

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
December 5, 2022**

**NOTICE IS HEREBY GIVEN
5:00 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 Manvel City Council 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

Presentation / Update by PGAL on the City Center Complex.

Discussion on any topic as listed on the agenda dated 12/5/2022

Regular Session

Call To Order

Inspirational Reading - Council Member Hehn

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Comments: "Comment Card" Required

Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

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. Acceptance of the meeting minutes to date.
2. Final acceptance of infrastructure improvements for Bluewater Lakes Section 6 and release of associated Maintenance Bonds.
3. Acceptance of infrastructure improvements for Pomona Pedestrian Crosswalks to begin the Two (2) Year Maintenance Period.

Regular Agenda

1. Consideration and possible action to approve a subdivision variance request seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks, for 23.3559 acres of land located at 5901 Oilfield Road (AKA CR 98) and authorize the Mayor to execute the Development Agreement.
2. Consideration and possible action to approve a subdivision variance request seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks, for 1 acre of land located at 8815 Crestview and authorize the Mayor to execute the Development Agreement.
3. Consideration and possible action on the 2023/2024 TCAP Board of Directors Ballot.
4. Update by staff on the following;
 - Special Events Policy
 - Food and Food Handlers Ordinance
 - Mobile Food Vendors

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.

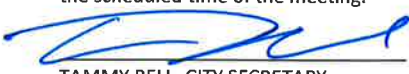
Items of community interest include:

- 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 Manvel City Council 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 December 2, 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



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 11/21/2022

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:03 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

Absent: City Council Member Place 4 Ed Perry

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
Gilbert Salas, Director of Community Services
Jessica Rodriguez, Director of Development Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer
Jose Abraham, City Planner

Inspirational Reading - Council Member Akery

Pledge

Public Hearing

Public Hearing to hear comments “for” or “Against” an Oil and Gas Drilling Well Application from Denbury Onshore, LLC. requesting to deepen the Lemmer, J. #12 Well, an oil and gas well in the T. Spraging Survey Abstract 366, City of Manvel, Brazoria County, Texas.

Mayor Davison opened the Public Hearing at 6:04 p.m.

First Call - None

Second Call - None

Third Call - None

Closed at 6:05 p.m.

Public Comments: "Comment Card" Required

Travis Clark - CR 87 Subdivision Variance for Temporary Road. Material originally requested for road was one he could afford. The new material option is not something he can afford as he went out and got a bid and it came back as \$70+ thousand dollars. Cannot even get a culvert installed to get to his property. Asking the City to please help him build the road.

City Manager Update

Covid Update

9 confirmed, down 1

15 recovered

1 new death

7,599 cases total

By Friday, we can hopefully lift the burn ban.

December 16th from 6-8, Cookies & Cocoa with Santa

Consent Agenda

1. Approve the second and final reading of Ordinance 2022-O-29;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF 40' CITY RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 1.354 ACRES OF LAND, BEING AN UNNAMED AND UNIMPROVED ROAD EASEMENT OF RECORD IN VOLUME 3, PAGE 139, OF THE BRAZORIA COUNTY PLAT RECORDS, IN THE M.V. O'DONNELL SURVEY ABSTRACT NO. 479 BEING PART OF 116.90 ACRE TRACT INCLUDING TRACT 1 - 35.298 ACRES AND TRACT 2 - 80.247 ACRES IN BCCF # 2020004157 IN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. (FORWARDED WITH FAVORABLE RECOMMENDATION BY PD&Z).
2. Approve the second and final reading of Ordinance 2022-O-30;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. “SIGNS” BY REVISING THE REGULATIONS PERTAINING TO SIGNS WITHIN THE CITY OF MANVEL AND EXTRATERRITORIAL

JURISDICTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

3. Approve the second and final reading of Ordinance 2022-O-31;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY AMENDING SECTION 50-53. *MASTER DRAINAGE PLAN* APPROVING THE UPDATE TO THE CITY'S MASTER DRAINAGE PLAN; PROVIDING FOR CONFORMITY OF ALL DRAINAGE REGULATIONS TO THE 2022 MASTER DRAINAGE PLAN; 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; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.
4. Final acceptance of the infrastructure improvements and release of the associated Maintenance Bonds for Bluewater Lakes Section 3.
5. Acceptance of the infrastructure improvements for Meridiana Section 52 to begin the one-year Maintenance Period.
6. Acceptance of the infrastructure improvements for Meridiana Section 54A to begin the one-year Maintenance Period.
7. Acceptance of the infrastructure improvements for the MUD 56 Lift Station to begin the two-year Maintenance Period.
8. Approve the granting of an electric easement located near the Maverick Water Plant to CenterPoint Energy Houston Electric, LLC.
Located within a certain 1.090 ACRES IN THE MARY O'DONNELL SURVEY ABSTRACT NO. 483 CITY OF MANVEL, TEXAS.
Water plant site (Special Warranty Deed accepted by City Council on 11/15/2021)
9. Approve the meeting minutes to date.

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

The motion carried with a vote: 6/0

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 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: City Council Member Place 4 Ed Perry

Abstained: None

Regular Agenda

1. Reconsideration of a subdivision variance request seeking to vary Chapter 62, Section 62-111, Additional Street Requirements for a 5.0-acre tract of land located along south side of Del

Bello Boulevard on the west side of its intersection with Pollard Drive. The subject site abuts the property located at the southwest corner of Del Bello Boulevard and Pollard Drive intersection.

Discussion about future plans for the road and how it will tie in with development and the city's plans to extend the road. The property owner is made aware that if the city takes on the cost of building the road properly with stabilized material, then it will take a long time, perhaps years. If he wants access to his property sooner, then council would then consider one of the proposed alternative materials in this variance request.

Mayor Davison made the motion to approve a variance to allow for the use of substandard materials as listed in option number one in the proposed temporary road construction table as shown in the council data sheet (table has also been attached below). Council Member Hehn seconded the motion.

No.	Proposed Temporary Road Construction	Cost
1.	14' wide with lime stabilized subgrade (Staff Recommended)	\$ 76,300.00
2.	14' wide without lime stabilized subgrade (Alternate Proposal by applicant)	\$ 61,300.00
3.	10' wide without lime stabilized subgrade (Alternate Proposal by applicant)	\$ 38,300.00

The motion carried with a vote: 5/1

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 6 Jerome Hudson
 No: City Council Member Place 5 Jason Albert
 Absent: City Council Member Place 4 Ed Perry
 Abstained: None

2. Consideration and possible action to approve a variance from the Manvel Town Center PUD, Exhibit E, IV. Project/Plan Description, C. Development Guidelines, 5) Parking, for parking lot one-way aisle minimum width.

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

The motion carried with a vote: 6/0

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 5 Jason Albert, City Council Member Place 6 Jerome Hudson
 No: None
 Absent: City Council Member Place 4 Ed Perry
 Abstained: None

3. Consideration and possible action regarding application for an oil and gas drilling permit from Denbury Onshore, LLC. for the Lemmer, J. #12 Well, an oil and gas well in the T. Spraging Svy, A 366, City of Manvel, Brazoria County, Texas.

Council Member Jason Albert made the motion to approve and to set the bond at \$500,000. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote: 5/1

Yes: City Council Member Place 1 Larry Akery, City Council Member Place 2

MINUTES MANVEL CITY COUNCIL MEETING November 21, 2022

Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: Mayor Debra Davison
Absent: City Council Member Place 4 Ed Perry
Abstained: None

Mayor and Council Comments

Jason Albert asks that going into Thanksgiving, that we remember those who lost their lives at Club Q and Pulse to terrorist acts.

Adjourn

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

The motion carried with a vote: 6/0

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 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: City Council Member Place 4 Ed Perry
Abstained: None

The meeting adjourned at 6:55 p.m.

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#); [Robbie Hall](#)
Subject: 12/05/2022 Consent Agenda - Bluewater Lakes Section 6
Date: Thursday, December 1, 2022 4:37:59 PM
Attachments: [image002.png](#)

Kyle and Tammy,

In order to conclude the maintenance period which began on February 16, 2021, a final inspection walk-through has been conducted for:

Bluewater Lakes Section 6

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: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: 12/05/2022 Consent Agenda - Pomona Pedestrian Crosswalks
Date: Wednesday, November 30, 2022 2:45:58 PM
Attachments: [image003.png](#)

Kyle and Tammy,

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

Pomona Pedestrian Crosswalks

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

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

www.cityofmanvel.com





MANVEL CITY COUNCIL

DATA SHEET

MEETING DATE: December 5, 2022

TOPIC: Subdivision variance request for an approximate 23.3559-acres of land located along Oilfield Road (County Road 98) seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* and Section 62-113, *Sidewalks*.

BACKGROUND: The 23.3559-acres subject site (including right-of way dedication) owned by Barry Simmons is located in the Open-Single Family Residential (O-SFR) *zoning district* on the north side of the Oilfield Road. The subject site includes two tracts; a 1.6263-acre tract located at 5901 County Road 98 with a residential home and an adjoining larger tract with a barn. The subject site is currently under common ownership. The applicant intends to subdivide the subject site to create two lots conforming to current standards (3.1011 acres and 19.8095 acres) as shown on the attached proposed plat provided as an exhibit. The applicant intends to sell the proposed 3.1011-acre lot to a potential buyer intending to develop the lot for a residential home.

