

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
ED PERRY, 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
June 6, 2022**

**NOTICE IS HEREBY GIVEN
5:30 P.M. WORKSHOP
6:00 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 – 5:30 p.m.

Presentation by PGAL - Construction Manager at Risk process for the construction of the new Police Department

Regular Session – 6:00 p.m.

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.

Special Recognitions, Acknowledgements, and Proclamations

Proclamations
LGBTQ+Pride Month
Juneteenth

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

City Manager Update

Update on current events and city issues.

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Approve the second and final reading of Ordinance 2022-O-14;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.24 ACRES LOCATED AT 22303 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6- SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811111 "GENERAL AUTOMOTIVE REPAIR" AND NAICS USE 811121 "AUTOMOTIVE BODY, PAINT, AND INTERIOR REPAIR AND MAINTENANCE"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z with a 4-2 vote)
2. Final acceptance of the infrastructure improvements and release of the associated Maintenance Bonds;
Del Bello Lakes Section 1
Del Bello Lakes Section 3
3. Acceptance of meeting minutes to date.
4. Waste Connections CPI-U Update (Authorized under the Franchise Agreement)

Regular Agenda

1. Consideration and possible action to approve Resolution 2022-R-07;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING THE CONSTRUCTION MANAGER-AT-RISK PROCESS FOR THE CONSTRUCTION OF THE NEW POLICE DEPARTMENT BUILDING; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
2. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-20;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING ARTICLE V OF CHAPTER 26. *ENVIRONMENT*, BY AMENDING THE DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY 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 AND AN EFFECTIVE DATE.

Mayor and Council Comments

Update on current events and city issues.

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

Items of community interest include:

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

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on June 3, 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, the City of Manvel cherishes the value and dignity of each person and appreciates the importance of equality and freedom; and

Whereas, all are welcome in the City of Manvel to live, work, play, and every family, in any shape, deserves a place to call home where they are safe, happy, and supported by friends and neighbors; and

Whereas, all people regardless of age, gender identity, race, color, religion, marital status, national origin, sexual orientation, or physical challenges have the right to be treated on the basis of their intrinsic value as human beings; and

Whereas, while we as a society at large are slowly embracing new definitions of sexuality and gender we must also acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

Whereas, it is imperative that everyone in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported by their peers and community leaders; and

Whereas, during Pride Month, we recognize the resilience and determination of the many individuals who are fighting to live freely and authentically. In doing so, they are opening hearts and minds, and laying the foundation for a more just and equitable America; and

Now, Therefore, I, Debra Davison, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim June 2022 as



“LGBTQ+Pride Month”

in the City of Manvel, Brazoria County, Texas, and urge residents to actively promote the principles of equality, liberty, and justice.

In witness thereof, on June 6, 2022 I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Debra Davison, Mayor

Proclamation

OFFICE OF THE MAYOR

CITY OF MANVEL

Whereas, our country is made up of people from every nation on Earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and

Whereas, our nation was conceived on July 4th, 1776 with the Declaration of Independence, the classic statement being: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

Whereas, at 2:00 p.m. on New Year's Day, January 1, 1863, using his war powers as President, Abraham Lincoln signed the Emancipation Proclamation, providing that all persons held as slaves within any State or designated part of a State "shall be then, thenceforward, and forever free;" and

Whereas, the Emancipation Proclamation made the permanent abolition of slavery a Union war aim and provided the legal framework for the emancipation of nearly all four million slaves as the Union armies advanced; and

Whereas, on June 19, 1865, almost 2 ½ years later, Major General Gordon Granger arrived in Galveston, Texas, and announced the end of both the Civil War and slavery, with this announcement: "The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property, between former masters and slaves and the connection heretofore existing between them, becomes that between employer and hired labor. The Freedmen are advised to remain at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts; and they will not be supported in idleness either there or elsewhere"; and

Whereas, the first official Juneteenth celebrations took place in Texas and have continued across the United States throughout the years.

Now, Therefore, I, Debra Davison, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim June 19, 2022 as



"JUNETEENTH"

in the City of Manvel, Brazoria County, Texas, and I call this observance to the attention of all citizens.

In witness thereof, on June 6, 2022 I have hereunto set my hand
and caused the seal of the City of Manvel to be affixed.

Debra Davison, Mayor



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 16, 2022

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 1.24 acres of land located at 22303 State Highway 6, Manvel, Texas, from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) authorizing NAICS Use Nos. 811111 “General Automotive Repair” and 811121 “Automotive Body, Paint, and Interior Repair and Maintenance”.

BACKGROUND: The site has two existing buildings. One building was previously used for an automotive repair shop with 4,537.5 square feet and the other building was used for a game room with 5,050 square feet. The property owners would like to establish an automotive repair, paint, and body shop in the existing 4,537.5 square foot building. The proposed site plan illustrates five repair bays inside the building. The proposed elevation drawings illustrate two front door bays and one rear door bay. The existing parking lot does not appear to have striped parking spaces; however, the proposed site plan illustrates 12 parking spaces that include two handicapped parking spaces. The current property owner recently purchased the property and would like to continue the automotive repair use on the property and add an automotive paint and body use. The previous automotive use was legal non-conforming since the business was established prior to City-wide zoning. The current owners would like to establish the use legally on site so a SUP application was filed.

The City’s Major Thoroughfare Plan classifies State Highway 6 as a “major thoroughfare” with an ultimate right-of-way width of 120-feet. The subject property has two existing driveways on SH 6. According to the Institute of Transportation Manual (10th Edition), an automotive care use generates 3.11 per unit for 1,000 gross floor area. The traffic impact from the proposed use would be minimal on SH 6.

The Planning, Development and Zoning Commission held a Public Hearing on May 9, 2022. There was one speaker during the Public Hearing, Mr. Shyju Joseph. Mr. Joseph is the owner of the property and explained why he wanted to open an automotive repair business. The Commission’s discussion focused on a condition proposed by staff to prohibit existing driveway access to Mustang Bayou Road. Since the Commission meeting, staff has spoken with the owner and he has stated the Mustang Bayou Road driveway is gated and will remain gated. He also stated the driveway would only be used in the event cars need to be moved and would not be used as business patron access.

PD&Z RECOMMENDATION: The Planning, Development and Zoning Commission voted to recommend approval of Ordinance No. 2022-O-14 with conditions proposed by staff to City Council. The vote was four yeas to two nays.

STAFF RECOMMENDATION: City staff recommends approval of Ordinance No. 2022-O-14.

ATTACHMENTS: Staff Report and Ordinance No. 2022-O-14

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 _____





City Council Specific Use Permit Request

Agenda of:	May 16, 2022	Initiated By:	Jessica Rodriguez Dir. Development Services
Department:	Development Services	Presented By:	Jessica Rodriguez Dir. Development Services

Subject/Proceeding

Specific Use Permit (SUP) to establish an automotive repair, body, and paint use on 1.24 acres of land located at 22303 State Highway 6 in the Light Commercial District/State Highway 6 Overlay District (LC/SH6)

Exhibits

Zoning Vicinity Map, Staff Report, Site Photographs, Aerial Vicinity Map, Proposed Site Plan, Proposed Elevation Drawings, Property Survey, Applicant Letter, Application, Applicant Authorization Letter, and Public Hearing Notice

