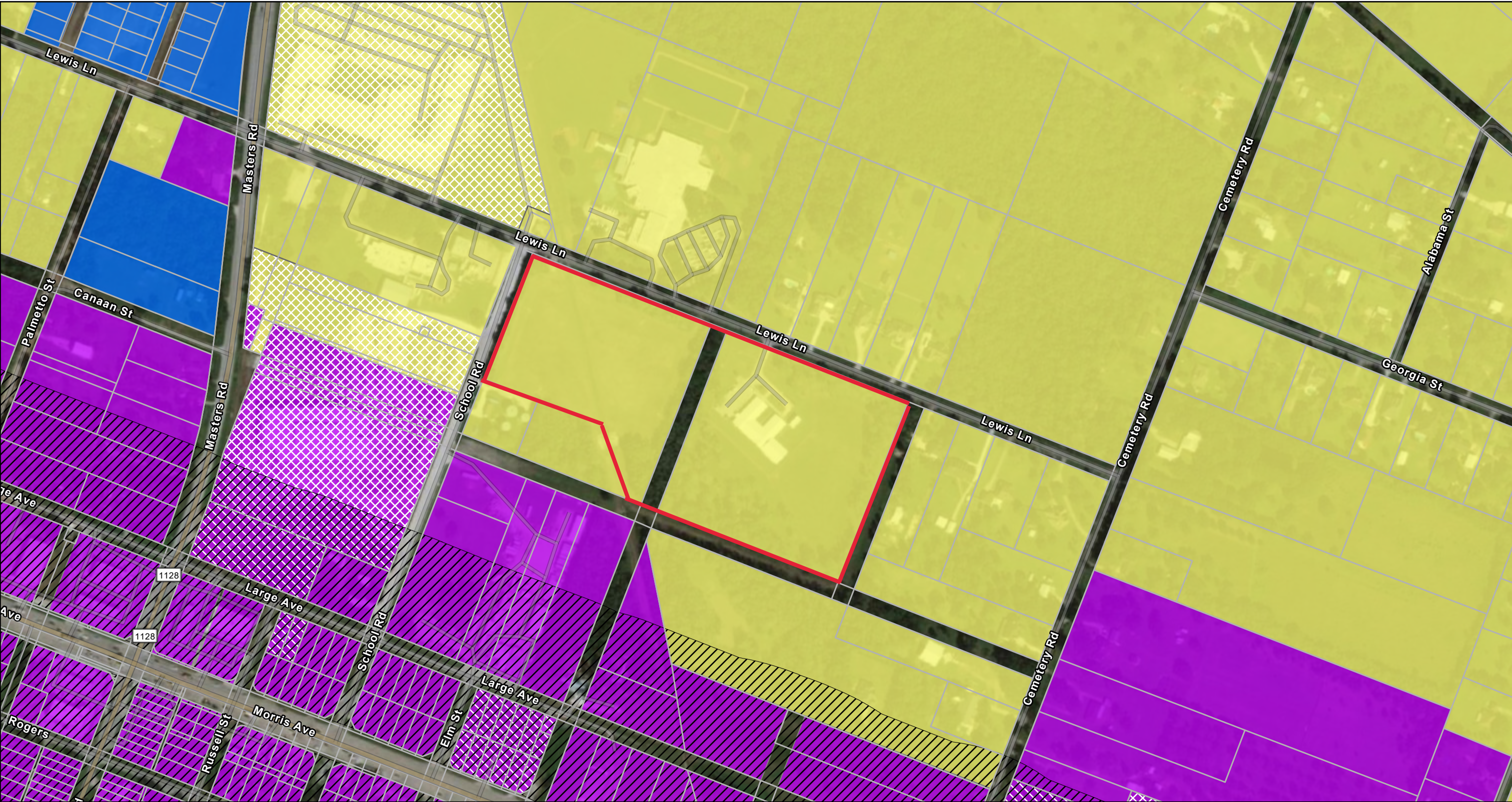
3/23/2022, 5:41:33 PM

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



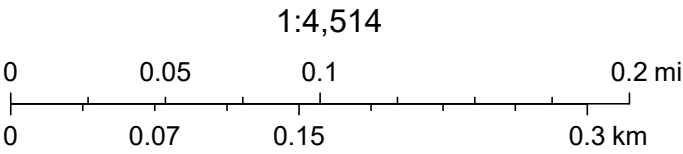
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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



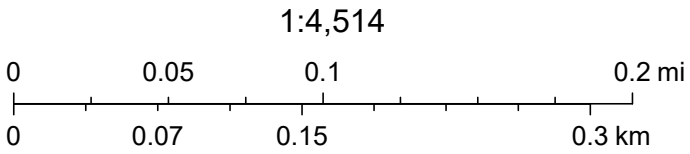
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Manvel GIS Map