The subject site is located at the intersection of Oilfield Road and proposed Cemetery Road extension (per Major Thoroughfare Plan Map). Currently, Oilfield Road is a two-lane asphalt road within a 66-foot right-of-way, and the ROW for Cemetery Road will be dedicated upon platting. The Major Thoroughfare Plan classifies both Oilfield Road and proposed Cemetery Road as arterial roads and requires a minimum 100-foot ROW. In combination, Section 62-111 and Section 62-113 of the subdivision ordinance requires construction on one-half of all perimeter (abutting) roads as concrete curb and gutter with sidewalk in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. Therefore, the applicant is requesting this variance to allow platting and developing a portion of the property without the rights-of-way improvement required by the referenced sections of the subdivision ordinance. With respect to Section 62-5, *Variance*., Staff finds the following:

- The subject site is a large acreage property (22.9106-acres) located at the intersection of two major thoroughfares and is proposed to be subdivided into two residential lots. The applicant is platting the property so that an approximate 3-acre lot can be sold for development of a residential home.
- The strict enforcement of the requirement will not deprive the applicant of a substantial property right. However, the enforcement of the requirement will expand the scope of work for the potential buyer who intends to build a home on a portion of the subject site. Since the entire acreage is being platted, the enforcement of the requirement would apply to the remaining portion of the subject site which is not proposed to be developed. The need for the variance arises from the applicant's decision to sell a portion of the subject site for a new home construction.
- Granting of the variance will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Granting of the variance will not cause any undesirable/unsafe change to the existing right-of way condition/usage; instead, only allows the use of the existing asphalt road as access to the subject site.

RECOMMENDATION: The staff recommends approval of this variance request to Chapter 62, Section 62-111 and 62-113 with two conditions as specified in the development agreement: 1) the subdivision variance will expire upon further subdivision of the property to create more than two lots; and 2) the subdivision variance will expire upon change of use from single-family residential use.

ATTACHMENTS: Application Form, Development Agreement, Vicinity Zoning Map, Vicinity Aerial Map, and Major Thoroughfare Plan Map

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER	FINANCE DIRECTOR APPROVAL _____
	CITY MANAGER APPROVAL _____



22-002517

CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner) BARRY SIMMONS

Phone: 281-352-4187 e-mail: simmons54@gmail.com

Owner BARRY SIMMONS

Owner Address PO BOX 1345 City MANVEL State TX Zip 77528

Phone: 281-352-4187 e-mail: simmons54@gmail.com

Property Information

Site Address 0 COUNTY ROAD 98, MANVEL TX

Legal description (from deed) 21.6616 ACRES, THOS SPRAGGINS, ABSTRACT 366
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 170431, 574391

Description of Subdivision Variance Request

SPECIFIC VARIANCE BEING SOUGHT TO ALLOW NO IMPROVEMENTS TO PAVEMENT

AND CURBING, SECTION 62-111

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

- o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

NO HARDSHIP CREATED OR IMPOSED BY APPLICANT IS USED, BASIS IS TO SUPPORT

REQUEST IS BASED ON FACTORS OF NEARBY SURROUNDIN PROPERTIES TO BE

CONSISTANT WITH LAND USE IN IMMEDIATE ADJACENT PROPERTIES.

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

APPLICANT SEEKS TO KEEP THE PROPERTY IN CURRENT CONFIGURATION
WITH ADJACENT PROPERTY OWNERS.

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area

THE VARIANCE WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH,
SAFETY OR WELFARE.

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

THE GOAL OF CURRENT PROPERTY IS TO BE CONSISTANT WITH CONDITIONS
OF ADJACENT PROPERTIES.

Applicant Authorization

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

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.


Applicant Signature

9-28-22
Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

OWNERS CERTIFICATION

THE STATE OF TEXAS *
COUNTY OF BRAZORIA *

KNOW ALL MEN BY THESE PRESENTS

I, BARRY S. SIMMONS, HEREINAFTER REFERRED TO AS OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING PLAT OF SIMMONS ESTATE, 24.76 ACRES OUT OF 40.067 ACRES OF LAND, CALLED THE SOUTHWEST 40.0 ACRES OF LOT THIRTY-EIGHT (38) OF THE SUBDIVISION OF THE THOMAS SPRAGGINS SURVEY, ABSTRACT 366, BRAZORIA COUNTY, TEXAS. DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION ACCORDING TO THE EASEMENTS, LINES, LOTS, AND NOTATIONS THEREOF SHOWN AND DESIGNATE SAID SUBDIVISION AS SIMMONS ESTATE, DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS, AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, BARRY S. SIMMONS, OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING PLAT PF SIMMONS ESTATE, HAVE COMPLIED WITH, OR WILL COMPLY WITH, THE EXISTING REGULATIONS HERETOFORE ON FILE AND ADOPTED BY THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

WITNESS MY HAND THIS ____ DAY OF _____, 2022.

BY: _____
BARRY S. SIMMONS, OWNER

THE STATE OF TEXAS *
COUNTY OF BRAZORIA *

KNOW ALL MEN BY THESE PRESENTS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED BARRY S. SIMMONS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT ONE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN.

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:_____

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF SIMMONS ESTATE IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS ____DAY OF _____, 2022.

PLANNING, DEVELOPMENT AND ZONING COMMISSION

CERTIFICATE OF SURVEYOR

I, TOBY PAUL COUCHMAN, AM REGISTERED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT ALL BEARINGS, DISTANCES, AND OTHER ASSOCIATED BOUNDARY INFORMATION ON THE ABOVE SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND; THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER PERMANENT METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN THREE-QUARTER INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET UNLESS OTHERWISE NOTED, AND THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST SURVEY CORNER.

TOBY PAUL COUCHMAN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5565

PURPOSE OF DOCUMENT: PLAT REVIEW
SURVEYOR OF RECORD:
TOBY PAUL COUCHMAN
REGISTRATION #5565
RELEASE DATE: 11/07/2022

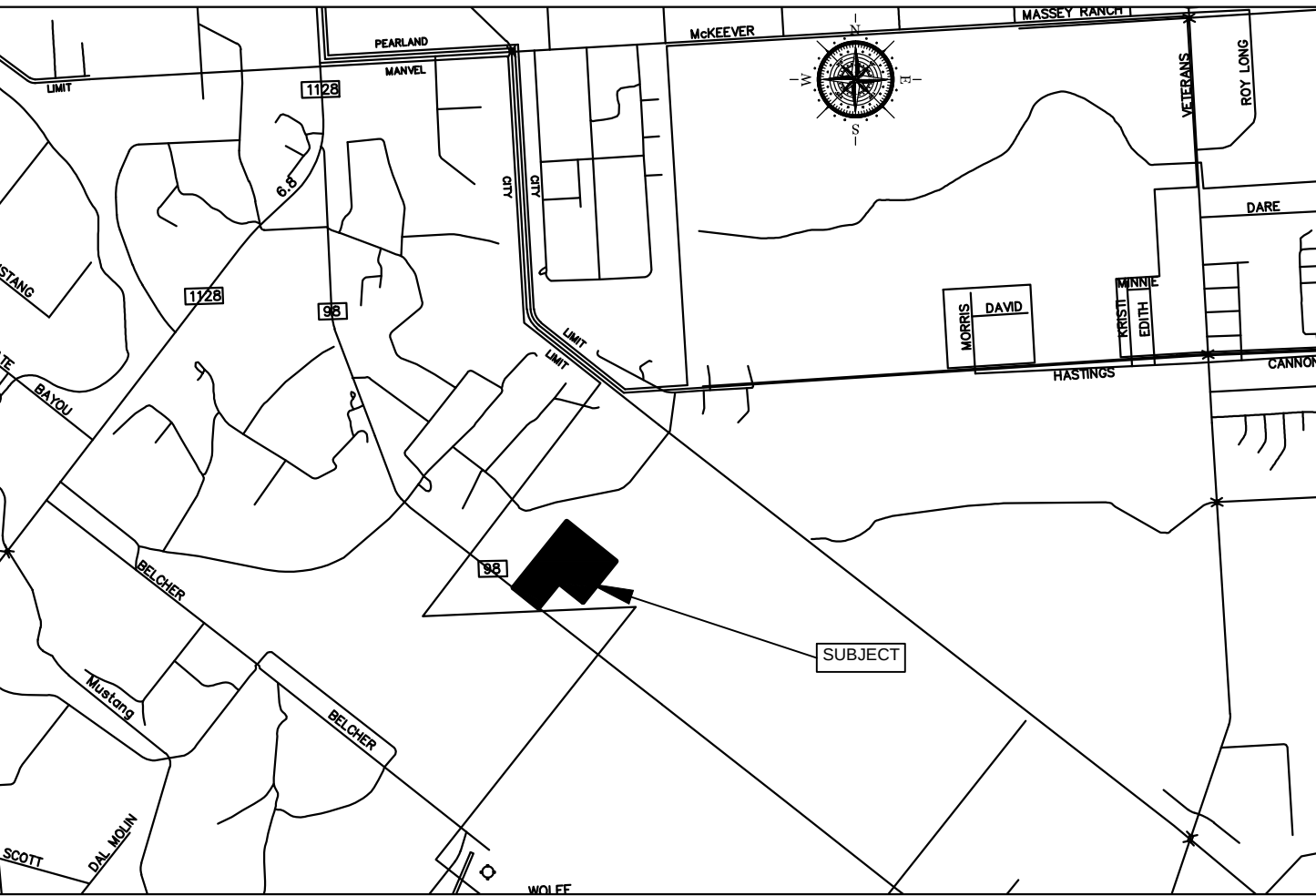
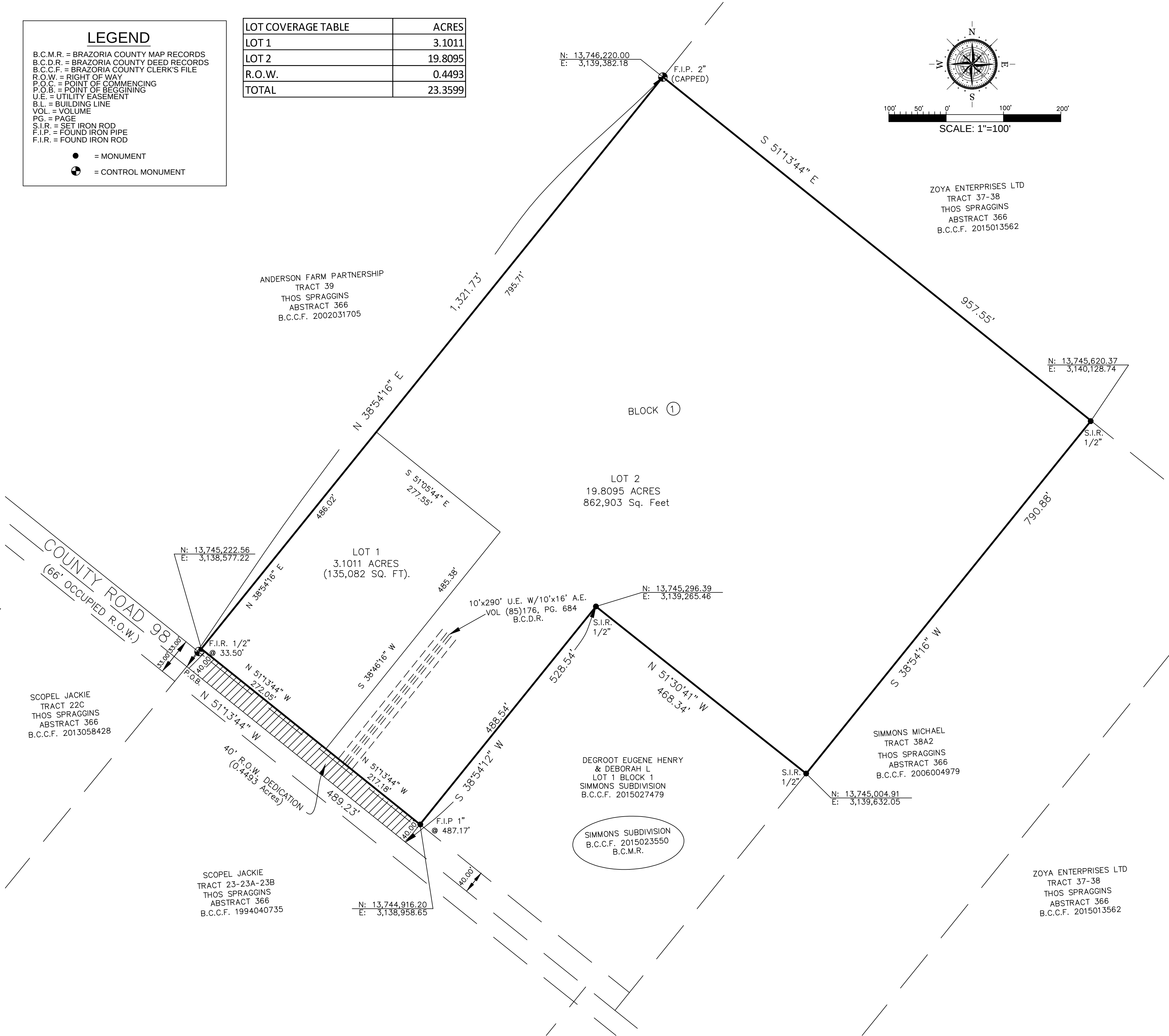
"PRELIMINARY, THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE AND
SHALL NOT BE USED OR VIEW OR RELIED
UPON AS A FINAL SURVEY DOCUMENT"