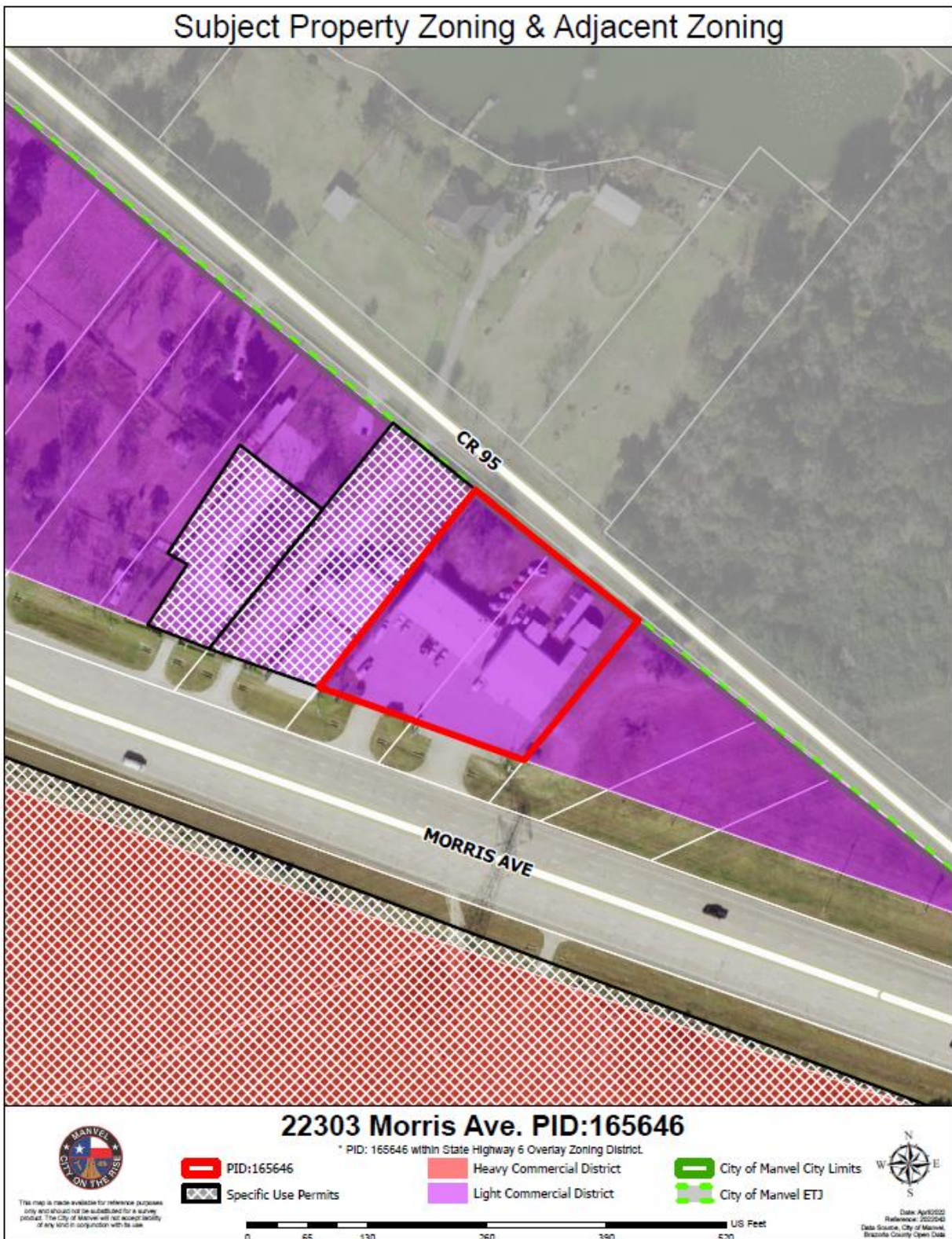
Recommended Action

A Public Hearing following by Consideration and Action from the City Council

Executive Summary

The owners, Shyju Joseph and Satish Pillai, are requesting a Specific Use Permit (SUP) for an automotive repair, body, and paint use located at 22303 SH 6. The property is 1.24 acres of land area and currently zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6). The automotive repair use is classified as NAICS Use No. 811111 "General Automotive Repair" and the automotive body and paint uses are classified as NAICS Use No. 811121 "Automotive Body, Paint, and Interior Repair and Maintenance". The existing building located at 22303 SH 6 was used as an automotive repair shop but did not perform paint or body work. The property was recently sold to the above-mentioned owners and they would like to continue the automotive repair use and add automotive paint and body to the building. According to the owner's application letter, they do not intend to make any structural modifications to the building but rather move a new automotive repair business to the existing building. Staff overview of the proposed SUP is contained in the attached Staff Report section.

Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a). *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides city council and planning, development and zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use’s relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required.”

In Section 77-50 (b) of the Zoning Ordinance it further states, “the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: City of Manvel’s Extra Territorial Jurisdiction (ETJ) South: Heavy Commercial District/State Highway 6 Overlay District (HC/SH6) East: Light Commercial District/State Highway 6 Overlay District (LC/SH6) West: Light Commercial District/State Highway 6 Overlay District with SUP (LC/SH6-SUP)
Surrounding Land Use	North: Existing Single-Family Residence & RV Park (under construction) South: Vacant/Undeveloped East: Aztec Athletics & Michelada Sinaloa Manvel West: Vacant/Undeveloped

Overview

The subject property is located at 22303 SH 6 and is comprised of 1.24 acres of lot area. It is zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6). The site has two existing buildings. One building was previously used for an automotive repair shop with 4,537.5 square feet and the other building was used for a game room with 5,050 square feet. The property owners would like to establish an automotive repair, paint, and body shop in the existing 4,537.5 square foot building. The property owner has not stated the proposed automotive repair use will expand or be utilized in the other building, nor has a site plan been presented to indicate such. The proposed site plan illustrates five repair bays inside the building. The proposed elevation drawings illustrate two front door bays and one rear door bay. The existing parking lot does not appear to have striped parking spaces; however, the proposed site plan illustrates 12 parking spaces that include two handicapped parking spaces.

The current property owner recently purchased the property and would like to continue the automotive repair use on the property and add an automotive paint and body use. The previous automotive use was legal non-conforming since the business was established prior to City-wide zoning. The current owners would like to establish the use legally on site so a SUP application was filed for NAICS Use Nos. 811111 “General Automotive Repair” and 811121 “Automotive Body, Paint, and Interior Repair and Maintenance”. The other building on subject property previously housed a game room use. The game room use was a legal non-conforming use too since it predated City-wide zoning. On March 25, 2022, the game room was shut down by Brazoria County Sheriff’s Office and put under investigation. The building remains vacant. According to the owner’s application letter, they would like to continue the automotive repair business and add a paint and body shop without structural modifications to the existing building.

The subject property abuts other commercial uses located east on SH 6, and vacant, undeveloped property to the west on SH 6. There is additional vacant, undeveloped property on the south side of SH6 across from subject property. The property located to the north and across Mustang Bayou Road is located in the City’s ETJ. The uses are single-family residential and a RV Park, which is under construction. The majority of properties on the north side of SH 6 west from Pine Street and east to the City Limits at CR 99 are zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6). Properties to the south of SH 6 are majority zoned Heavy Commercial District/State Highway 6 Overlay District (HC/SH6).

The City’s Major Thoroughfare Plan classifies State Highway 6 as a “major thoroughfare” with an ultimate right-of-way width of 120-feet. The subject property has two existing driveways on SH 6 with one driveway on Mustang Bayou Road. According to the Institute of Transportation Manual (10th Edition), an automotive care use generates 3.11 per unit for 1,000 gross floor area. The proposed use would generate approximately 14 trip per day. The traffic impact from the proposed use would be minimal on SH 6.

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by, “Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life”. The *Manvel 2015 Comprehensive Plan* stated smaller-scaled commercial development should be concentrated at the intersection of SH 6 and FM 1158. The City’s Official

Zoning Map supports the *Manvel 2015 Comprehensive Plan* because properties along SH 6 in the surrounding area are zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6). The surrounding LC District zoned properties have been zoned as such when City-wide zoning was established, and properties were overlaid with the State Highway 6 Overlay District (SH6) in 2010 by Ordinance No. 200-O-32.

The property is located on SH 6, which is identified as a “major thoroughfare” (120-feet wide) on the City’s Major Thoroughfare Plan. The site is also zoned Light Commercial (LC) District and surrounded by other properties zoned LC and used commercially. The site also had a legal nonconforming use of an automotive repair shop prior to the purchase of the property by the current owners. Due to the property’s access to a major thoroughfare and surrounding commercially used and zoned property, the use of an automotive repair, paint and body shop is not out of character. Because the parking lot lacks a marked fire lane and striped parking spaces staff is making recommendations to improve said site conditions. Staff is also making a recommendation to provide an opaque fence and landscaping surround other properties on the east, west, and north sides to shield the business from existing single-family residences, other commercial uses, and the RV Park located on Mustang Bayou Road. Further, staff has also made recommendations for building façade, landscaping, and lighting improvements if new lighting is installed or if substantial improvement and/or redevelopment occur on site since the site is located in the State Highway 6 Overlay (SH6) District.

Staff Report Update

Since the Planning, Development and Zoning Commission meeting on May 9, 2022, staff has spoken with the applicant regarding the proposed condition to limit vehicular access to Mustang Bayou Road. The owner/applicant has stated the driveway gate will remain locked and only be used when needing to move cars, and the driveway on Mustang Bayou Road will not be used as access to the business.