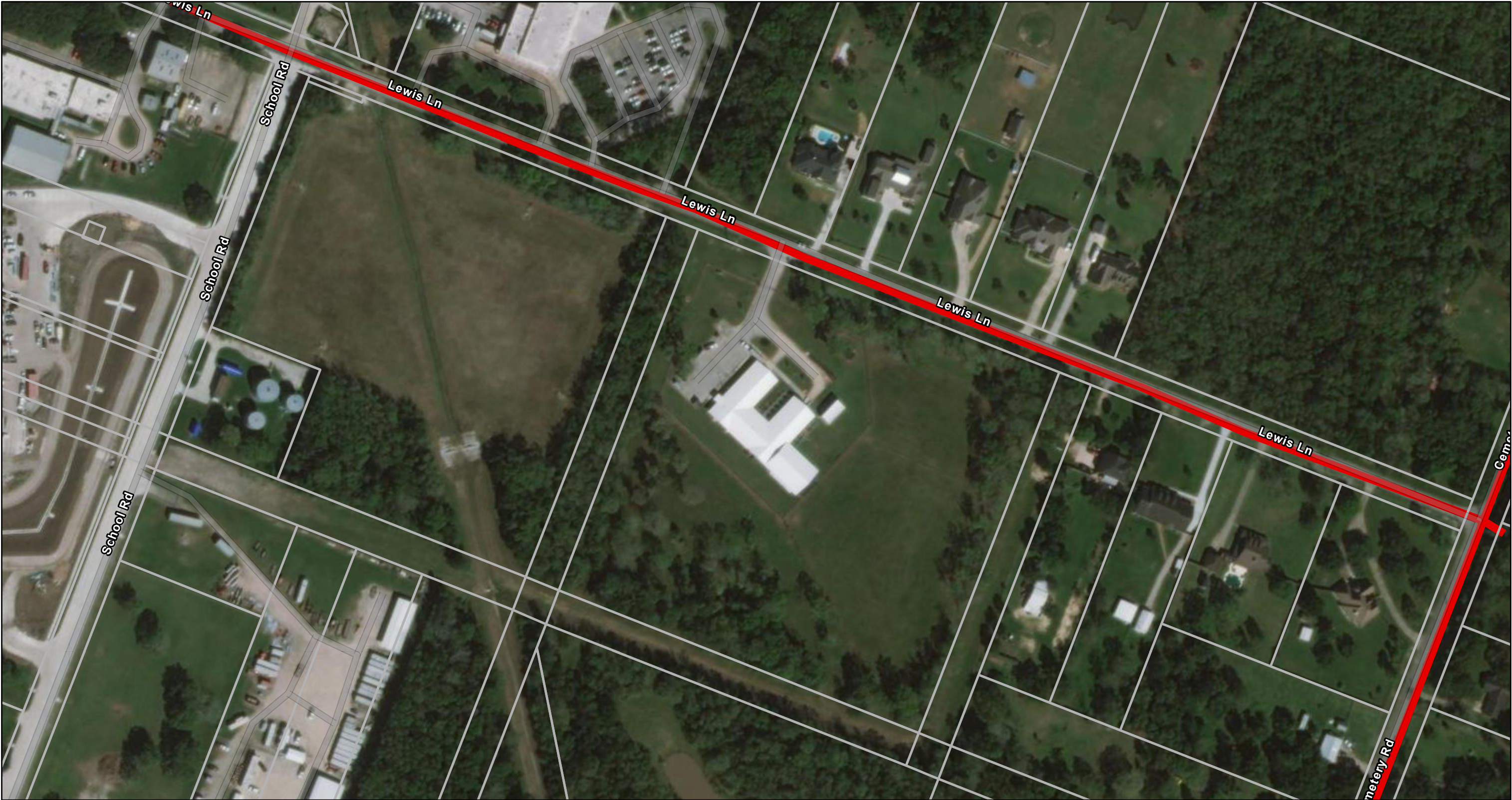
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 Parcels



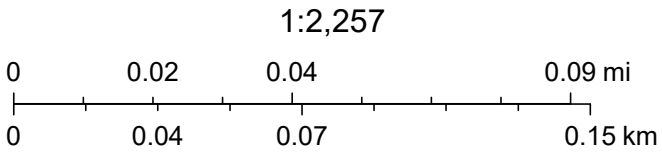
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

City of Manvel GIS Map



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

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- Major Thoroughfare - 2021 Major Thoroughfares
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THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT
BETWEEN BRAZORIA COUNTY AND THE CITY OF MANVEL
IS22-0009

This Agreement is made between BRAZORIA COUNTY and the CITY OF MANVEL hereinafter referred to as the COUNTY and CITY respectively.

RECITALS

WHEREAS, the CITY wishes to repair all roads as listed on Exhibit "B"; and

WHEREAS, the CITY has requested the COUNTY'S assistance to providing labor and equipment to repair all roads as listed on Exhibit "B"; and

WHEREAS, the COUNTY has agreed to utilize Brazoria County Road & Bridge equipment and employees to perform this work pursuant to the authority of Tex. Transp. Code §251.015, and the Interlocal Cooperation Act, Tex. Gov. Code Sec. 791.001 et. Seq., subject to the conditions and limitations of this Agreement;

NOW THEREFORE, the CITY and COUNTY agree as follows:

- 1.01 COUNTY agrees to supply such equipment as may be necessary together with operators to repair all roads listed on Exhibit "B".
- 1.02 The CITY agrees to pay for material needed in the project directly to supplier, and in the event COUNTY costs in performing above-described work exceed \$10,000.00, the CITY shall pay, from the point in time that COUNTY'S costs equal the sum \$10,000.00, the labor costs and the hourly value of equipment used, plus any other costs associated with the use of the equipment. Though it is contemplated by this agreement that CITY will obtained the necessary design and engineering studies required by the project prior to the commencement of the work, CITY agrees to pay the reasonable cost of any design or engineering work obtained by COUNTY if it exceeds the sum of \$10,000.00. The value of equipment shall be those hourly rates which have been previously established by the COUNTY for each item of its equipment, multiplying the same by the number of hours, such equipment has been utilized in excess of the point in time when COUNTY's costs equaled the sum of \$10,000.00. COUNTY equipment utilized on site for the project shall be charged to CITY on a daily rate for each day it is on-site.
- 1.03 The parties intend that COUNTY, in performing such services, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. COUNTY is not considered an agent or employee of CITY.