LEGEND

B.C.M.R. = BRAZORIA COUNTY MAP RECORDS
B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
R.O.W. = RIGHT OF WAY
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE
VOL. = VOLUME
PG. = PAGE
S.I.R. = SET IRON ROD
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD

● = MONUMENT
⊙ = CONTROL MONUMENT

LOT COVERAGE TABLE	ACRES
LOT 1	3.1011
LOT 2	19.8095
R.O.W.	0.4493
TOTAL	23.3599



- NOTES:
- BUILDING PERMITS: ELECTRICAL, PLUMBING CONSTRUCTION, CULVERT, ETC. ARE PURCHASED AT CITY HALL, CITY OF MANVEL, TEXAS.
 - NO STRUCTURES SHALL BE BUILT THAT IMPEDE THE FLOW OF EXISTING DRAINAGE AND FENCES WILL NOT BE ALLOWED TO OBSTRUCT/CROSS DRAINAGE OR DETENTION EASEMENTS.
 - ANY FURTHER DEVELOPMENT OF HEREON SHOWN TRACT MAY REQUIRE A DRAINAGE STUD Y.
 - IN ACCORDANCE WITH SECTION 212.046 OF THE TEXAS LOCAL GOVERNMENT CODE ANY IMPROVEMENTS TO THIS PROPERTY ARE SUBJECT TO THE CITY OF MANVEL'S BUILDING CODES AND ORDINANCES THEREFORE PERMITS WILL BE REQUIRED.
 - ALL CORNERS ARE SET 1/2 INCH IRON RODS UNLESS OTHERWISE NOTED.
 - MINIMUM FINISHED FLOOR ELEVATION SHALL BE BASED ON THE GREATER ELEVATION OF 2 FEET ABOVE NATURAL GROUND OR 1 FOOT ABOVE THE CENTERLINE ELEVATION OF STREET.
 - NO RESIDENTIAL COMMERCIAL OR INDUSTRIAL STRUCTURE OTHER THAN STRUCTURES NECESSARY TO OPERATE THE PIPELINE SHALL BE ERRECTED OR MOVED TO A LOCATION NEARER THAN 50 FEET TO ANY PIPELINE EXCEPT FOR LOW PRESSURE DISTRIBUTION SYSTEM PIPELINES AS DEFINED IN SECTION 62-2.
 - NO RESIDENTIAL COMMERCIAL OR INDUSTRIAL STRUCTURE SHALL BE PERMITTED TO BE ERRECTED NEARER THAN 150 FEET FROM ANY WELL OR RELATED FACILITY OTHER THAN STRUCTURES NECESSARY TO OPERATE THE WELL OR FACILITY.
 - SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT IF SIDEWALKS ARE REQUIRED BY THE CITY'S SIDEWALK MASTER PLAN .
 - BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION PONDS, HAVE BEEN CONSTRUCTED.
 - PLAT WILL EXPIRE IN TWO YEARS AFTER INITIAL APPROVAL BY COUNCIL IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY COUNCIL.
 - BOUNDARY CLOSURE IS A MINIMUM OF 1: 15,000.
 - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP(FIRM) MAP NO. 48039C0130K, WITH THE EFFECTIVE DATE OF 12-30-2020, THE PROPERTY IS LOCATED ENTIRELY IN ZONE "AE". ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOOD PLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
 - ANY GOVERNMENTAL BODY FOR PURPOSES OF DRAINAGE WORK MAY USE DRAINAGE EASEMENTS AND FEE STRIPS PROVIDED THE DISTRICT IS PROPERLY NOTIFIED.
 - PERMANENT STRUCTURES, INCLUDING FENCES AND PERMANENT LANDSCAPING, SHALL NOT BE ERRECTED IN A DRAINAGE EASEMENT OF FEE STRIPS.
 - MAINTENANCE OF DETENTION FACILITIES IS THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. THE DISTRICT WILL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY THE DISTRICT, OR SUB REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO THE DISTRICT WITH THE DISTRICT'S APPROVAL. THE DISTRICT IS RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THE DISTRICT UNLESS THE DISTRICT SPECIFICALLY CONTRACTS OR AGREES TO MAINTAIN FACILITIES.
 - CONTRACTOR SHALL NOTIFY THE DISTRICT IN WRITING AT LEAST FORTY-EIGHT (48) HOURS BEFORE PLACING ANY CONCRETE FOR DRAINAGE STRUCTURES.
 - THE DISTRICT'S PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITY AND DRAINAGE SYSTEM ARE OPERATING PROPERLY.
 - APPROPRIATE COVER FOR THE SIDE SLOPES, BOTTOM AND MAINTENANCE BERM SHALL BE ESTABLISHED PRIOR TO ACCEPTANCE OF THE CONSTRUCTION BY THE DISTRICT. AT LEAST 95% GERMINATION OF THE GRASS MUST BE ESTABLISHED PRIOR TO ACCEPTANCE OF CONSTRUCTION BY THE DISTRICT.
 - NO BUILDING PERMIT SHALL BE ISSUED FOR ANY LOT WITHIN THIS DEVELOPMENT UNTIL THE DETENTION FACILITY HAS BEEN CONSTRUCTED AND APPROVED BY THE DISTRICT.
 - THE DISTRICT'S APPROVAL OF THE FINAL DRAINAGE PLAN (AND THE FINAL PLAT IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENT, FEE STRIPS AND/OR ANY OTHER RIGHTS-OF-WAY ACROSS THIRD PARTIES' PROPERTIES FOR PURPOSES OF MOVING EXCESS RUNOFF TO THE DISTRICT'S DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLAN AND FINAL PLAT.
 - PROPERTY IN THIS PLAT LIES IN THE CITY OF MANVEL, ALVIN ISD AND THE BC CONSERVATION AND RECLAMATION DISTRICT NO. 3.
 - THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF MANVEL FROM INFORMATION PROVIDED BY TEXAS AMERICAN TITLE, GF NUMBER 2791022-08665, EFFECTIVE DATE OCTOBER 07, 2022. ALL BEARINGS REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
 - THERE IS NO VISIBLE EVIDENCE OF PIPELINES AFFECT SUBJECT PROPERTY.