Staff Recommendation

Staff recommends approval of NAICS Use No. 811111, “General Automotive Repair” and NAICS Use No. 811121 “Automotive Body, Paint, and Interior Repair and Maintenance” for an automotive repair, paint and body shop SUP request for 1.24 acres of property located at 22303 SH 6 with the following conditions:

1. Provide striped parking spaces per Section 77-45, *Parking*, before a Certificate of Occupancy is issued.
2. The property owner shall comply with Section 77-51, *Plan Review, Landscaping, and Building Façade Requirements*, façade requirements when redevelopment or substantial improvement occurs on site.
3. The property owner shall comply with Section 77-36, *State Highway 6 Overlay (SH-6) District requirements*, when redevelopment or substantial improvement occurs on site.
4. No new freestanding light fixture shall be greater than 25-feet in height.
5. All new outdoor lighting shall be designated so that no light spillover onto abutting property exceeds 0.3 foot-candle when measured vertically.
6. The ground-level luminance ratio shall not exceed 12 to one.
7. Any new lighting fixture mounted within 15-feet of a residentially used or zoned property line, public right-of-way, and the southern boundary line shall be classified as IES Type III or Type F (asymmetric forward throw), and fitted with a “house side shielding” reflector on the

side facing the residentially used or zoned property line, public right-of-way, and southern boundary line.

8. All new freestanding lighting shall provide “cut-off” fixtures that conform with the Illuminating Engineering Society of North America, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
9. The site shall provide a 25-foot wide access easement thorough the front parking lot and connect with the eastern and western abutting properties.
10. The 25-foot wide access easement shall be marked as the fire lane.
11. The property shall provide a minimum five-foot landscape buffer along the west, north, and east side property lines. The landscape buffer shall provide a minimum 1.5-inch caliper tree (at time of planting and measured at the base of the tree) every 30 linear feet. The landscape buffer shall include fencing per Condition No. 13 (below).
12. The site landscaping shall be in accordance with Sections 77-44 and 77-51 of the zoning ordinance. The minimum tree caliper requirement in Section 77-44 shall not use multi-trunk trees to achieve minimum caliper size. Section 77-44 (1) (e) shall apply upon redevelopment of the front existing parking lot.
13. The site shall provide an eight-foot tall opaque fence using weather resistant wood species, wood treated with U.S. Environmental Protection Agency approved materials, painted wood, powder coated aluminum, brick, stone, or masonry on the east, north, and west property lines.
14. Driveway access from Mustang Bayou Road is prohibited.
15. A compliant trash enclosure per Section 77-36 is required before a Certificate of Occupancy is issued.
16. A parking lot, parking area, and Mustang Bayou Road driveway located behind the building (Mustang Bayou Road side) shall be concrete per design specifics of the City’s Design Criteria Manual.
17. The paint booth and mixing/storage area shall be approved per Fire Marshal and Fire Code regulations before a Certificate of Occupancy is issued.

Planning, Development and Zoning Commission Meeting Discussion

At the May 9, 2022, Planning, Development and Zoning Commission meeting, the Commission focused their discussion on staff’s proposed condition (no. 14) where access is prohibited to Mustang Bayou Road. Commissioner Alam wanted to know why driveway access would be denied on Mustang Bayou Road when there is an existing driveway. Staff explained the condition had been put in place to limit the number of cars on Mustang Bayou Road since there are other residences and a RV Park that only have access to Mustang Bayou Road to SH 6. Commissioner Rogers asked if Mustang Bayou Road was Quail Valley’s only access to SH 6. Staff stated it was the only ingress and egress to SH 6 for those residents.

Planning, Development and Zoning Commission Public Hearing

The Planning, Development and Zoning Commission held a Public Hearing at their May 9, 2022, meeting. During the Public Hearing there was one speaker, Mr. Shyju Joseph. Mr. Joseph stated he had purchased the property in December 2021 and would like to continue the use of an automotive

repair shop and add the paint and body shop use to the existing building. Mr. Joseph has an automotive repair shop in Stafford and would like to expand his business in Manvel.

Planning, Development and Zoning Commission Recommendation

At their May 9, 2022, meeting, the Planning, Development and Zoning Commission voted to recommend approval of Ordinance No. 2022-O-14 with conditions proposed by staff to City Council. The vote was four yeas to two nays.

City Council Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, staff has not received informational inquiries and is not aware of opposition to the request.

Site Photographs



Subject property from SH 6 (existing building with automotive repair).



Subject property from SH 6 (existing building with closed game room).



RV Park under construction on the north side of Mustang Bayou Road.

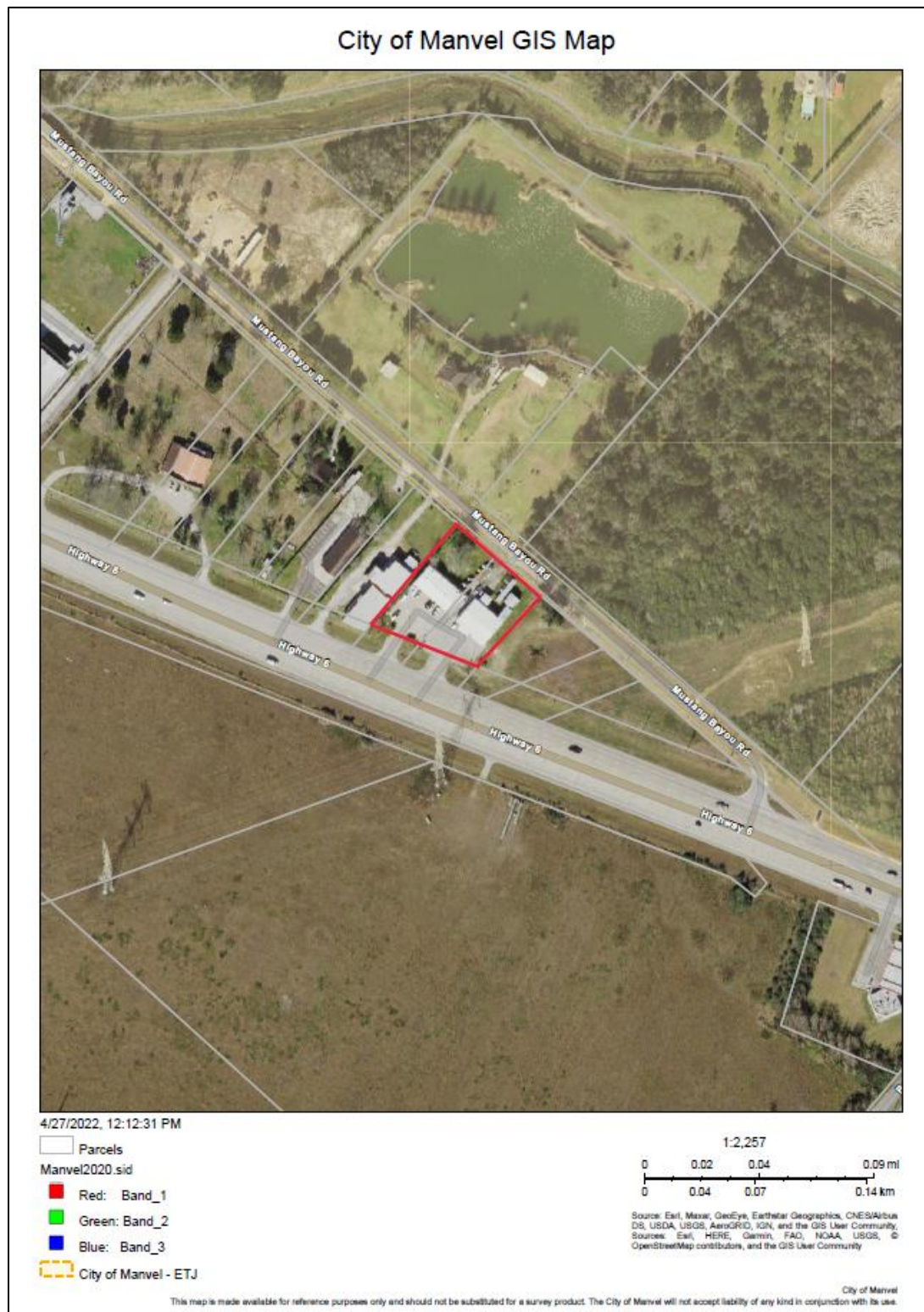


Abutting commercial property to the west (along SH6).