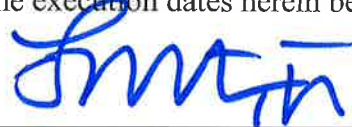
- 1.04 Each party agrees that payments for the performance of governmental functions or services shall be from current revenues available to the paying party and further that such payments shall fairly compensate the performing party for the service it supplies provides for the other party's benefit.
- 1.05 COUNTY does not warrant the suitability for this project of any material purchased by CITY from a third party which maintains a continuing contract with COUNTY. Any cost estimate made connection with this project is only an estimate and is not warranty of the final cost of the project.
- 1.06 To the extent permitted by law, CITY agrees to assume the risk of, fully indemnify, hold harmless and defend COUNTY, its agent, officers and employees from any and all loss, damage, cost demands and causes of action of any manner from the performance of the above referenced work.
- 1.07 COUNTY executes this Agreement by and through the County Judge acting pursuant to Order of the Commissioners Court so authorizing, and the CITY executes this Agreement by and through the President acting pursuant to authorizations of its Board of Trustees.
- 1.08 Nothing herein shall be constructed to make either party purchaser or consumer of goods or services from the other.
- 1.09 Nothing herein shall be constructed to create any rights in third parties.
- 1.10 Misspelling of one or more words in this agreement shall not void this agreement. Such misspelled words shall be read so as to have the meaning apparently intended by the parties.

IN TESTIMONY OF WHICH, witness our signatures on the execution dates herein below.

By: _____

CITY OF MANVEL

MAYOR

By:  _____

BRAZORIA COUNTY

COUNTY JUDGE

Date signed: _____

Date signed: 04-12-22

EXHIBIT "B"

City of Manvel
Interlocal Agreement Project Request Summary FY-22

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects ONLY)	FOR OFFICE USE ONLY
Cemetery Road	FROM: Georgia TO: End	5,000	26	Emulsified injected paving	
Crestridge Drive	FROM: Cemetery TO: Alabama	3,000	26	Emulsified injected paving	
Alabama	FROM: Crestridge TO: Georgia	900	26	Emulsified injected paving	
Georgia	FROM: Cemetery TO: Mississippi	1,600	26	Emulsified injected paving	

Note: Each page submitted must be approved by the Mayor.
Return to: County Engineer's Office

Please return your completed Project
Request to the attention of Mandie
Kelly prior to December 15, 2021.

[Signature] 12/10/21
Approved By: City Manager

RESOLUTION NO. 2022-R-04

**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 6:00 p.m. In the event Monday falls on a holiday, the meeting for that day shall occur on the next open business following the holiday or other day as may be 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 members of the City Council shall constitute a quorum for the transaction of business.

(E) The City Council may retire into Executive Session at any time 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 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 two members of the Council, or the 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 at least 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 so the same. If a motion be made by any member of the Council in writing and filed with the presiding office, 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 recorder, and maintain proper functioning 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 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. Public's right to be heard

Members of the public 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 they 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. Members of the public 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.

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 meeting shall be as follows:

- (1) Call to order.
- (2) Invocation or Inspirational Reading.
- (3) Pledge of Allegiance.
- (4) Special Recognitions, Acknowledgements, and Proclamations.
- (5) Public Hearings.
- (6) Public Comment - The Council shall hear from members of the public as provided in Rule 15.
- (7) City Manager reports.
- (8) Consent Agenda – including, but not limited to: bids, appointments, routine items, items for approval, minutes, etc.
- (9) Regular Agenda – including, but not limited to: discussion and/or action items, resolutions, ordinances, and tabled items, etc.
- (10) Communications from the Mayor and Council.

If a meeting does not include any of the items above (i.e. no special recognitions, proclamations, public hearings, etc.), that item will be excluded from the Order of Business and the posted meeting agenda.

Rule 17. 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 18. 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.

Rule19. Sergeant at Arms

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

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Manvel,
Texas on this the _____th day of _____, 2022.

Debra Davison
Mayor

ATTEST:

Tammy Bell
City Secretary

RESOLUTION NO. ~~2017-R-13~~2022-R-XX

**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.**

* * * * *

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

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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'~~Public's right to be heard

~~Any citizen~~Members of the public 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~~they 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~~
Members of the public 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 or Inspirational Reading.
- (3) Pledge of ~~a~~Allegiance.
- (4) Special Recognition~~s~~, ~~and~~ Acknowledgements, and Proclamations.
- (5) Public ~~Hearings~~ ~~as called~~.
- (6) Public Comment - The Council shall ~~receive petitions and hear from any members~~
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)(7) City m~~Manager reports, ~~and/or Mayor's report~~
- ~~(9)(8) Consent Agenda – including, but not limited to: bids, appointments, routine items,~~
~~items for approval, minutes, etc. 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.~~
- (9) Regular Agenda – including, but not limited to: discussion and/or action items,
resolutions, ordinances, and tabled items, etc.
- ~~(13)(10) Communications from the Mayor and Council, shall be presented.~~

If a meeting does not include any of the items above (i.e. no special recognitions, proclamations, public hearings, etc.), that item will be excluded from the Order of Business and the posted meeting agenda.