FINAL PLAT

SIMMONS ESTATE

A SUBDIVISION OF 23.3599 ACRES, BEING OUT OF A 40.067 ACRES OF LAND, CALLED THE SOUTHWEST 40.0 ACRES OF LOT THIRTY-EIGHT (38) OF THE SUBDIVISION OF THE THOMAS SPRAGGINS SURVEY, ABSTRACT 366, BRAZORIA COUNTY, TEXAS,

1 LOT 1 BLOCK

NOVEMBER 07 2022

PRO-SURV
SURVEYING AND MAPPING
P.O. BOX 1366
FRIENDSWOOD, TEXAS 77549
PHONE: 281-996-1113
EMAIL: orders@prosurv.net
T.B.P.E.L.S. FIRM #10119300

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OWNER

BARRY S. SIMMONS.
5901 COUNTY ROAD 98
MANVEL, TEXAS 77578
PHONE: 281-352-4187

PROPERTY DESCRIPTION:

A TRACT CONTAINING 23.3599 ACRES BEING OUT OF AND A PART OF A CALLED 40.067 ACRE TRACT, CALLED THE SOUTHWEST 40.0 ACRES OF LOT THIRTY-EIGHT (38) OF THE SUBDIVISION OF THE THOMAS SPRAGGINS SURVEY, ABSTRACT 366, BRAZORIA COUNTY, TEXAS, AND BEING THE SAME LAND DESCRIBED IN DEED DATED MAY 3, 1957, FROM R. H. ALISON, ET AL TO D. M. CARTER, AND RECORDED IN THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, SAID 23.3672 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER OF COUNTY ROAD 98, SAID POINT BEING THE NORTH CORNER OF LOT 23 AND THE MOST WESTERLY CORNER OF LOT 38 OF THE AFOREMENTIONED THOMAS SPRAGGINS SURVEY;

THENCE NORTH 38°54'16" EAST, ALONG THE NORTHWEST LINE OF LOT 38, AT 33.50 FEET PASS A 1/2-INCH IRON ROD FOUND FOR REFERENCE ON THE NORTHEAST RIGHT OF WAY LINE OF COUNTY ROAD 98, AND CONTINUE FOR A TOTAL DISTANCE OF 1321.73 FEET TO A 2-INCH IRON PIPE WITH A CAP MARKED "WEST CORNER OF 60 ACRES";

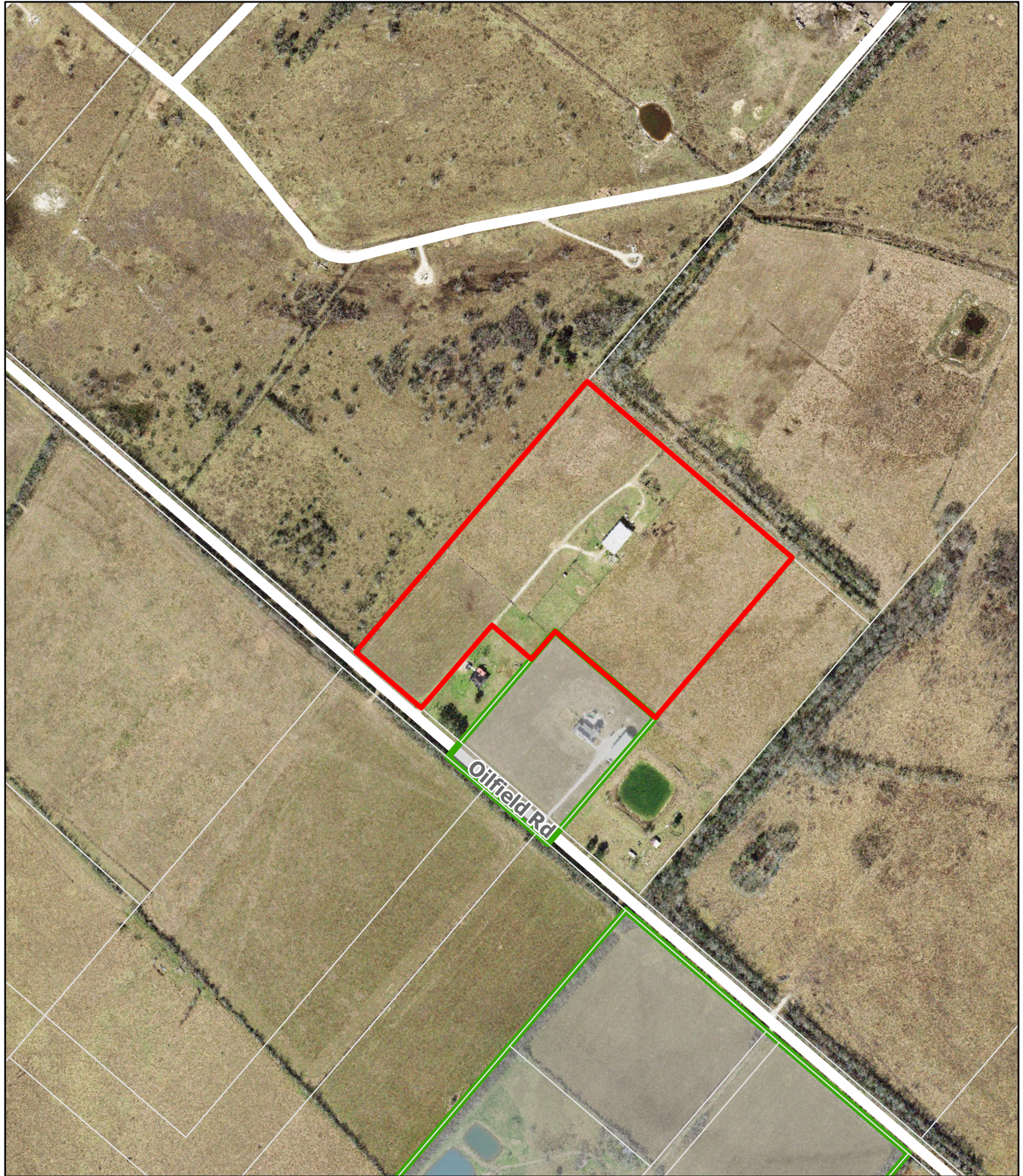
THENCE SOUTH 51°13'44" EAST A DISTANCE OF 957.55 FEET TO AN 1/2-INCH IRON ROD SET FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT AND BEING THE NORTHERLY CORNER OF A CALLED 11.0121 ACRE TRACT AS CONVEYED BY DEED RECORDED UNDER CLERK'S FILE NUMBER 2006004979;

THENCE SOUTH 38°54'16" WEST, ALONG THE COMMON LINE WITH SAID 11.0121 ACRE TRACT, A DISTANCE OF 790.88 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER, BEING THE EASTERLY CORNER OF SIMMONS SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED UNDER CLERK'S FILE NUMBER 2015023550;

THENCE NORTH 51°30'41" WEST, ALONG THE COMMON LINE WITH SAID SUBDIVISION, A DISTANCE OF 468.34 FEET TO A POINT FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 38°54'16" WEST, CONTINUING WITH THE COMMON LINE WITH SAID SIMMONS SUBDIVISION, A DISTANCE OF 527.16 FEET TO A POINT FOR THE SOUTHWEST CORNER OF THE HEREIN TRACT BEING SITUATED IN THE CENTERLINE OF SAID COUNTY ROAD 98;

THENCE NORTH 51°13'44" WEST, ALONG AND COINCIDENT WITH SAID CENTERLINE, A DISTANCE OF 489.23 FEET, RETURNING TO THE POINT OF BEGINNING AND CONTAINING 23 3599 ACRES