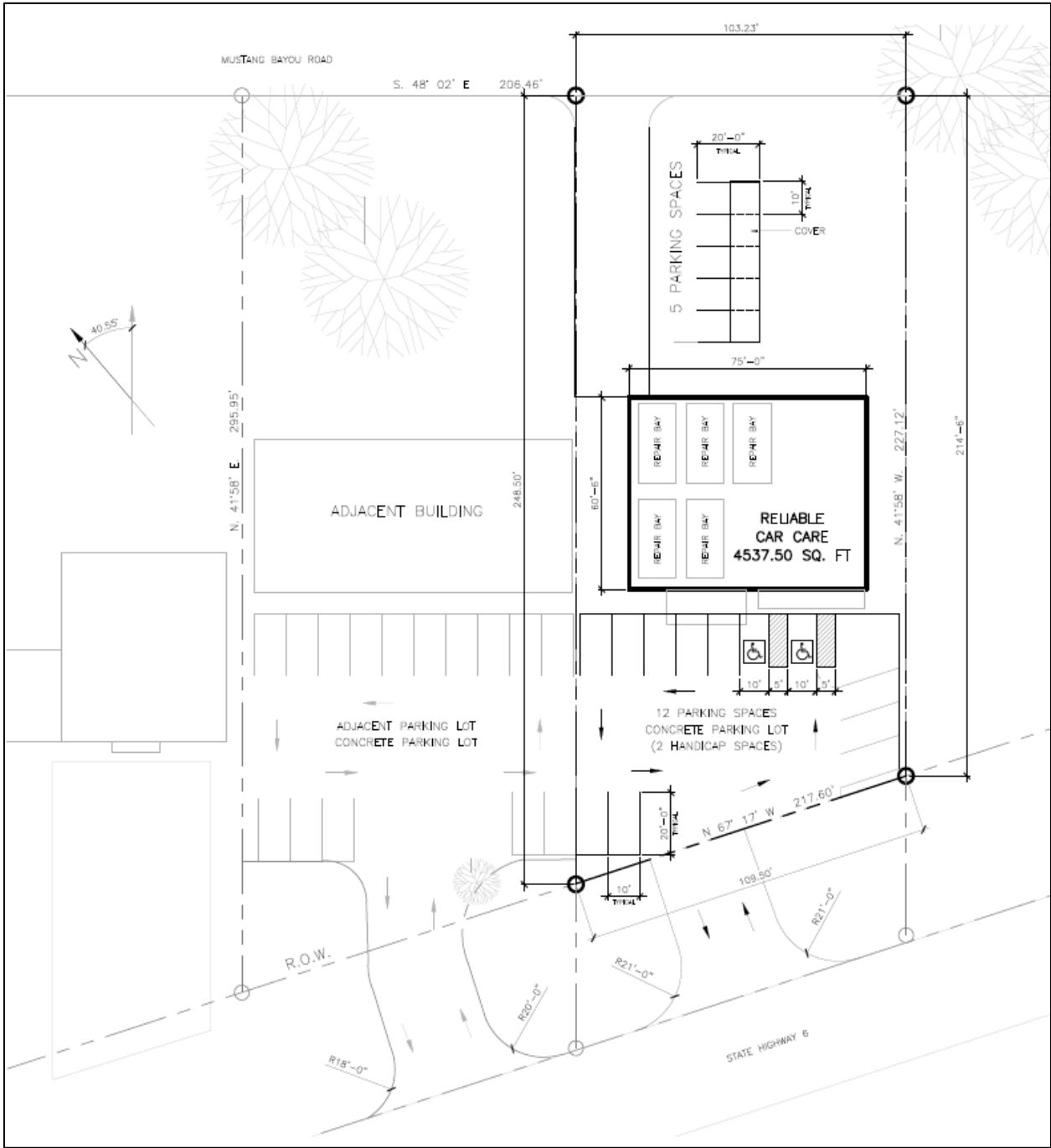


The rear of subject property from Mustang Bayou Road.

Aerial Vicinity Map



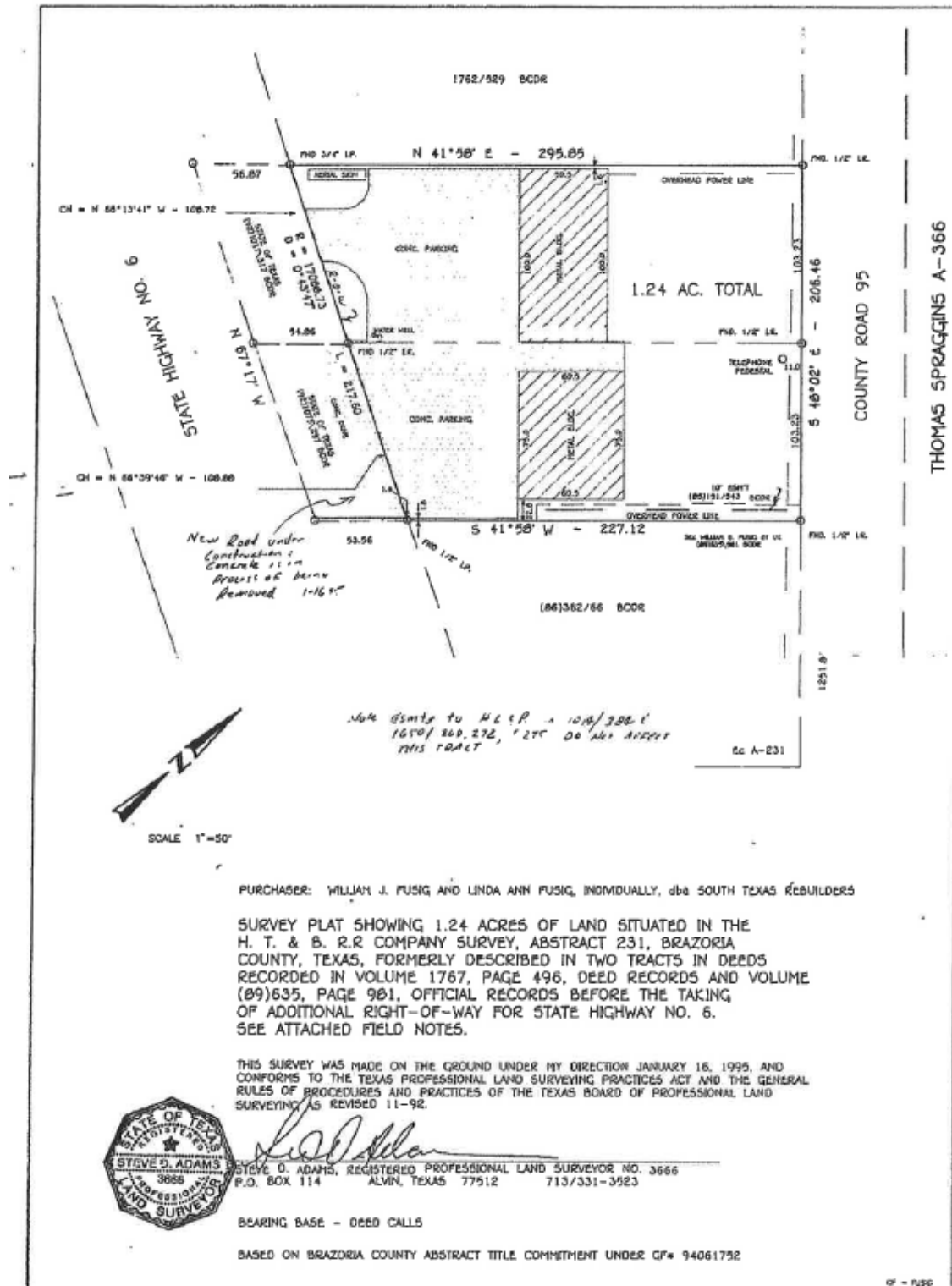
Proposed Site Plan



Proposed Elevation Drawings

[illegible]

Property Survey



Applicant Letter

RELIABLE CAR COMPANY
5215 RAIN TREE DR
MISSOURI CITY TX 77459
CITY OF MANVEL
DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578

REQUEST FOR CHANGE OF PERMIT NAIC CODE 811111 AND

NEW NAIC FOR NEW BODY AND PAINT CODE 811121

We, Shyju Joseph and Satish Pillai, submit this application for occupancy permit with existing NAIC code 811111 and a new body and paint code 811121 without any structural modifications.

This is a running business facility with NAIC code 81111

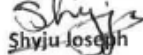
We have attached the following documents as you requested.