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:~~

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~~(1) Call to order~~

~~(2) The presiding officer shall state the purpose(s) of the meeting.~~

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~~(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.~~

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~~(4) Adjourn meeting.~~

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Rule 187. 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 198. 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 2019. 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 ____th day of _____, 2017~~22~~.
~~Effective October 2017~~

Debra Davison,
Mayor
~~Manvel, Texas~~

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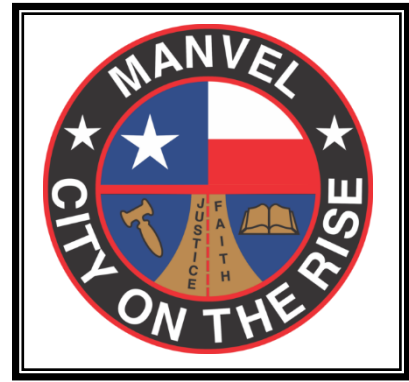
ATTEST:

Tammy Bell
City Secretary

NOTICE OF MEETING

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 4/18/2022

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 6:01 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
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager/City Engineer
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Development Services
Gilbert Salas, Director of Community Services

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

NOTICE OF MEETING

551.071: Consultation with Attorney, and Texas Government Code, Section 551.072: "Deliberation Regarding Real Property" to discuss the following:
PURCHASING OPPORTUNITY

Mayor Davison recessed the meeting into executive session at 6:01 p.m.
Mayor Davison reconvened the meeting out of executive session at 6:32 p.m.
No action was taken.

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

Start meetings at 6:00 p.m. - Council comments were mixed
Council Member Davis - Requirement to have more than one council member to add items to the agenda
Council Member Albert - Not in favor of having more than one council member to add things to the agenda.
Council Member Hudson - Agreed with Council Member Albert
Mayor Davison - If council has any ideas other than those discussed, email Kyle this week.

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

The workshop adjourned at 6:52 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: 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
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager/City Engineer
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Development Services
Gilbert Salas, Director of Community Services

Inspirational Reading - Council Member Tyson

Council Member Akery read a quote.

Pledge

Citizen Comments: "Comment Card" Required

Renee Arriaga -

In support of making Manvel a pro-life city

Kelly Boothe -

Not in support of making Manvel a pro-life city, this is a divisive and triggering decision. That's not who Manvel is. Also noted separation of church and state.

Robina Spruill -

Not in support of making Manvel a pro-life city. Believes this is a political move. This is something that should be for the state or federal government.

George White -

Spoke in favor of the Her Heart Pregnancy Health Center.

Derek Hehn -

Submitted a statement via email, which was read by Mayor Davison.

Caroline Duble -

Not in support of making Manvel a pro-life city. Spoke on several reasons why she is against it.

Laura Moorehead -

In favor of making Manvel a pro-life city.

Travis Boldt -

Not in support of making Manvel a pro-life city. The city would invite lawsuits and negative media attention. Adopting this would bring real consequences. Told everyone that this is a ploy by Council Member Davis.

FJ Jones -

Not in support of making Manvel a pro-life city.

Bree Clark -

Urged Council to work with AISD on the variance to move forward with the expansion of the John Booth Agricultural facility.

Raymond Garza -

Spoke in favor of variance approval for John Booth Agricultural facility expansion.

Alyssa Whitehead -

Spoke in favor of variance approval for John Booth Agricultural facility expansion.

Kirby Carroll, Aspect Holdings -

Scout #1 RE Well - Here for oil & gas permit application

City Manager Update

Covid update

6,278 total, up 22 from last meeting

15 confirmed, down 1

5 probable, up 3

6209 recovered, up 19

49 deaths, up 1

NOTICE OF MEETING

3 new employees started today - Joe Murray, Fire Marshal; Stewart Chase, City Planner; Daniel Franklin, Code Enforcement

Regular Agenda

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)

*Mayor Davison moved this item to the top of the Regular Agenda.

Council Member Davis believes this will make a statement, a declaration that we will fight for policies that promote life, dignity, and humanity for every individual, either born or not yet born in the city. This resolution is a framework.

Council Member Albert believes this not a city issue. This is a divisive issue. Will not stand in support in any of us telling another what they can do with their life.

Council Member Hehn believes this is not for the city. Spoke against it.

Council Member Albert believes it is in the best interest of the community for us not to take a side.

Mayor Davison believes it is not our place or our purview.

Council Member Hudson does not believe this would be good for the city.

Council Member Hudson made the motion to approve. Council Member Davis seconded the motion.