County Road 98 PID: 170431



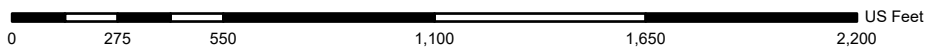
City of Manvel City Limits



City of Manvel ETJ

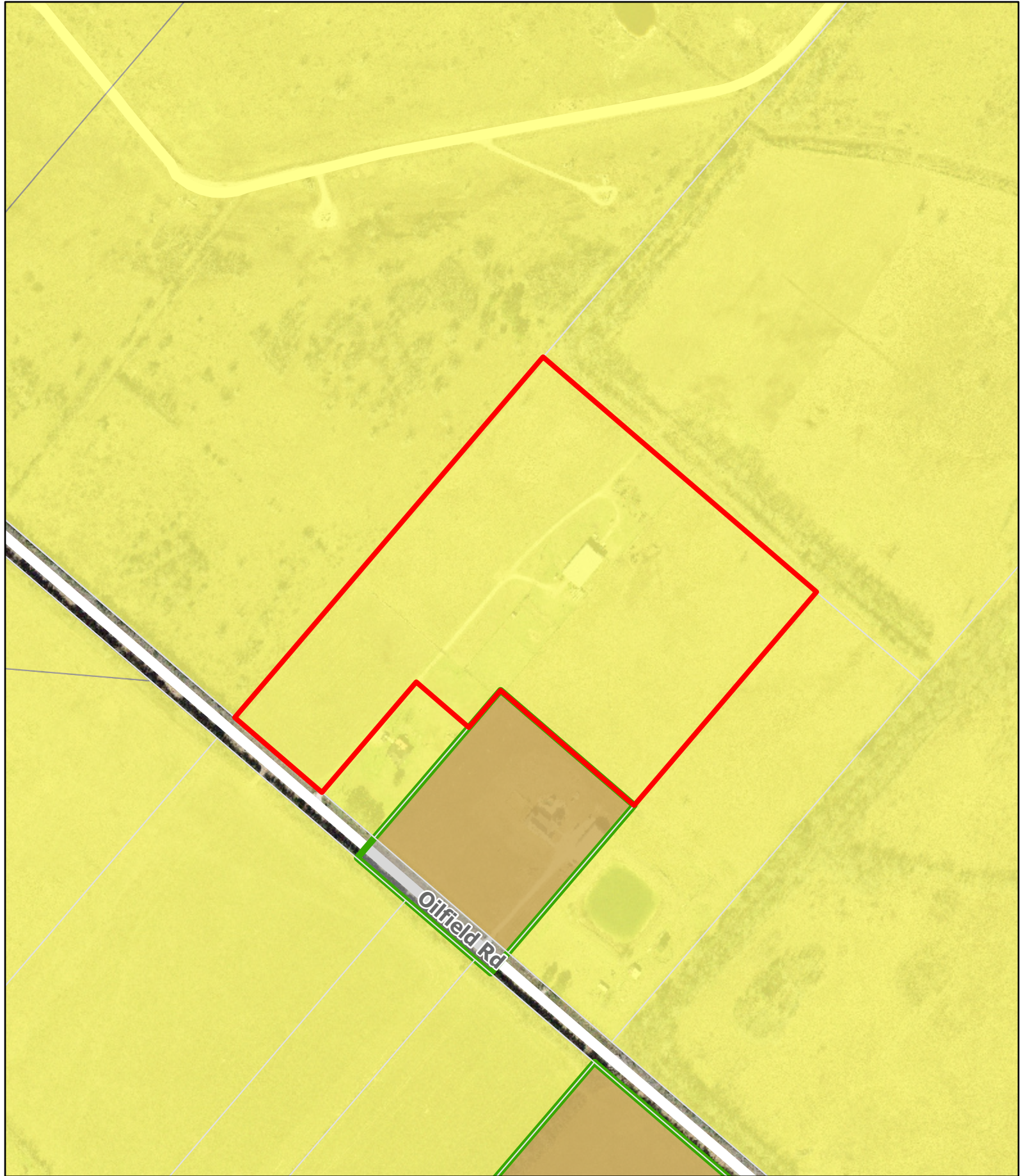


PID: 170431



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Date: September 2022
Reference: 2022088
Data Source: City of Manvel,
Brazoria County Open Data



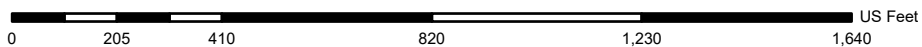
County Road 98 PID: 170431



- City of Marvel City Limits
- City of Marvel ETJ

- Open Single-Family Residential District
- Development Agreement Signed

- PID: 170431
- Layer



Date: September 2022
Reference: 2022088
Data Source: City of Marvel,
Brazoria County Open Data

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Marvel will not accept liability of any kind in conjunction with its use.

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2022, is by and between the City of Manvel, Texas, ("City") and Barry Simmons, property owner of certain hereinafter described property located within the city, (together known as "Developer"), all collectively referred to as the "Parties." This Agreement is in regard to the platting of an approximate 23.3559-acres of land being out of 40.067 acres of land, called the southwest 40.0 acres of lot thirty-eight (38) of the subdivision of the Thomas Spraggins survey, abstract 366, Brazoria County, Texas.

WHEREAS, Developer wishes to create and sell an approximate 3-acre lot for single-family home construction, while continuing the residential use of the remainder of the property located within the city limits of the City of Manvel, more fully described and depicted on Exhibit "A", attached hereto; and,

WHEREAS, construction of a single-family structure will require approval of a plat and compliance with the city's subdivision ordinance; and

WHEREAS, Section 62-111 of the city code requires construction of all streets in accordance with the city's design criteria; construction of all roadways within the development in accordance with the city's minor street standards; and construction of perimeter streets in conjunction with plat approval; and

WHEREAS, Section 62-113 of the city code requires construction of sidewalks in accordance with the city's design criteria and major thoroughfare plan; and

WHEREAS, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to construct this perimeter road requirement;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the city council, the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this agreement is all the property legally described as: An approximate 23.3559-acres of land being out of 40.067 acres of land, called the southwest 40.0 acres of lot thirty-eight (38) of the subdivision of the Thomas Spraggins survey, abstract 366, Brazoria County, Texas. The Property is more fully described and depicted in a proposed plat provided by the applicant as Exhibit "A", attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of a proposed single-family structure on a portion of the Property, tentatively identified as Lot 1 on Exhibit “A”, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city’s subdivision ordinance. Section 62-111 of the city’s subdivision requires construction of all streets in accordance with the city’s design criteria; construction of all roadways within the development in accordance with the city’s minor street standards; and construction of perimeter streets in conjunction with plat approval. Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s design criteria and major thoroughfare plan. The Developer has applied to vary these requirements for his property.

2. CITY APPROVAL

2.01 Pursuant to its authority under Section 62-5 of the city code, the city agrees to allow the Developer to vary the requirements of Section 62-111 and Section 62-113 of the city’s subdivision ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) The subdivision variance will expire upon further subdivision of the property to create more than two lots; and
- (ii) The subdivision variance will expire upon change of use from single-family residential use.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a “plat note” on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

(i) Other than permits for the construction of one single-family structure and accessory residential structures on a portion of the Property, tentatively identified as Lot 1 on Exhibit “A”, the city shall not issue any other construction permit or approve any further plat/re-plat of the Property;

(ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within two-years of city council approval;

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

3.02 Developer acknowledges that the city’s covenants are contingent upon the Developer or any successor in interest constructing the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, and diligently pursue completion,

within two-years of city council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

4. MISCELLANEOUS

- 4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.
- 4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the city has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Manvel
 20031 Morris Avenue
 Manvel, Texas 77578
 ATTN:City Manager

If to Developer: Barry Simmons
 P.O. Box 1345
 Manvel, Texas 77528

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF MANVEL:

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20__, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

Notary, State of Texas

(NOTARY SEAL)

Barry Simmons:

By: _____
Name: Barry Simmons

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

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

Notary, State of Texas

(NOTARY SEAL)

An approximate 23.3559-acres of land being out of 40.067 acres of land, called the southwest 40.0 acres of lot thirty-eight (38) of the subdivision of the Thomas Spraggins survey, abstract 366, Brazoria County, Texas. (the "Property").

6



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: December 5, 2022

TOPIC: Subdivision variance request for property located at 8815 Crestview Drive, seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* and Section 62-113, *Sidewalks*.

BACKGROUND: The subject site is located at 8815 Crestview Drive within the City of Manvel Extraterritorial Jurisdiction (ETJ). The subject site is a 1-acre tract of land including 30-foot-wide strip for Crestview Drive right-of-way (ROW). Currently, the property is owned by Jesse Hernandez and includes a 2-story single-family residential home and accessory buildings (survey attached). The applicant is providing engineering services to the property owner and has indicated that the existing home will be demolished and rebuilt under the Federal Emergency Management Agency and General Land Office Program. The existing home was damaged during the Harvey storm-event in 2017. The proposed reconstruction project requires approval of a plat and compliance with the City's subdivision ordinance.

Crestview Drive is an asphalt surface road serving as a local cul-de-sac street connecting to Bissel Road. In combination, Section 62-111 and Section 62-113 of the subdivision ordinance requires construction on one-half of all perimeter (abutting) roads as concrete curb and gutter with sidewalk in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. The applicant is requesting this variance to allow platting and redeveloping the property without the right-of-way improvement as required by the referenced sections of the subdivision ordinance.

With respect to Section 62-5, *Variance*., Staff finds the following:

- There are special circumstances associated with the subject site based on its location. The subject site is located within the ETJ; therefore, Crestview Drive is a Brazoria County Street ROW. Additionally, most of the lots along Crestview Drive are already developed.
- The strict enforcement of the requirement will not deprive the applicant of a substantial property right. However, enforcement of the requirement will expand the scale of the project due to the required right-of-way improvements. Considering that the adjacent properties were mostly developed without the required ROW improvements, conforming to the street construction requirement for the subject site, will not offer a significant improvement to the Crestview Drive ROW condition.
- Granting of the variance will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. All properties in the vicinity have access from the existing asphalt road and granting of the variance will not cause any undesirable/unsafe change to the existing right-of way condition/usage.

RECOMMENDATION: The staff recommends approval of this variance request to Chapter 62, Section 62-111 and Section 62-113 with two conditions as specified in the development agreement: 1) the subdivision variance will expire upon change of use from single-family residential use and 2) the subdivision variance will expire upon further subdivision of the property.

ATTACHMENTS: Application Form, Survey, Proposed Plat Exhibit, Vicinity Aerial Map, and Development Agreement.

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER	FINANCE DIRECTOR APPROVAL _____
	CITY MANAGER APPROVAL _____



CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Cobalt Engineering, Frank Southall
Phone: 409-527-3884 e-mail: plats@cobalt-engineering.com
Owner: Jessie Hernandez
Owner Address: 8815 Crestview Dr City Manvel State TX Zip 77578
Phone: 281-799-0027 e-mail: n/a

Property Information

Site Address: 8815 Crestview Drive
Legal description (from deed): 2 acres, known as Lot 5, of Crestmont S/D, Sec. I (U/R)
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 202057

Description of Subdivision Variance Request

owner of a single family home does not have the money to comply
with Section 62-111

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

owner of a single family home needing to re-plat due to being
in an unrecorded subdivision, and to have his home re-built
under the FEMA/GLO Program.

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

Owner is not trying to develop more Lots, just trying to Have
his home rebuilt that has been damaged by storm and living
conditions are poor, this would help his living conditions to be healthy.

o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

existing conditions are detrimental to the homeowners health.
approving variance would allow Contractors to build a new
home under the FEMA/GLO program

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

granting the Variance will improve the area due to the home
being built to better standards to address flooding & stormwater
issues.