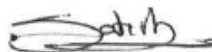
Copies Conceptual plan

Copies of recorded plat

Application fees

Thank you for processing our application and issue a perm


Shyju Joseph


Satish Pillai

Application



DEVELOPMENT SERVICES

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

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: RELIABLE CAR CARE
Project Location/Address: 22303 HWY 6 MANVEL - TX - 77548
Legal Description: See Attached.
Current Zoning: LC Proposed Land Use: Automotive NAICS No.: 81111 & 81121
Parcel/Tax ID# (s): 02311088145 Total Acreage: 1.24 REPAIR

APPLICANT INFORMATION

Applicant Name: SHYJU JOSEPH / SATISH PILLAI
Company Name: RELIABLE CAR COMPANY LLC
Address: 5215 RAIN TREE DR City: MISSOURI CITY State: TX Zip: 77459
Phone #: 832-715-8763 Email: Reliablecarcareinc@yahoo.com

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

Shyju 01-25-22
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: SHYJU JOSEPH / SATISH PILLAI
Address: 5215 RAIN TREE DR City: MISSOURI CITY State: TX Zip: 77459
Phone #: 832-715-8763 Email: Shyjuchoofan@yahoo.com

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

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

Shyju Satish 01-25-22
Owner's Signature (REQUIRED) Date

Application



DEVELOPMENT SERVICES

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

SUBMITTAL CHECKLIST

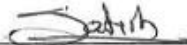
So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it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

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	✓
Two (2) Copies of Recorded Plat (if platted)	✓
Two (2) Applicant Letters of Request	✓
Traffic Impact Analysis, (if applicable)	
Paid Application Fee	✓

APPLICANT CERTIFICATION

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


Applicant Signature



01-25-22

Date

Applicant Authorization Letter



DEVELOPMENT SERVICES

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

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

SHYJU JOSEPH / SATISH PILLAI

Owner Name

5215 RAINTREE DR

Owner Address

MISSOURI CITY-TX-77459

Owner City, State

Zip

01-25-22

Date

Building and Inspections

20025 Highway 6

Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, SHYJU JOSEPH, certify that I am the owner of the project property located at 22303 HWY 6 MANVEL-TX-77548 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint SATISH PILLAI with the company _____ (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at PH: 832-715-8763 if you have any questions.

Sincerely,

Owner Name SHYJU JOSEPH

Owner Signature Shyju

Public Hearing Notice

Public Hearing Notice to run on Sunday 03/13/2022

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 7:00 P.M. ON MONDAY, MAY 9, 2022, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 7:00 P.M. ON MONDAY, MAY 16, 2022, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF 1.24 ACRES LOCATED AT 22303 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811111 “GENERAL AUTOMOTIVE REPAIR” AND NAICS USE 811121 “AUTOMOTIVE BODY, PAINT, AND INTERIOR REPAIR AND MAINTENANCE”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

ORDINANCE NO. 2022-O-14

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.24 ACRES LOCATED AT 22303 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811111 “GENERAL AUTOMOTIVE REPAIR” AND NAICS USE 811121 “AUTOMOTIVE BODY, PAINT, AND INTERIOR REPAIR AND MAINTENANCE”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Shyju Joseph and Satish Pillai are the owners (the “Owners”) of a certain 1.24 acre tract of land located at 22303 Highway 6, Manvel, Texas, being land situated in the H.T. & B.R.R. Company Survey, Abstract 231, Brazoria County, Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 1.24 acre tract is currently zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6); and

WHEREAS, the Owners have filed an application to change the zoning classification of the 1.24 acre tract to Light Commercial District/State Highway 6 Overlay District, with a Specific Use Permit (LC/SH6-SUP) allowing use of the Property for NAICS Use No. 811111 “General Automotive Repair” and NAICS Use No. 811121 “Automotive Body, Paint, and Interior Repair and Maintenance”; and

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

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the rezoning and specific use permit; now, therefore,

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

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

Section 2. The zoning classification of a certain 1.24 acre tract of land located at 22303 Highway 6, Manvel, Texas, being land situated in the H.T. & B.R.R. Company Survey, Abstract 231, Brazoria County, Texas, as more particularly described in Exhibit “A” attached hereto, shall be changed from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. General Automotive Repair – (NAICS 811111)
2. Automotive Body, Paint, and Interior Repair and Maintenance – (NAICS 811121)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning

Ordinance is hereby further amended by granting an amended Specific Use Permit authorizing use of the Property for the additional NAICS uses listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the site plan as shown in Exhibit “C”, attached hereto. The uses and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said multiple tracts, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City’s Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City

of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

- (1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or
- (2) That one of more of the conditions imposed by the permit has not been met or has been violated.

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

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

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Being 1.24 acre of land situated in the H.T. & B.R.R. Company Survey, Abstract 231, Brazoria County, Texas.



Exhibit B

CONDITIONS FOR 22303 HIGHWAY 6 (GENERAL AUTOMOTIVE REPAIR &
AUTOMOTIVE BODY, PAINT, AND INTERIOR REPAIR AND MAINTENANCE
USES)

- (1) Provide striped parking spaces per Section 77-45, *Parking*, before a Certificate of Occupancy is issued.
- (2) The property owner shall comply with Section 77-51, *Plan Review, Landscaping, and Building Façade Requirements*, façade requirements when redevelopment or substantial improvement occurs on site.
- (3) The property owner shall comply with Section 77-36, *State Highway 6 Overlay (SH-6) District requirements*, when redevelopment or substantial improvement occurs on site.
- (4) No new freestanding light fixture shall be greater than 25-feet in height.
- (5) All new outdoor lighting shall be designated so that no light spillover onto abutting property exceeds 0.3 foot-candle when measured vertically.
- (6) The ground-level luminance ratio shall not exceed 12 to one.
- (7) Any new lighting fixture mounted within 15-feet of a residentially used or zoned property line, public right-of-way, and the southern boundary line shall be classified as IES Type III or Type F (asymmetric forward throw), and fitted with a “house side shielding” reflector on the side facing the residentially used or zoned property line, public right-of-way, and southern boundary line.
- (8) All new freestanding lighting shall provide “cut-off” fixtures that conform with the Illuminating Engineering Society of North America, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
- (9) The site shall provide a 25-foot wide access easement thorough the front parking lot and connect with the eastern and western abutting properties.
- (10) The 25-foot wide access easement shall be marked as the fire lane.
- (11) The property shall provide a minimum five-foot landscape buffer along the west, north, and east side property lines. The landscape buffer shall provide a minimum 1.5-inch caliper tree (at time of planting and measured at the base of the tree) every 30 linear feet. The landscape buffer shall include fencing per Condition No. 13 (below).
- (12) The site landscaping shall be in accordance with Sections 77-44 and 77-51 of the zoning ordinance. The minimum tree caliper requirement in Section 77-44 shall not use multi-trunk trees to achieve minimum caliper size. Section 77-44 (1) (e) shall apply upon redevelopment of the front existing parking lot.
- (13) The site shall provide an eight-foot tall opaque fence using weather resistant wood species, wood treated with U.S. Environmental Protection Agency approved materials, painted wood, powder coated aluminum, brick, stone, or masonry on the east, north, and west property lines.
- (14) Driveway access from Mustang Bayou Road is prohibited.

- (15) A compliant trash enclosure per Section 77-36 is required before a Certificate of Occupancy is issued.
- (16) A parking lot or parking area located behind the building (Mustang Bayou Road side) shall be concrete per design specifics of the City's Design Criteria Manual.
- (17) The paint booth and mixing/storage area shall be approved per Fire Marshal and Fire Code regulations before a Certificate of Occupancy is issued.

22303 HIGHWAY 6 SITE PLAN



From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#); [Robbie Hall](#)
Subject: 06/06/2022 Consent Agenda - Del Bello Lakes Section 1
Date: Thursday, May 19, 2022 2:27:48 PM
Attachments: [image002.png](#)

Kyle and Tammy,

In order to **conclude** the maintenance period which began on January 21, 2020, a final inspection walk-through has been conducted for:

Del Bello Lakes Section 1

All punch list items have been addressed and we recommend that City Council accept the infrastructure improvements for this project and release the associated Maintenance Bonds.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(281) 489-0630

www.cityofmanvel.com



From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#); [Robbie Hall](#)
Subject: 06/06/2022 Consent Agenda - Del Bello Lakes Section 3
Date: Thursday, May 19, 2022 2:29:05 PM
Attachments: [image002.png](#)

Kyle and Tammy,

-
In order to **conclude** the maintenance period which began on February 3, 2020, a final inspection walk-through has been conducted for:

Del Bello Lakes Section 3

All punch list items have been addressed and we recommend that City Council accept the infrastructure improvements for this project and release the associated Maintenance Bonds.