The motion **FAILED** with a vote: 1/6

Yes: City Council Member Place 4 Dan Davis

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: None

1. Consideration and possible action to schedule the canvass of the May 7, 2022 Election on May 16, 2022.

Council Member Davis made the motion to approve. Council Member Tyson 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

NOTICE OF MEETING

Absent: None

Abstained: None

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)

Council Member Albert addressed the public to dispel rumors that the blame is on the city if the variance doesn't pass. The ball is in AISD's court. They are claiming that they didn't know they would have to pay for the building of the road in the future, when in fact they should have as it's part of the subdivision ordinance.

Kyle Jung lists the conditions that would trigger construction of the road, which are:

1. If the district sold the property
2. If they subdivided the property
3. If an abutting property owner triggered the property to be platted which forced the construction of their side of the road, then AISD would have to
4. If the City decided to build part of the road, then that would trigger AISD having to build their part
5. Upon the 10th anniversary of the approval of the agreement

Mayor Davison asked if the road could be an asphalt road? Kyle stated that Lewis is considered a major thoroughfare. You would not want to construct a four-lane major thoroughfare out of asphalt.

Kyle Jung - throws out the possibility that the Council could take on the cost of the road or only charge asphalt cost to AISD and pay the rest.

Mayor Davison does not agree with the citizens of Manvel taking on this cost. Feels we are being lenient as 10 years or other conditions are not usually given to developers etc. This is not the City of Manvel against the Ag program, this is the City of Manvel, standing by their rules.

Council Member Davis - If built today, what would be the cost in concrete curb and gutter? The area of Lewis Lane is 1,381 LF and could possibly range around \$552,000.00. Interested in taking some conditions out and changing from 10 years to 15 years.

Council Member Albert would support adding the additional 5 years, but not absolving them from the responsibility altogether.

Council Member Davis made a motion to approve with removing all conditions other than the 10 year anniversary condition in the Development Agreement. Jerome seconded the motion. Further clarification is asked for before a vote is taken. Council did not take action.

Niccole - Why not table this and discuss the options with the school district?

Mayor Davison made the motion to table. Council Member Albert 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

NOTICE OF MEETING

Absent: None

Abstained: None

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.

Council Member Albert 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

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.

Council Member Albert made the motion to approve. Mayor Davison 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

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;

NOTICE OF MEETING

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.

Council Member Davis made the motion to approve. Council Member Albert 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

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.

Council Member Davis made the motion to approve. Council Member Tyson 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 4 Dan Davis, City Council Member Place 6 Jerome Hudson

No: City Council Member Place 5 Jason Albert

Absent: None

Abstained: None

Consent 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.

Council Member Hudson made the motion to approve. 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

Mayor and Council Comments

Chief Traylor shared that Sergeant Chris Day was nominated as Officer of the Year for the City of Manvel and selected by his peers as the representative for Officer of the Year for the City of Manvel to the 100 Club of Brazoria County. He was selected as the second runner-up for the county.

Adjourn

Council Member Davis made the motion to adjourn at 8:32 p.m. 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

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: Meridiana Section 28A, Cumulus Drive Phase 2, and Pond U
Date: Tuesday, April 26, 2022 4:46:45 PM
Attachments: [image001.png](#)

Kyle and Tammy,

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

- **Meridiana Section 28A**
- **Cumulus Drive Phase 2**
- **Detention Basin U**

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

In short, we recommend that City Council accept the infrastructure improvements for these 3 projects to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

www.cityofmanvel.com



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

TAX INCREMENT REINVESTMENT ZONE NUMBER THREE

SOUTH MANVEL DEVELOPMENT AUTHORITY



CITY OF MANVEL, TEXAS

2020 ANNUAL REPORT

October 1, 2020 thru September 30, 2021

Approved April 27, 2022

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CITY OF MANVEL, TEXAS

CITY COUNCIL

Mayor.....Debra Davison

Council Position 1.....Larry Akery

Council Position 2.....Lorraine Hehn

Council Position 3.....Niccole Tyson

Council Position 4.....Dan Davis

Council Position 5.....Jason Albert

Council Position 6.....Jerome Hudson

TAX INCREMENT REINVESTMENT ZONE NUMBER THREE

BOARD OF DIRECTORS

Position 1.....Debra Davison

Position 2.....Nicole Mitchell

Position 3.....Kim Bickham

Position 4.....Chris Thomas

Position 5.....Devin Jones

DESCRIPTION OF ZONE

In accordance with the Tax Increment Financing Act (Chapter 311, Tax Code), Ordinance 2010-0-06 of the City of Manvel, Texas (the "City") established Tax Reinvestment Zone Number Three, City of Manvel, Texas, (the "Zone" or "TIRZ") on May 10, 2010. The Zone consists of approximately 2,403.78 acres located in Brazoria County, Texas (the "County") (Figure 1). The City envisions that the District will serve a vital and long-term role in creating and sustaining revitalization opportunities.

The creation of the Zone was instrumental in facilitating the development of the master planned community project in Manvel. The Seven Oaks Project consists of commercial, single family, mixed-use development spanning across two cities, Manvel and Iowa Colony. The project proposed that for any meaningful redevelopment of the area to occur, extensive construction of new infrastructure would be required.