Applicant Authorization

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

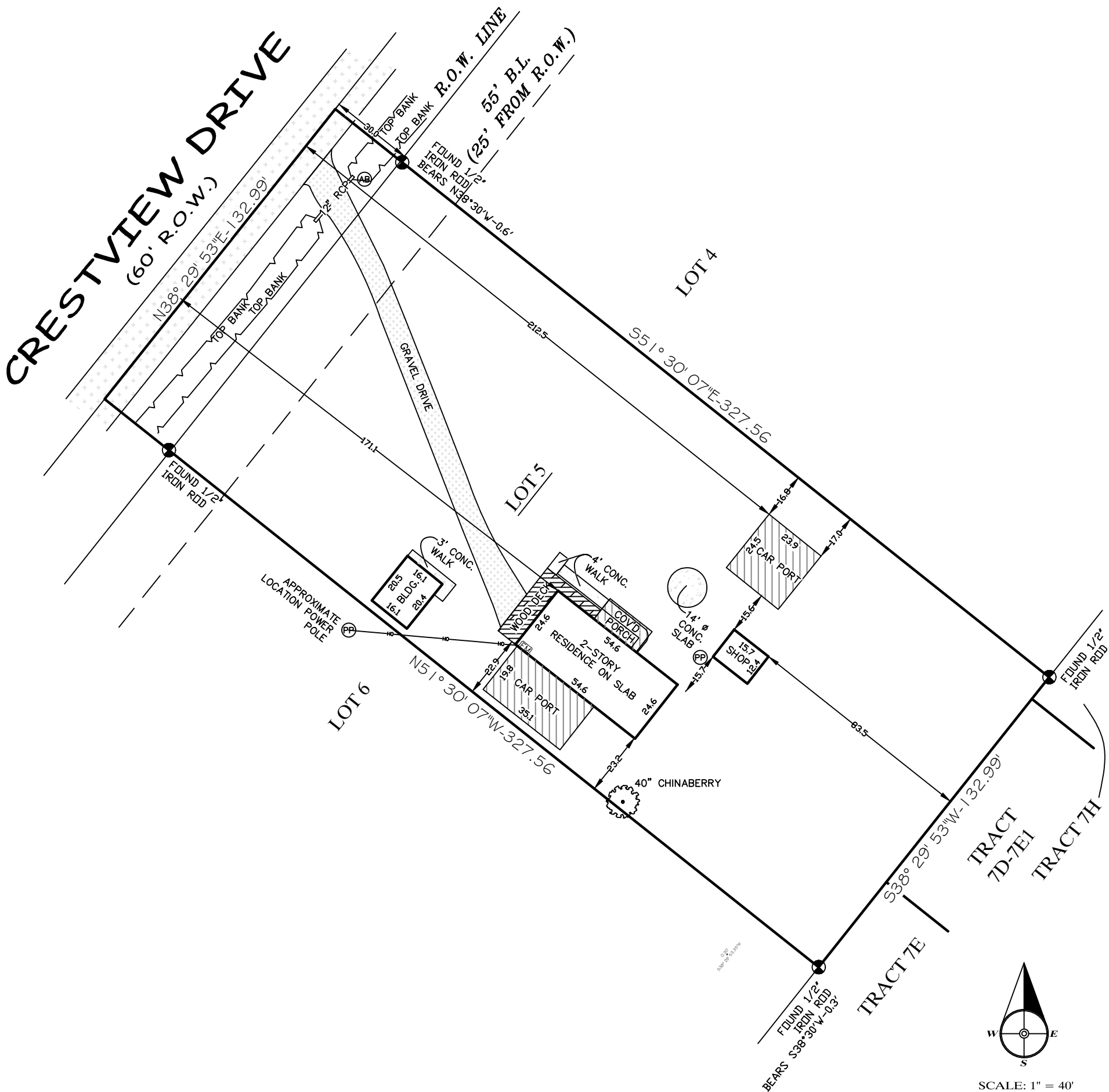
I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.


Applicant Signature

10/20/2022

Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.

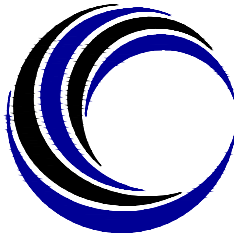


LEGAL DESCRIPTION:

LOT 5, OF CRESTMONT SUBDIVISION, SECTION 1 IN MANVEL, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE DEED RECORDED IN FILE #2017040419, OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS.

PREPARED EXCLUSIVELY FOR: BYRDSON SERVICES
PROPERTY LOCATED AT: 8815 CRESTVIEW DRIVE
INSIDE THE CITY LIMITS OF MANVEL, TEXAS

JOB# 20-0867-28
DRAWN BY PHH



COBALT
ENGINEERING AND INSPECTIONS, LLC

TBPE REG. #: 17742 / TBPLS REG. #: 10194581

12005 DELANY ROAD ° LA MARQUE, TEXAS 77568 ° 409-354-5925

LEGEND

- WOOD FENCE
- CHAIN-LINK
- IRON FENCE
- PIPELINE
- BUILDING LINE
- EASEMENT LINE
- OVERHEAD POWER
- ASPHALT
- CONCRETE

- GAS METER(GM)
- GAS VALVE(GV)
- FIRE HYDRANT(FH)
- WATER METER(WM)
- WATER VALVE(WV)
- GRATE INLET(GI)
- SANITARY MANHOLE(SAN.M.H.)
- STORM MANHOLE(S.M.H.)
- PRESSURE VALVE(PV)

- LIGHT POLE(LP)
- WATER WELL(WW)
- TRAFFIC SIGNAL POLE(TSP)
- CLEAN OUT(CO)
- BURIED CABLE MARKER(BCM)
- POWER POLE(PP)
- AT&T BOX(AB)
- SERVICE POLE(SP)
- ELECTRIC BOX(EB)
- ELECTRIC METER(EM)
- SPOT ELEVATION(SE)

- CMP = CORRUGATED METAL PIPE
- RCP = REINFORCED CONCRETE PIPE
- PVC = POLYVINYL CHLORIDE PIPE
- CPP = CORRUGATED PLASTIC PIPE
- S.S.E. = SANITARY SEWER EASEMENT
- STM.S.E. = STORM SEWER EASEMENT
- A.E. = AERIAL EASEMENT
- B.C. = BACK OF CURB
- B.L. = BUILDING LINE
- C.P. = CONTROL POINT
- D.E. = DRAINAGE EASEMENT
- F.F.E. = FINISH FLOOR ELEV.
- G.U. = GUTTER
- I.P. = IRON PIPE
- I.R. = IRON ROD
- R.O.W. = RIGHT-OF-WAY
- T.B.M. = TEMPORARY BENCHMARK
- U.E. = UTILITY EASEMENT
- W.L.E. = WATER LINE EASEMENT

GENERAL NOTES:

- THE LEGAL DESCRIPTION, PROPERTY LINES, & SIMILAR INFORMATION SHOWN HEREIN ARE DERIVED FROM THE RECORDED PLAT AS SHOWN OR FROM READILY AVAILABLE RECORDED DOCUMENTS. THE INTENT OF THIS DRAWING IS TO LOCATE IMPROVEMENTS WITHIN THE PROPERTY LINES FOR FUTURE CONSTRUCTION PURPOSES.
- ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE (NAD 83) FOR HORIZONTAL CONTROL.
- THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT PER CLIENT REQUEST.
- ALL EASEMENTS AND BUILDING SETBACK LINES PER PLAT OR ORDINANCE UNLESS NOTED OTHERWISE.
- IF SHOWN , TBM AND OR SPOT ELEVATIONS SHOWN HEREON ARE BASED ON TOPNET LIVE - RTK + SOUTHEAST.(NAVD88)



Timothy J. Hellstein
TIMOTHY J. HELLSTEIN
RPLS 5640
12/4/2020

THIS DRAWING REPRESENTS THE ON-SITE, GROUND CONDITIONS FOUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON 12/04/2020. THIS DRAWING SOLELY REPRESENTS ONSITE GROUND CONDITIONS AND PREVIOUSLY RECORDED INFORMATION. COBALT ASSUMES NO RESPONSIBILITY OR GUARANTEE FOR USE OF THIS DRAWING BEYOND ITS INTENDED PURPOSE.

STATE OF TEXAS
COUNTY OF BRAZORIA

I, JESSE HERNANDEZ, OWNER OF A 1.00 ACRE (43,562.1728 SQ. FT.) TRACT KNOWN AS A PORTION OF LOT 5, OF CRESTMONT SUBDIVISION, SECTION NO. 1 (UNRECORDED) SITUATED IN THE H.T. # B.R.R. COMPANY SURVEY, ABSTRACT NO. 231, IN THE CITY OF MANVEL, OF BRAZORIA COUNTY, TEXAS, BEING THE SAME CALLED 2.00 ACRE TRACT CONVEYED TO JESSE HERNANDEZ RECORDED IN VOLUME 1283, PAGE 476 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS LESS AND EXCEPT A CALLED 1.00 ACRE TRACT CONVEYED TO AMANDA MARIE LEVANO RECORDED IN COUNTY CLERK'S FILE NO. 2017040419 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, EASEMENTS, AND RIGHT-OF-WAY SHOWN HEREON, AND DESIGNATE SAID SUBDIVISION AS A FINAL PLAT OF HERNANDEZ ADDITION, AND DO HEREBY DEDICATE TO THE PUBLIC USE ALL STREETS FOR THEIR USE FOREVER; AND DO HEREBY WAIVE ANY CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHING OF GRADES AS APPROVED FOR THE STREETS OR ALLEYS, OR OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF STREETS OR ALLEYS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND MY SELF, MY HEIRS, SUCCESSORS AND ASSIGNS, TO WARRANT AND DEFEND THE TITLE OF THE LAND SO DEDICATED.