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

Daniel S. Johnson, P.E., CFM

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

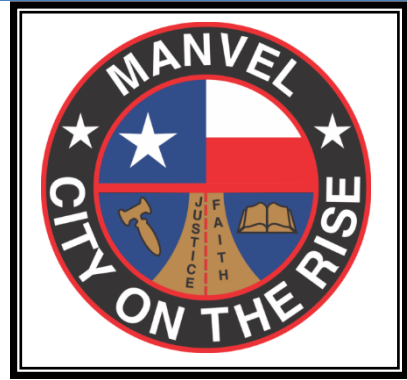
www.cityofmanvel.com



5/16/2022 CITY COUNCIL MEETING MINUTES

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
ED PERRY, 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 5/16/2022

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 6:04 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 5 Jason Albert
City Council Member Place 6 Jerome Hudson
City Council Member Place 4 Dan Davis

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Community Services
Joe Murray, Fire Marshal
Danielle Bryan, Code Enforcement Officer/Health Inspector
Gilbert Salas, Director of Community Services
Brooke Cyphers, Public Information Officer

Discussion on any subject as listed on the Agenda dated 5/16/2022. Mayor Davison requested the Proclamations be read during the workshop.

General Discussion on Agenda Item #11

5/16/2022 CITY COUNCIL MEETING MINUTES

Dan - Has council in the past extended this? Are the signs kept well?

Does the community of Rodeo Palms want to see these?

Lorraine - they have not been kept up, and are an eye sore on 288. Enforcement needs to take place.

General Discussion on Agenda Item #10

General Discussion on Agenda Item #9

General Discussion on Agenda Item #7

Mayor Davison adjourned the workshop at 6:50 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 7:02 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 5 Jason Albert City
Council Member Place 6 Jerome Hudson City
Council Member Place 4 Dan Davis

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Community Services
Joe Murray, Fire Marshal
Danielle Bryan, Code Enforcement Officer/Health Inspector
Gilbert Salas, Director of Community Services
Brooke Cyphers, Public Information Officer

Inspirational Reading - Council Member Hehn

Pledge

Special Recognitions, Acknowledgements, and Proclamations

Proclamations

Emergency Medical Services Week - May 15 -21, 2022

Flood Awareness Week - May 23 - 27, 2022

Public Hearing

CANCELLED TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC

5/16/2022 CITY COUNCIL MEETING MINUTES

USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 624190 "OTHER INDIVIDUAL AND FAMILY SERVICES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

THIS PUBLIC HEARING HAS BEEN CANCELLED

Cancelled.

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF 1.24 ACRES LOCATED AT 22303 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811111 "GENERAL AUTOMOTIVE REPAIR" AND NAICS USE 81121 "AUTOMOTIVE BODY, PAINT, AND INTERIOR REPAIR AND MAINTENANCE"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davison opened the Public Hearing at 7:04 p.m.

1st call for comments - None

2nd call for comments - None

3rd call for comments - None

Mayor Davison closed the Public Hearing at 7:05 p.m.

Public Comments: "Comment Card" Required

Pastor Martin

Disgruntled with Code Enforcement and how strict they are being about the cleanup of his property. He says he uses the things they're asking him to get rid of. Was told he could put up a fence but he says he doesn't want to live in a cage.

Fred Weary

Working on an indoor sports facility in the Pomona Hillwood community. 13 acres. It will be the first flagship location for the Boys and Girls Club of Brazoria County. This will be a premier destination for non-local visitors. Approximately 90,000 non-local visitors, so this will have an economic impact and increase the opportunity for more local business revenue.

Will have a professional dance studio, front office spaces, conference rooms, 5 basketball courts, covered football field with a practice track.

Donald Atkinson

Spoke a while ago about rebar at Meridiana and Hwy 6. Nothing has been done. Now, someone has knocked off the Don't Walk sign.

Joseph Shygu

Addressed council in regards to the timing of SUP and back driveway access for auto paint and body shop.

City Manager Update

Covid update:

6,363 cases

26 confirmed, up 12 from the last meeting

12 probable, up 7

6,249 recovered, up 22

No additional deaths

City of Manvel Regional Drainage Facility - S Masters and Jordan Pipe for the outfall has been ordered - first step to getting the project started

June 1st is the beginning of hurricane season. Brazoria County website has a guide. Start your preparations now.

Consent Agenda

1. Acceptance of the meeting minutes to date.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

Regular Agenda

1. Consideration and possible action to approve Resolution 2022-R-05;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING TWO COUNCILMEMBERS (PLACE NO. 4 AND PLACE NO. 6); CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION RELATING TO THE HOME RULE CHARTER; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

5/16/2022 CITY COUNCIL MEETING MINUTES

2. Issue Certificate of Election, Statement of Elected Officer, and Oath of Office to the declared candidates elect; Council Member Place 4, Ed Perry, and Council Member Place 6, Jerome Hudson.

Certificate of Election were issued to both Ed Perry and Jerome Hudson

Mayor Debra Davison swore in Ed Perry to Council Place 4.

Mayor Debra Davison swore in Jerome Hudson to Council Place 6.

3. Recognition of Dan Davis - City Council Term 2019-2022

Mayor Davison presented Dan Davis with a stone plaque. Dan Davis gave a closing speech.

4. Consideration and possible action on the appointment of a Mayor Pro-Tem to serve for one year.

Mayor Debra Davison made the motion to appoint Lorraine Hehn. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

5. Consideration and possible action to approve Resolution 2022-R-06;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, IMPLEMENTING THE CHANGE TO THE CITY CHARTER OF THE CITY OF MANVEL AS A RESULT OF THE SPECIAL ELECTION HELD ON MAY 7, 2022; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

6. Consideration and possible action to approve on first reading, Ordinance 2022-O-18;
AN ORDINANCE AMENDING ORDINANCE NO. 2021-O-29 AMENDING THE CITY FISCAL YEAR 2022 BUDGET ENDING SEPTEMBER 30, 2022, BY AMENDING THE GENERAL FUND TO ACCOUNT FOR COUNCIL PAY AND REALLOCATION OF EXPENSES IN THE FIRE MARSHAL/CODE ENFORCEMENT DEPARTMENT DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

5/16/2022 CITY COUNCIL MEETING MINUTES

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

7. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-14; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.24 ACRES LOCATED AT 22303 HIGHWAY 6, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811111 "GENERAL AUTOMOTIVE REPAIR" AND NAICS USE 81121 "AUTOMOTIVE BODY, PAINT, AND INTERIOR REPAIR AND MAINTENANCE"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

(Forwarded with favorable recommendation by PD&Z with a 4-2 vote)

Jason Albert thinks the risk is low for traffic and that he would like to remove that so he can go ahead with business.

Jessica Rodriguez suggests that if they remove the prohibition of using the driveway, it must be brought up to city standards.

Council Member Jason Albert made the motion to approve with item 14 amended to allow use of the driveway provided that it must first be brought up to city standards. Mayor Debra 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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

8. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-16; AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY REPEALING THE CURRENT ARTICLE X "MOBILE FOOD VENDORS" AND ADOPTING A NEW ARTICLE X "MOBILE FOOD VENDORS" TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; AMENDING CHAPTER 35, ARTICLE VII "PEDDLERS, CANVASSERS, AND SOLICITORS"; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

5/16/2022 CITY COUNCIL MEETING MINUTES

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

9. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL BY REPEALING THE CURRENT CHAPTER 33 “FOOD AND FOOD HANDLERS” AND ADOPTING A NEW CHAPTER 33 “FOOD AND FOOD HANDLERS” TO REGULATE FOOD ESTABLISHMENTS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

Council Member Jason Albert made the motion to approve. Mayor Debra 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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

10. Consideration and possible action to approve a Master Cooperative Purchasing Agreement between the City of Manvel and the Sheriffs' Association of Texas, Inc.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

11. Consideration and possible action to direct staff on a request by Clinton Wong for an amendment to the Rodeo Palms PUD to allow for Billboards to remain until December 31, 2023.

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

The motion **FAILED** with a vote 0-7:

Yes: None

5/16/2022 CITY COUNCIL MEETING MINUTES

No: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

Absent: None

Abstained: None

Mayor and Council Comments

Coffee with Cops this Saturday, 5/21 from 8-10 am at City Hall.

Adjourn

Council Member Jerome Hudson made the motion to adjourn. Mayor Debra 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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

The meeting adjourned at 8:03 p.m.

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



WASTE CONNECTIONS INC.