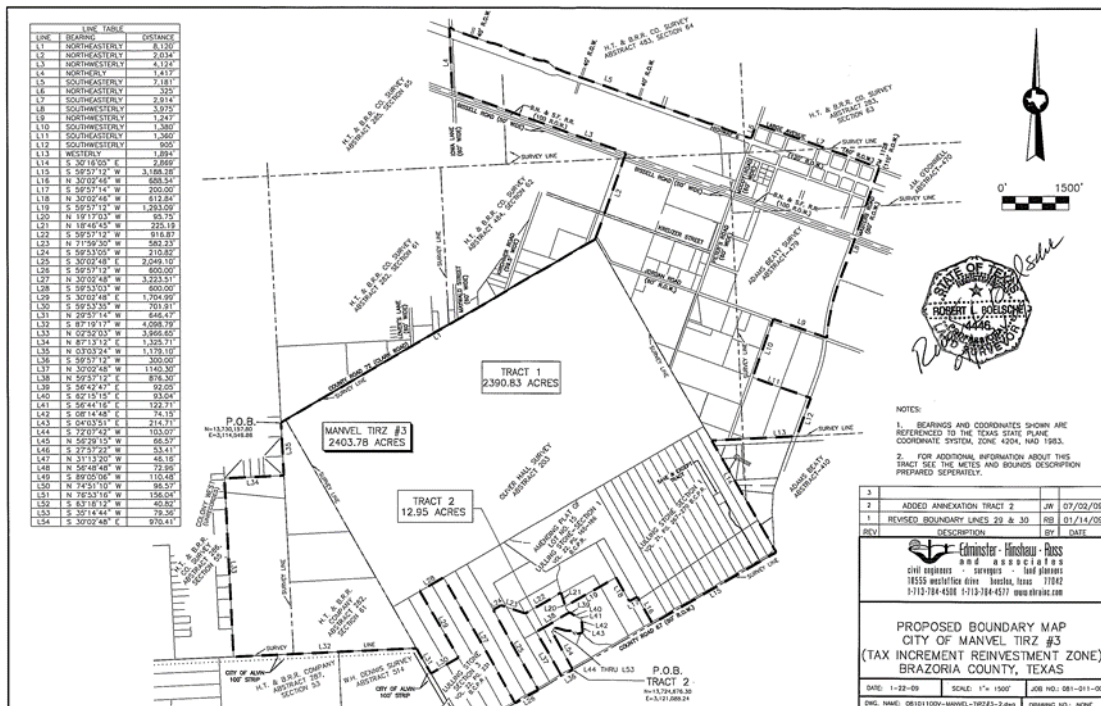


Figure 1: Manvel TIRZ 3 Boundary Map

PURPOSE OF ZONE

This TIRZ was proposed in response to trends that showed Manvel and its commercial tax base at risk of slow to no growth. The TIRZ would provide the financing and management tools needed to help stimulate the development of commercial and residential areas. The purpose of the Zone is to facilitate the redevelopment and will be the catalyst project to provide the momentum for further redevelopment within the Zone.

The objective of the Zone is to facilitate quality mixed-use development with a self-sustaining tax base for the City of Manvel (the City), Brazoria County (the County), and any other taxing entities that may participate in the future.

The City Council, in adopting the ordinances creating the Zone, found that the development described in the Reinvestment Zone Financing Plan (the Project Plan) would not likely occur, to the quality, standards and densities described in the Project Plan, but for the creation of the Zone.

The City Council further found that improvements in the Zone would significantly enhance the value of all taxable real property in the Zone and would be of general benefit to the City. The Zone will pursue its objective by acting as a financing vehicle for regional public improvements, as described in the Project Plan. The methods of financing and the sources of funding available to the Zone, including the participation levels of the various participating entities, including the City and Brazoria County are described in the Project Plan.

The Project Plan & Reinvestment Zone Financing Plan (the “Plan”) has been prepared in accordance with the requirements of Chapter 311 of the Texas Tax Code and outlines the improvements to be funded and implemented by the Zone.

STATE OF THE ZONE AND PLAN IMPLEMENTATION IN 2020

Revenue

The information provided in this section is in accordance with § 311.016 (a) (1) of the Texas Tax Code, which requires inclusion of the amount and source of revenue in the tax increment fund established for the Zone.

The City of Manvel and Brazoria County are the sole participating taxing entities in the Zone. The following tables show the participating jurisdictions and the amount and source of revenue in the Zone. The Zone was created for the duration of 40 years and the City has committed to 50% of its sales tax and 100% of its property tax, less cost of service, for the 40 years, or until dissolved by the City. Brazoria County has committed 40.49% of its property tax beginning in 2012 (unless an earlier date is agreed to) for a period of 30 years from the first year of payment.

Jurisdiction	2010 Base Year	2020 Tax Rate	Years
City of Manvel Sales Tax	1.5%	1.5%	2010-2050
City of Manvel Property Tax	\$0.587863/\$100	\$0.610000/\$100	2010-2050
Brazoria County Property Tax	\$0.403101/\$100	\$0.342017/\$100	2013-2043
Brazoria County Bridge Property Tax	\$0.060000/\$100	\$0.050000/\$100	2013-2043

Tax Rate Source: Brazoria County Central Appraisal District

Table A: Participation Schedule

TIRZ YEAR	CITY SERVICE PAYMENT	YEARS
1-10	\$430 per Residential Unit	2011-2020
11-20	\$645 per Residential Unit	2021-2030
21-40	\$1,000 per Residential Unit	2031-2050

Table B: Cost of Service Payment to the City

	2010 BASE	2020	2020
TAXING ENTITY	VALUE	VALUE	INCREMENT
City of Manvel Sales Tax	\$47,854	\$151,032	\$103,178
City of Manvel Property Tax	\$19,278,686	\$33,154,364	\$13,875,678
Brazoria County Property Tax	\$18,332,233	\$31,863,483	\$13,531,250
Brazoria County Bridge Property Tax	\$18,236,222	\$31,797,483	\$13,561,261

Table C: Increment Generated from Base Year to Present

Expenditures

The information provided in this section is in accordance with § 311.016 (a) (2) of the Texas Tax Code, which requires inclusion of the amount and purpose of expenditures from the fund.

