

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

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

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

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;

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

NOTICE OF MEETING

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