Connect with the FutureSM

May 24, 2022
City of Manvel
Attn: City Manager
20025 Highway 6
Manvel, Texas 77578
www.cityofmanvel.com

RE: Annual Rate Adjustment

Dear City Manager

Waste Connections would like to sincerely thank you for the great opportunity we have had to serve the citizens and community of Manvel. We thoroughly enjoy and appreciate the relationship between Waste Connections and the City of Manvel.

Each year we evaluate the CPI-U, costs per our contract with the city. This year the CPI-U adjustment is 8.48%. I have enclosed further details of these adjustments with this letter.

We would like to adjust these rates on the June billing cycle.

Should you have any questions or concerns regarding this adjustment or anything else, please feel free to contact me at the office at 281-331-0810.

Best Regards,

Chris Robert
District Manager
Waste Connections of TX
Christopher.Robert@wasteconnections.com

EXHIBIT "A"
CITY OF MANVEL
SOLID WASTE SCHEDULE
EFFECTIVE 2022-06

Tax & Franchise Fees not included in rates.

8.48% CPI

Total Residential Cart/Recycle Cart	\$ 22.51 per month
Total Per additional trash Cart	\$ 14.53 per month
Total Per additional Recycle Cart	\$ 14.53 per month
To cancel Recycle & add trash cart	\$ - per month
Total Commercial Cart/Recycle Cart	\$ 37.43 per month
<i>2 x Week trash & 1 x Week Recycle</i>	
Total Per additional CO trash Cart- 2xWk	\$ 26.15 per month
Total Per additional CO Recycle Cart- 1xWk	\$ 26.15 per month

Tax and franchise fees are not included in rates.

Franchise Fee is not charged tax. Take base rate x's by 15% franchise fee, then take base rate and x's by 8.25% tax. Last add these totals together for all in price.

Tax Code: Manvel Franchise = Tax & Franchise fees charged

CONTAINER

Lifts Per Week

SIZE	1	2	3	4	5	6	Extra-Lifts
2 Cubic Yd	\$ 73.74	\$ 127.38	\$ 185.48	\$ 239.11	\$ 311.74	\$ 398.89	\$ 44.69
3 Cubic Yd	\$ 82.68	\$ 141.90	\$ 204.47	\$ 253.64	\$ 330.73	\$ 417.89	\$ 49.16
4 Cubic Yd	\$ 92.74	\$ 150.84	\$ 214.53	\$ 272.63	\$ 350.85	\$ 456.99	\$ 59.22
6 Cubic Yd	\$ 131.85	\$ 214.53	\$ 287.16	\$ 350.85	\$ 506.16	\$ 641.36	\$ 88.27
8 Cubic Yd	\$ 160.90	\$ 268.16	\$ 355.32	\$ 446.94	\$ 622.36	\$ 821.25	\$ 117.32

Lock Charge 9.23 per mo

ROLL OFF CONTAINERS

Haul Rates	Haul	Delivery	Rental	Disposal/ Ton **	Deposit
20 yard	\$ 271.20	\$ 108.48	\$ 7.16	\$ 30.37	\$ 596.64
30 yard	\$ 271.20	\$ 108.48	\$ 7.16	\$ 30.37	\$ 596.64
40 yard	\$ 271.20	\$ 108.48	\$ 7.16	\$ 30.37	\$ 596.64
28 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
30 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
35 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
40 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
42 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64

**** Disposal - 3 ton minimum**

Bureau of Labor Statistics

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Series Title	All items in Houston-The Woodlands-Sugar Land, TX, all urban consumers, n
Series ID	CUURS37BSA0
Seasonality	Not Seasonally Adjusted
Survey Name	CPI for All Urban Consumers (CPI-U)
Measure Data Type	All items
Area	Houston-The Woodlands-Sugar Land, TX
Item	All items

Year	Period	Label	Observation Value
2020	M02	2020 Feb	230.147
2020	M04	2020 Apr	226.387
2020	M06	2020 Jun	228.898
2020	M08	2020 Aug	228.978
2020	M10	2020 Oct	229.885
2020	M12	2020 Dec	230.388
2021	M02	2021 Feb	232.442
2021	M04	2021 Apr	236.604
2021	M06	2021 Jun	239.374
2021	M08	2021 Aug	241.088
2021	M10	2021 Oct	243.813
2021	M12	2021 Dec	245.509
2022	M02	2022 Feb	250.563
2022	M04	2022 Apr	256.668

256.668 Apr-22

236.604 Apr-21

20.064 Increase

8.48% PI %

RESOLUTION NO. 2022-R-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING THE CONSTRUCTION MANAGER-AT-RISK PROCESS FOR THE CONSTRUCTION OF THE NEW POLICE DEPARTMENT BUILDING; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City of Manvel desires to contract for the construction of the new Police Department Building; and

WHEREAS, the City intends to use the “construction manager-at-risk” alternative means of procurement and contracting for this building, in an effect to save money and reduce time for construction; and

WHEREAS, "construction manager-at-risk method" is a delivery method by which a governmental entity contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility; and

WHEREAS, pursuant to Texas Government Code § 2269.056, the governing body of a governmental entity that considers a construction contract using a method other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity; now, therefore,

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

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

Section 2. Consistent with Texas Government Code § 2269.056, the City Council of the City of Manvel determines that the "construction manager-at-risk method" delivery method would provide the best value for construction of the Police Department Building, and elects to use this delivery method.

Section 3. It is hereby found and determined that the NOTICE OF MEETING relating to the meeting of the City Council at which this Resolution was considered and the

posting thereof, was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and RESOLVED this ____ day of _____, 2022.

Debra Davison
Mayor

ATTEST

Tammy Bell
City Secretary

ORDINANCE NO. 2022-O-20

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING ARTICLE V OF CHAPTER 26. *ENVIRONMENT*, BY AMENDING THE DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY 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 AND AN EFFECTIVE DATE.

WHEREAS, the City Council deems it in the best interest of the City of Manvel to amend the Drought Contingency Plan in Article V of the City Code, Chapter 26; **now, therefore**,

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

Section 1. Article V of Chapter 26. *Environment* of **The Code of Ordinances of the City of Manvel** is hereby amended to read and provide as follows:

“CHAPTER 26. ENVIRONMENT

. . .

ARTICLE V. - DROUGHT CONTINGENCY PLAN

Sec. 26-101. - Declaration of policy, purpose, and intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts these regulations and restrictions on the delivery and consumption of water.

Sec. 26-102. - Regulations.

Water uses regulated or prohibited under this drought contingency plan, hereafter referred to as the "plan," are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined herein.

Sec. 26-103. - Authorization.

The city manager [~~director of public works,~~] or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The city manager [~~director of public works~~] or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

Sec. 26-104. - Application.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms "person" and "customer," as used in the plan, include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 26-105. - Definitions.

For the purposes of this plan, the following definitions shall apply:

Aesthetic water use shall mean water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use shall mean water use that is integral to the operations of commercial and nonprofit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation shall mean those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer shall mean any person, company, or organization using water supplied by the city.

Domestic water use shall mean water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address shall mean street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use shall mean the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use shall mean water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Nonessential water use shall mean water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

(1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;

(2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

(3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

(4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

(5) Flushing gutters or permitting water to run or accumulate in any gutter or street;

(6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

(7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;

(8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

(9) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address shall mean street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Waste of water or water wasting shall mean the application of water, provided through the city's potable water system, to soil or to the ground, at a rate of flow that, or in quantity that, exceeds the rate of the water's absorption into the ground. The standing of water on the ground,

or the running of water over the ground into a ditch or into gutter or other means of drainage, whether natural or manmade, shall be prima facie evidence that water has been applied at an excessive rate of flow and/or in an excessive quantity; provided, however, the following shall not constitute water wasting:

(1) Inadvertent and incidental splashing or spilling of water during water applications; or

(2) Leakage of water due to plumbing or piping disruptions or breaks, when such disruptions or breaks are promptly repaired or such repairs are promptly undertaken and diligently pursued until completion.

Water production capacity shall mean the sum of the design pumping capacities of groundwater wells connected to the city water system.

Sec. 26-106. - Criteria for initiation and termination of drought response stages.

(a) The city manager [~~director of public works~~] or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the plan, that is, when the specified "triggers" are reached.

(b) The triggering criteria described below are based on known system design conditions and performance capabilities.

(1) Stage 1 Trigger - MILD Water Shortage Conditions.

a. Requirement for initiation. Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses defined under Stage 1 in

section 26-109 hereof, when total daily water demand equals or exceeds 60 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 1 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days.