JESSE HERNANDEZ, OWNER

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JESSE HERNANDEZ, KNOWN TO ME AS THE OWNER OF A 1.00 ACRE (43,562.1728 SQ. FT.) TRACT ALSO KNOWN AS THE RESIDUE OF, LOT OF 5 OF SAID UNRECORDED SUBDIVISION SITUATED IN THE H.T. # B.R.R. COMPANY SURVEY, ABSTRACT NO. 231, IN THE CITY OF MANVEL, OF BRAZORIA COUNTY, TEXAS, BEING THE SAME CALLED 2.00 ACRE TRACT CONVEYED TO JESSE HERNANDEZ RECORDED IN VOLUME 1283, PAGE 476 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS LESS AND EXCEPT A CALLED 1.00 ACRE TRACT CONVEYED TO AMANDA MARIE LEVANO RECORDED IN COUNTY CLERK'S FILE NO. 2017040419 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, AND PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

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

NOTARY PUBLIC, STATE OF TEXAS.
MY COMMISSION EXPIRES _____.

THIS IS TO CERTIFY THAT THE CITY MANAGER OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF HERNANDEZ ADDITION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, TEXAS, AUTHORIZES THE RECORDING OF THIS PLAT _____ DAY OF _____, 2022.

KYLE J. JUNG
CITY MANAGER

STATE OF TEXAS
COUNTY OF BRAZORIA

I, TIMOTHY J. HELLSTEIN, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I HAVE PLATTED THE ABOVE SUBDIVISION RE-PLAT FROM AN ACTUAL SURVEY MADE ON THE GROUND, AND ALL PROPERTY CORNERS ARE PROPERLY MARKED WITH 5/8" IRON ROD SET MARKED WITH A PLASTIC CAP LABELED "COBALT ENGINEERING FIRM# 10194581" IF NOT OTHERWISE NOTED, AND THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE UNDER MY SUPERVISION.

Timothy J. Hellstein
TIMOTHY J. HELLSTEIN, RPLS
REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE NO. 5640
DATE: 05/12/2022



05/12/2022

THIS IS TO CERTIFY THAT THE CITY MANAGER OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF HERNANDEZ ADDITION IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL, TEXAS, AUTHORIZES THE RECORDING OF THIS PLAT _____ DAY OF _____, 2022.

KYLE J. JUNG
CITY MANAGER

OWNER: JESSE HERNANDEZ
1.00 ACRE KNOWN AS LOT 5, OF CRESTMONT, SEC. 1 (UNRECORDED)
8815 CRESTVIEW DRIVE, MANVEL, TX 77578-5039

KATHERINE CHASE WENTZEL
CALLED 1.423 ACRES
CCFN 1998043303, O.R.B.C.

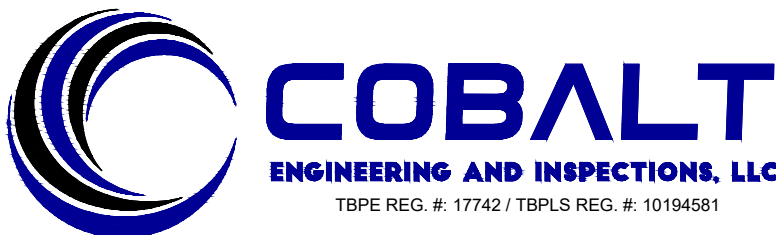
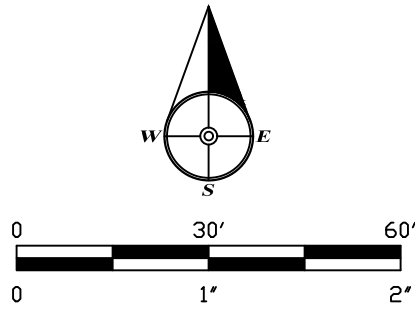
AMANDA MARIE LEVANO
CALLED 1.00 ACRE
CCFN 2017040419, O.R.B.C.

JOHN & GAIL TRONDLE
CALLED 1.000 ACRE
CCFN 2008047376, O.R.B.C.

AGUSTIN A. & ROSA M. MARTINEZ
CALLED 2 ACRES
CCFN 1994022111, O.R.B.C.

CANDY DUGGINS
CALLED 0.931 ACRES
CCFN 20030264380, O.R.B.C.

JEFFREY W. & LORI A. JOHNSON
CALLED 0.932 ACRES
CCFN 2006037685, O.R.B.C.

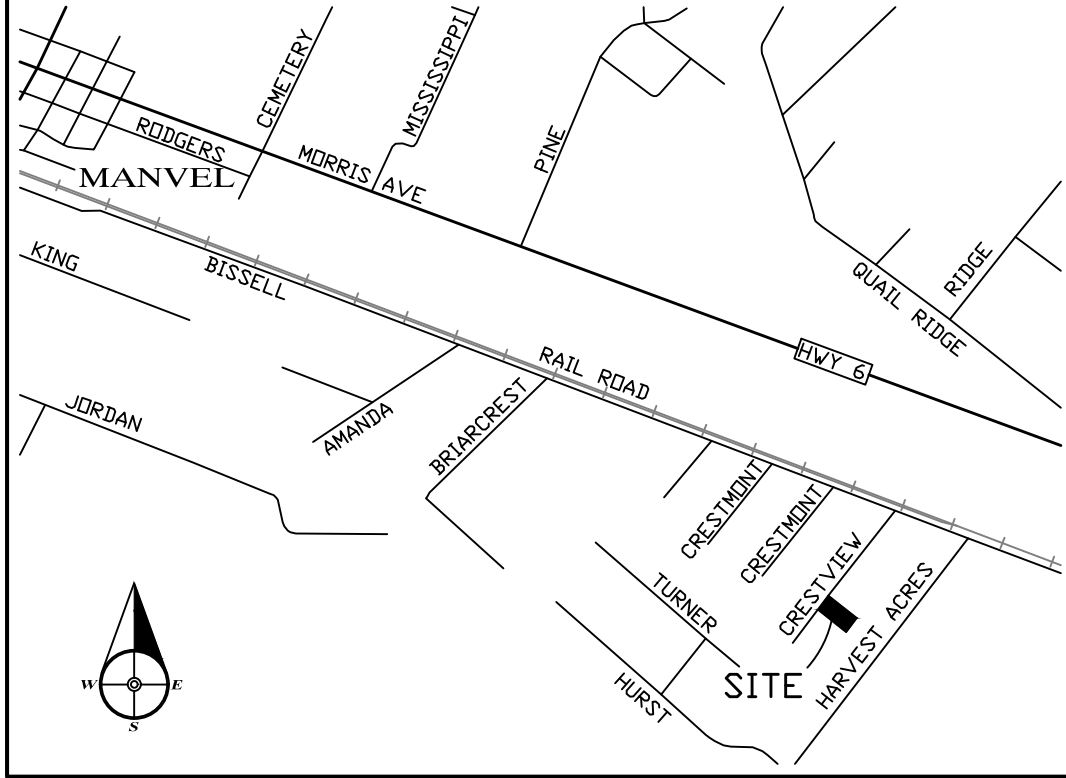


12005 DELANY ROAD • LA MARQUE, TEXAS 77568 • 409-354-5925

JOB# 20-0867-28
DRAWN BY FJS/BAM

LEGEND

WOOD FENCE	GAS METER(GM)	LIGHT POLE(LP)	CMP = CORRUGATED METAL PIPE
CHAIN-LINK	GAS VALVE(OV)	WATER WELL(WW)	RSP = REINFORCED CONCRETE PIPE
IRON FENCE	FIRE HYDRANT(FH)	TRAFFIC SIGNAL POLE(TSP)	PVC = POLYVINYL CHLORIDE PIPE
PIPELINE	WATER METER(WM)	CLEAR OUT(CO)	CPV = CORRUGATED PLASTIC PIPE
BUILDING LINE	WATER VALVE(WV)	BURIED CABLE MARKER(BCM)	S.S.E. = SANITARY SEWER EASEMENT
EASEMENT LINE	GRATE INLET(GI)	UTILITY POLE(UP)	B.C. = BACK OF CURB
OVERHEAD POWER	SANITARY MANHOLE(SAN.M.H.)	SERVICE POLE(SP)	B.E. = BUILDING LINE
ASPHALT	STORM MANHOLE(S.M.H.)	ELECTRIC BOWER(E)	D.E. = DRAINAGE EASEMENT
CONCRETE	PRESSURE VALVE(PV)	ELECTRIC METER(EM)	F.F.F. = FINISH FLOOR ELEV.
GRAVEL	WOOD DECK	SPOT ELEVATION(SE)	I.P. = IRON PIPE
	CNF COULD NOT FIND		L.R. = RGN ROD
			R.O.W. = RIGHT-OF-WAY
			T.B.M. = TEMPORARY BENCHMARK
			U.L.E. = UTILITY EASEMENT
			W.L.E. = WATER LINE EASEMENT
			C.P. = CONTROL POINT



VICINITY MAP
SCALE: 1 INCH = 2,000 FEET

DESCRIPTION:

BEING A 1.00 ACRE (43,562.1728 SQ. FT.) TRACT OF LAND KNOWN AS A PORTION OF LOT 5, OF CRESTMONT SUBDIVISION, SECTION NO. 1 (UNRECORDED) SITUATED IN THE H.T. # B.R.R. COMPANY SURVEY, ABSTRACT NO. 231, IN THE CITY OF MANVEL, OF BRAZORIA COUNTY, TEXAS, BEING THE SAME CALLED 2.00 ACRE TRACT CONVEYED TO JESSE HERNANDEZ RECORDED IN VOLUME 1283, PAGE 476 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS LESS AND EXCEPT A CALLED 1.00 ACRE TRACT CONVEYED TO AMANDA MARIE LEVANO RECORDED IN COUNTY CLERK'S FILE NO. 2017040419 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED BY METES AND AS FOLLOWS (ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATES SYSTEM, TEXAS SOUTH CENTRAL ZONE, NAD 83);