The Board of Directors of the Zone has been granted by City Council, in accordance with Section 311.010 of the Texas Tax Code, the power to administer, manage and operate the Zone and to implement the Plan. The Zone was created on May 10, 2010. The Board of Directors for the Zone was appointed at the same meeting. The Board has met when needed since their appointment.

\$0.00 in expenditures were paid during 2020 (City FY 2021) for administration. Since inception, \$25,218.58 has been paid by the Zone for administrative services.

Interest Due on Outstanding Bonds

The information provided in this section is in accordance with § 311.016 (a) (3) of the Texas Tax Code, which requires inclusion of the amount of principal and interest due on outstanding bonded indebtedness.

The Zone issued no debt and therefore had no interest due on outstanding bonds.

Base Value & Captured Appraised Value

The information provided in this section is in accordance with § 311.016 (a) (4) of the Texas Tax Code, which requires inclusion of the tax increment base and current captured appraised value retained by the Zone.

The captured appraised value of the Zone is the total appraised value of all real property located within the Zone, less the tax increment base value. In each year subsequent to the base year, the Zone will receive tax increment revenue based on ad valorem property taxes levied and collected by each participating taxing unit on the captured appraised value of the Zone. Please refer to Exhibit A for detailed information.

Increment Received by Participating Jurisdiction

The information provided in this section is in accordance with § 311.016 (a) (5) of the Texas Tax Code, which requires inclusion of the captured appraised value shared by the City and other taxing units, the total amount of tax increments received, and any additional information necessary to demonstrate compliance with the Plan.

In 2020, the City and Brazoria County were the only two taxing entities participating in the Zone. The revenue generated from captured value for tax year 2020 (City FY 2021) was scheduled to be \$123,183.62 as shown in Exhibit A