(2) Stage 2 Trigger - MODERATE Water Shortage Conditions.

a. Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses defined under Stage 2 in section 26-109 hereof, when total daily water demand equals or exceeds 70 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 2 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) Stage 3 Trigger - SEVERE Water Shortage Conditions.

a. Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses defined under Stage 3 in section 26-109 hereof, when total daily water demand equals or exceeds 80 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 3 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(4) Stage 4 Triggers - CRITICAL Water Shortage Conditions.

a. Requirement for initiation. Customers shall be required to comply with the requirements and restrictions on certain nonessential water uses defined under Stage 4 in section 26-109 hereof, when total daily water demand equals or exceeds 90 percent of the city's water production capacity for three consecutive days.

b. Requirement for termination. Stage 4 of the plan may be rescinded when the triggering event condition has ceased to exist for a period of three consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

(5) Stage 5 Triggers - EMERGENCY Water Shortage Conditions.

a. Requirements for initiation. Customers shall be required to comply with the requirements and restrictions for Stage 5 of this plan when city manager [~~director of public works~~], or his/her designee, determines that a water supply emergency exists if any of the following triggers exist:

1. Total daily water demand equals or exceeds 95 percent of the city's water production capacity for three consecutive days.

2. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

3. Water supply source(s) are contaminated.

b. Requirements for termination. Stage 5 of the plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days. Upon termination of Stage 5, Stage 4 becomes operative.

Sec. 26-107. - Wasting water; vegetative watering.

It shall be unlawful for any person to cause, allow, or otherwise permit water wasting when applying water to grounds, lawns, plants, trees, shrubs, bushes, or other vegetative matter, or when applying water for any landscaping or agricultural purpose of any kind.

Sec. 26-108. - Notices.

(a) Upon the determination that a Stage 2 or higher water condition exists, the city shall provide for notification to each customer of such condition, as applicable, of all water use restrictions then in effect, and of the penalties for failure to comply with the imposed restrictions. Such notice shall be given to each customer within the city by publication in the city's official newspaper. Additional means of notification may be employed at the discretion of the city council and/or the city manager.

(b) At such time that the water supply system has been restored to below a Stage 2 condition the city shall provide notice of the termination of the condition either through available media sources or through written notice in the manner provided above.

Sec. 26-109. - Drought response stages.

The city manager [~~director of public works~~] or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in section 26-106 of this plan, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following notification procedures:

(1) Stage 1 Response - MILD Water Shortage Conditions.

Goal: Achieve a voluntary 10 percent reduction in daily water demand.

Supply management measures: City will reduce waterline flushing at the discretion of the city manager ~~[director of public works]~~ or his/her designee ~~[designate[d] representative]~~.

Voluntary water use restrictions:

a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

b. All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.

c. Water customers are requested to practice water conservation and to minimize or discontinue nonessential water use.

(2) Stage 2 Response - MODERATE Water Shortage Conditions.

Goal: Achieve a 20 percent reduction in daily water demand.

Supply management measures: City will reduce waterline flushing at the discretion of the city manager ~~[director of public works]~~ or ~~[designate]~~ designee and will adhere to the Stage 2 response water use restrictions defined below.

Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.

f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the city, the facility shall not be subject to these regulations.

g. All restaurants are prohibited from serving water to patrons except upon request of the patron.

h. All nonessential water use as defined in section 26-105 hereof is prohibited.

(3) Stage 3 Response — SEVERE Water Shortage Conditions.

Goal: Achieve a 30 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 3 response water use restrictions defined below.

Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:

a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

c. ~~b.~~ The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the city.

d. ~~c.~~ The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(4) Stage 4 Response - CRITICAL Water Shortage Conditions.

Goal: Achieve a 40 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 4 response water use restrictions defined below.

Water use restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

c. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

e. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(5) Stage 5 Response - EMERGENCY Water Shortage Conditions.

Goal: Achieve a 50 percent reduction in daily water demand.

Supply management measures: City will eliminate waterline flushing unless required for health and welfare of the public and will adhere to the Stage 5 response water use restrictions defined below.

Water use restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5, except that:

- a. Irrigation of landscaped areas is absolutely prohibited.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Provision of alternative water supplies. In the event of source contamination or failure, at the discretion of city manager [~~director of public works~~], or his/her designee, alternative water supplies shall be provided to affected citizens. Alternative supplies may include, but are not limited to, bottled water, alternate groundwater well(s), or hook-up to another public or private water supplier.

Sec. 26-110. - Penalties for violation of this article.

(a) Criminal penalties. Any person who shall violate any provision of this article 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.

(b) Discontinuance of water service for failure to comply.

(1) First notice. The city shall provide written notice, by hand delivery, to each customer deemed to be in violation hereof, by affixing such written notification to the front door or main entrance of the place of violation.

(2) Second notice. In the event a customer commits violations of this article on two separate occasions during any single serious water condition or emergency water condition, service to such customer shall be discontinued following written notice thereof to such customer by registered or certified mail, return receipt requested.

(3) Reconnection. No service which has been disconnected pursuant to this section shall be restored until such violation is discontinued, payment has been made to the city of a \$100.00 reconnection fee, and the violator has reimbursed the city for any and all costs incurred by the city, including reasonable attorney's fees, in the enforcement of this article.

(4) [Liability.] The liabilities of a customer under this subsection for reconnection fees and costs shall be in addition to and cumulative of any and all other criminal penalties for which such customer may otherwise be liable hereunder, and to any other remedy available to the city, whether at law or in equity.

Sec. 26-111. - Adoption of water conservation and emergency management plan.

There is hereby adopted for the city a "water conservation and emergency management plan," dated October, 1998, a true and correct copy of which is filed and maintained in the office of the city secretary.

Sec. 26-112. - Variances.

The city manager [~~director of public works~~], or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(3) Persons requesting an exemption from the provisions of this article shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by city manager [~~director of public works~~], or his/her designee, and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
- e. Description of the relief requested.
- f. Period of time for which the variance is sought.

g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date.

h. Other pertinent information.

(4) Variances granted by the city shall be subject to the following conditions, unless waived or modified by city manager [~~director of public works~~] or his/her designee:

a. Variances granted shall include a timetable for compliance.

b. Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(5) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

Sec. 26-113. - Coordination with regional water planning groups.

The service area of the City of Manvel is located within the Region H Water Planning Group and the City of Manvel has provided a copy of this plan to the Region H Water Planning Group.

Sec. 26-114. - Public involvement.

Opportunity for the public to provide input into the preparation of the plan was provided by the City of Manvel by means of scheduling and providing public notice of a public meeting to accept input on the plan. Public input on the plan was addressed in preparing the plan.

Sec. 26-115. - Exceptions.

In the event any clause phrase, provision, sentence, or part of this article or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this article 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.

Sec. 26-116. - Additional provisions.

The City of Manvel Water Conservation Plan, a true and correct copy of which is incorporated herein by this reference for all purposes, is hereby adopted by the city as its water conservation plan.

The city secretary is hereby directed to maintain copies of the City of Manvel Water Conservation Plan and related documents and make them available upon request, for a reasonable fee, to any individual who requests one.

Secs. 26-117—26-129. - Reserved.”

Section 2. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. **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.

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$500.00; provided however that for any violation governing public health and sanitation, the fine may not exceed \$2,000.00. Each day of violation shall constitute a separate offense.

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

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

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

CITY OF MANVEL DROUGHT CONTINGENCY PLAN

Stage	Condition	Trigger*	Requirement	Reduction Goal	City Main Flushing	Irrigation**	Hand-held hose, bucket, or drip	Automatic Sprinklers	Hose-End Sprinklers	Commercial Car Wash	Vehicle Wash at Home
1	Mild	60%	Voluntary	10%	Reduced	Midnight - 10 AM; 8 PM - Midnight	Allowed Anytime	Voluntary, Limited**	Voluntary, Limited**		
2	Moderate	70%	Mandatory	20%	Reduced	Midnight - 10 AM; 8 PM - Midnight	Allowed Anytime	Limited**	Limited**		Limited**
3	Severe	80%	Mandatory	30%	Eliminated	Midnight - 10 AM; 8 PM - Midnight	Limited**	Limited**	Prohibited		Limited**
4	Critical	90%	Mandatory	40%	Eliminated	6 AM - 10 AM; 8 PM - Midnight	Limited**	Prohibited	Prohibited	6 AM - 10 AM; 6 PM - 10 PM	Prohibited
5	Emergency	95%	Mandatory	50%	Eliminated	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

* When Total Daily Water Demand equals or exceeds the trigger for three (3) consecutive days.

** Even Addresses on Sundays and Thursdays; Odd Addresses on Saturdays and Wednesdays.