Revenues:	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Grand Total
Sales Tax Collected in District	\$47,853.57	\$52,190.04	\$57,199.60	\$69,183.60	\$76,726.52	\$61,889.69	\$66,771.71	\$66,830.50	\$66,000.00	\$68,124.37	\$151,031.73	\$782,801.33
Increment over Base Value (2010)	\$0.00	\$4,336.47	\$9,346.03	\$21,330.03	\$28,872.95	\$14,036.12	\$18,918.14	\$17,976.93	\$18,146.43	\$20,270.80	\$103,178.16	
City Share (excludes restricted collections **)	\$0.00	\$2,890.98	\$6,230.69	\$14,220.02	\$19,248.63	\$9,357.41	\$12,612.09	\$11,984.62	\$12,097.62	\$13,513.87	\$68,785.44	\$170,941.37
TIRZ Share	\$0.00	\$1,445.49	\$3,115.34	\$7,110.01	\$9,624.32	\$4,678.71	\$6,306.05	\$5,992.31	\$6,048.81	\$6,756.93	\$34,392.72	\$85,470.69
City of Manvel Property Tax Value	\$20,624,212.00	\$19,804,309.00	\$19,957,796.00	\$20,086,078.00	\$20,624,212.00	\$21,234,230.00	\$24,945,891.00	\$27,895,674.00	\$26,018,242.00	\$26,510,710.00	\$33,154,364.00	
City of Manvel Base Property Tax Value	\$20,624,212.00	\$20,157,085.00	\$20,340,555.00	\$20,308,103.00	\$20,340,946.00	\$19,954,906.00	\$19,880,386.00	\$19,880,388.00	\$20,235,072.00	\$20,235,056.00	\$19,278,686.00	
Increment over Base Value	\$0.00	(\$352,776.00)	(\$382,759.00)	(\$222,025.00)	\$283,266.00	\$1,279,324.00	\$5,065,505.00	\$8,016,286.00	\$5,783,170.00	\$6,275,654.00	\$13,875,678.00	
TIF Captured Value		\$689,322.00	\$779,827.00	\$1,204,414.00	\$1,991,666.00	\$2,798,294.00	\$6,904,467.00	\$10,105,731.00	\$9,088,439.00	\$9,711,878.00	\$16,953,765.00	
TIRZ Share*		\$4,019.85	\$4,547.64	\$7,023.66	\$11,459.25	\$16,100.26	\$39,040.62	\$57,141.85	\$62,208.55	\$61,658.77	\$102,590.62	\$365,791.07
TIRZ Penalty & Interest	\$0.00	\$0.00	\$0.00	\$10.49	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.49
Number of Accounts	290	290	293	294	294	287	285	289	298	302	291	
Total TIRZ Taxes to be Collected by City	\$0.00	\$4,019.85	\$4,547.64	\$7,034.15	\$11,459.25	\$16,100.26	\$39,040.62	\$57,141.85	\$62,208.55	\$61,658.77	\$102,590.62	\$365,801.56
Total to be Collected by City of Manvel in TIRZ District	\$0.00	\$5,465.34	\$7,662.98	\$14,144.16	\$21,083.57	\$20,778.97	\$45,346.66	\$68,134.16	\$68,257.36	\$68,415.70	\$136,983.34	\$451,272.25
Brazoria County General Government Base Value (Unit 1)			\$19,315,974.00	\$19,290,014.00	\$19,316,289.00	\$19,019,219.00	\$18,944,699.00	\$18,944,701.00	\$19,210,415.00	\$19,210,399.00	\$18,332,233.00	
Brazoria County General Government Taxable Value (Unit 1)			\$18,912,838.00	\$19,047,445.00	\$19,592,434.00	\$20,289,729.00	\$23,923,357.00	\$26,793,875.00	\$24,905,606.00	\$25,383,755.00	\$31,863,483.00	
Brazoria County General Government Increment over Base			(\$403,136.00)	(\$242,569.00)	\$276,145.00	\$1,770,510.00	\$4,978,658.00	\$7,849,174.00	\$5,695,191.00	\$6,173,356.00	\$13,531,250.00	
Brazoria County General Government Captured Value			\$756,127.00	\$1,144,182.00	\$1,948,880.00	\$2,743,966.00	\$6,775,051.00	\$9,894,069.00	\$8,914,016.00	\$9,594,799.00	\$16,634,155.00	
Brazoria County General Government Tax Rate			42.5860/\$100	43.2020/\$100	4.38500/\$100	4.26000/\$100	.397405/\$100	.380234/\$100	.367914/\$100	.365233/\$100	.342017/\$100	
Brazoria County General Government Tax Share (40.49%)*			\$1,293.36	\$1,985.45	\$3,432.53	\$4,695.13	\$10,814.47	\$15,110.73	\$13,177.83	\$14,075.55	\$22,851.14	\$87,431.19
Brazoria County Bridge Base Value (Unit 9)			\$19,213,974.00	\$19,184,261.00	\$19,214,280.00	\$18,923,210.00	\$18,848,690.00	\$18,848,690.00	\$19,111,404.00	\$19,111,388.00	\$18,236,222.00	
Brazoria County Bridge Taxable Value (Unit 9)			\$18,819,838.00	\$18,963,445.00	\$19,517,434.00	\$20,217,729.00	\$23,857,357.00	\$26,730,875.00	\$24,845,606.00	\$25,323,755.00	\$31,797,483.00	
Brazoria County Bridge Increment over Base			(\$394,136.00)	(\$220,816.00)	\$303,154.00	\$1,294,519.00	\$5,008,867.00	\$7,882,185.00	\$5,734,202.00	\$6,212,367.00	\$13,561,261.00	
Brazoria County Bridge Captured Value			\$755,812.00	\$1,150,935.00	\$1,957,057.00	\$2,749,975.00	\$6,778,060.00	\$9,896,360.00	\$8,920,027.00	\$9,596,310.00	\$16,626,666.00	
Brazoria County Bridge Tax Rate			.060000/\$100	.060000/\$100	.060000/\$100	.060000/\$100	.060000/\$100	.060000/\$100	.060000/\$100	.050000/\$100	.050000/\$100	
Brazoria County Bridge Tax Share (40.49%)*			\$182.15	\$277.37	\$471.64	\$662.73	\$1,633.49	\$2,384.99	\$2,149.70	\$1,927.23	\$3,339.14	\$13,028.44
Total TIRZ Taxes to be Collected by County			\$1,475.51	\$2,262.82	\$3,904.17	\$5,357.87	\$12,447.96	\$17,495.71	\$15,322.53	\$16,002.78	\$26,190.28	\$100,459.63
Total TIRZ Taxes Collected	\$0.00	\$5,465.34	\$9,138.50	\$16,406.98	\$24,987.74	\$26,136.84	\$57,794.63	\$80,629.87	\$83,579.88	\$84,418.48	\$163,173.62	\$551,731.88
Less: Administrative fees (paid by SMDA)	\$0.00	\$0.00	\$0.00	(\$5,777.21)	(\$3,626.05)	(\$3,727.32)	(\$2,415.30)	(\$2,687.70)	(\$360.00)	(\$6,625.00)	\$0.00	(\$25,218.58)
Less: Cost of Service Payment	\$0.00	(\$24,940.00)	(\$24,940.00)	(\$26,230.00)	(\$26,230.00)	(\$26,230.00)	(\$26,230.00)	(\$26,230.00)	(\$26,660.00)	(\$26,660.00)	(\$39,990.00)	(\$271,340.00)
Fund Balance Total	\$0.00	(\$19,474.66)	(\$15,801.50)	(\$15,600.23)	(\$4,868.31)	(\$3,820.48)	\$29,149.33	\$51,712.17	\$56,559.88	\$51,133.48	\$123,183.62	\$252,173.30
* Calculated using 99.2% average collection rate for years of program												
** Restricted Collections include funds for IMDC and/or Street Improvements as restricted by law.												

Exhibit A: TIRZ #3 Increment Allocation Table