BEGINNING AT A 1/2" IRON ROD FOUND IN THE NORTHWEST LINE OF A CALLED 2 ACRE TRACT CONVEYED TO AGUSTIN A. AND ROSA M. MARTINEZ RECORDED IN COUNTY CLERK'S FILE NO. 1994022111 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS AT THE SOUTH CORNER OF A CALLED 1.000 ACRE TRACT CONVEYED TO JOHN AND GAIL TRONDLE RECORDED IN COUNTY CLERK'S FILE NO. 2008047376 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS THE EAST CORNER OF THE HERNANDEZ 2.00 ACRE TRACT AND THE EAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, SAID 1/2" IRON ROD LOCATED AT A NORTHING OF 13,734,428.5598 AND AND EASTING OF 3,124,373.4866, NAD 83);

THENCE SOUTH 38° 29' 53" WEST - 132.98 FEET ALONG THE NORTHWEST LINE OF THE MARTINEZ 2 ACRE TRACT, A CALLED 0.931 ACRE TRACT CONVEYED TO CANDY DUGGINS RECORDED IN COUNTY CLERK'S FILE NO. 2003026380 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS AND A CALLED 0.932 ACRE TRACT CONVEYED TO JEFFREY W. AND LORI A. JOHNSON RECORDED IN COUNTY CLERK'S FILE NO. 2006037685 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, SAME BEING THE SOUTHEAST LINE OF THE HERNANDEZ 2.00 ACRE TRACT TO A 1/2" IRON ROD FOUND FOR THE EAST CORNER OF THE LEVANO 1.00 ACRE TRACT AND THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 51° 30' 07" WEST, ALONG THE NORTHEAST LINE OF THE LEVANO 1.00 ACRE TRACT CROSSING THE HERNANDEZ 2.00 ACRE TRACT AT 297.56 FEET PASS A 1/2" IRON ROD FOUND ON-LINE IN THE SOUTHEAST RIGHT-OF-WAY LINE OF CRESTVIEW DRIVE (60' R.O.W. EASEMENT) AT THE SOUTHEAST LINE OF A 30' ROAD DEDICATION AT THE WEST CORNER OF LOT 1, BLOCK 1 DESCRIBED HEREIN AND CONTINUE FOR A TOTAL DISTANCE OF - 327.56 FEET TO A POINT IN THE CENTERLINE OF CRESTVIEW DRIVE SAME BEING THE SOUTHEAST LINE OF A CALLED 1.423 ACRE TRACT CONVEYED TO KATHERINE CHASE WENTZEL RECORDED IN COUNTY CLERK'S FILE NO. 1998043303 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS FOR THE NORTH CORNER OF THE LEVANO TRACT AND THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 38° 29' 53" EAST - 132.98 FEET ALONG THE CENTERLINE OF CRESTVIEW DRIVE SAME BEING THE SOUTHEAST LINE OF THE 1.423 ACRE TRACT AND THE NORTHWEST LINE OF THE HERNANDEZ 2.00 ACRE TRACT TO A POINT FOR THE WEST CORNER OF THE TRONDLE 1.000 ACRE TRACT AND THE NORTH CORNER OF THE HERNANDEZ 2.00 ACRE TRACT AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 51° 30' 07" EAST, ALONG THE SOUTHWEST LINE OF THE TRONDLE 1.00 ACRE TRACT SAME BEING THE NORTHEAST LINE OF THE HERNANDEZ 2.00 ACRE TRACT AT 30.00 FEET PASS A 1/2" IRON ROD FOUND ON-LINE AND IN THE SOUTHEAST R.O.W. FOR THE EAST CORNER OF THE 30' ROAD DEDICATION, THE NORTH CORNER OF LOT 1, BLOCK 1 DESCRIBED HEREIN AND CONTINUE FOR A TOTAL DISTANCE OF 327.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRE OR (43,562.1728 SQ FT) FEET MORE OR LESS.

NOTES:

- 1) THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARIES OF THIS PLAT AT TIME OF SURVEY.
- 2) ALL EASEMENTS (DRAINAGE EASEMENT, UTILITY EASEMENT, AERIAL EASEMENT AND WATER SANITARY EASEMENT) AND RIGHT-OF-WAYS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY.
- 3) WE HAVE REVIEWED THE "FLOOD INSURANCE RATE MAP", COMMUNITY PANEL NO. 4800760130H, EFFECTIVE DATE JUNE 5, 1998, AS PUBLISHED BY FEDERAL EMERGENCY AGENCY, OUR REVIEW OF THIS MAP INDICATES THAT THIS PARCEL OF LAND LIES WITHIN ZONE X (UNSHADED), WHICH IS "AREAS OF MINIMAL FLOOD HAZARD".
- 4) ALL PROPERTY CORNERS WERE SET ESTABLISHED BY A 5/8" IRON ROD MARKED WITH A PLASTIC CAP LABELED "COBALT ENGINEERING FIRM# 10194581" IF NOT OTHERWISE NOTED.
- 5) THE PURPOSE OF THIS RE-PLAT IS TO ESTABLISH A RESIDUE TRACT AS ONE LOT IN A RECORDED SUBDIVISION.
- 6) ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE (NAD 83).
- 7) THE PROPERTY RE-PLATTED HEREIN IS NOT LOCATED WITHIN THE MUNICIPAL UTILITY DISTRICT (MUD).
- 8) THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF MANVEL. THIS PLAT WAS PREPARED FROM THE DEED RECORDS OF THE BRAZORIA COUNTY CLERK.
- 9) LANDSCAPE/Common Area Maintenance All subdivision common areas including but not limited to detention facilities, easements, and open space within the boundaries of this plat shall be maintained by a homeowners association, commercial property association or other entity and shall not be the responsibility of the city of Manvel or Brazoria County.
- 10) ACCESS RIGHTS TO DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING RESIDENTIAL PROPERTIES.
- 11) SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT, IF REQUIRED.
- 12) STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE DETENTION, SHALL BE PROVIDED AT THE TIME OF BUILDING PERMIT, IF APPLICABLE.

HERNANDEZ ADDITION

BEING A 1.00 ACRE (43,562.1728 SQ. FT.) TRACT OF LAND KNOWN AS A PORTION OF LOT 5, OF CRESTMONT SUBDIVISION, SECTION NO. 1 (UNRECORDED) SITUATED IN THE H.T. # B.R.R. COMPANY SURVEY, ABSTRACT NO. 231, IN THE CITY OF MANVEL, OF BRAZORIA COUNTY, TEXAS, BEING THE SAME CALLED 2.00 ACRE TRACT CONVEYED TO JESSE HERNANDEZ RECORDED IN VOLUME 1283, PAGE 476 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS LESS AND EXCEPT A CALLED 1.00 ACRE TRACT CONVEYED TO AMANDA MARIE LEVANO RECORDED IN COUNTY CLERK'S FILE NO. 2017040419 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS.



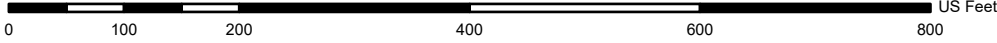
8815 CRESTVIEW DR PID: 202057



 8815 CRESTVIEW DR  City of Manvel City Limits  City of Manvel ETJ



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: November 2022
Reference: 2022109
Data Source: City of Manvel,
Brazoria County Open Data

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2022, is by and between the City of Manvel, Texas, (“City”) and Jesse Hernandez, property owner of certain hereinafter described property located within the City of Manvel Extra-Territorial Jurisdiction (ETJ), (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of an approximate 1-acre tract of land located at 8815 Crestview Drive.

WHEREAS, Developer wishes to construct a new single-family structure on the approximate 1-acre tract of land located within the extra-territorial jurisdiction (ETJ) of the City of Manvel, more fully described and depicted on Exhibit “A”, attached hereto; and,

WHEREAS, construction of a single-family structure will require approval of a plat and compliance with the city’s subdivision ordinance; and

WHEREAS, Section 62-111 of the city code requires construction of all streets in accordance with the city’s design criteria; construction of all roadways within the development in accordance with the city’s minor street standards; and construction of perimeter streets in conjunction with plat approval; and

WHEREAS, Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s design criteria and major thoroughfare plan; and

WHEREAS, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to construct this perimeter road and sidewalk requirement;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the city council, the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this agreement is located at 8815 Crestview Drive and is all the property legally described as: an approximate 1-acre tract being a portion of Lot 5, of Crestmont Subdivision, Section 1 (unrecorded) situated in the H.T. & B.R.R. Company Survey, Abstract No. 213, in the City of Manvel, Brazoria County, Texas, according to the deed recorded in File# 2017040419 of the Official Records of Brazoria County, Texas.

1.02 Project Description. This Agreement is in regard to the construction of a proposed single-family structure on the Property, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-111 of the city's subdivision requires construction of all streets in accordance with the city's design criteria; construction of all roadways within the development in accordance with the city's minor street standards; and construction of perimeter streets in conjunction with plat approval. Section 62-113 of the city code requires construction of sidewalks in accordance with the city's design criteria and major thoroughfare plan. The Developer has applied to vary these requirements for his property.

2. CITY APPROVAL

2.01 Pursuant to its authority under Section 62-5 of the city code, the city agrees to allow the Developer to vary the requirements of Section 62-111 and Section 62-113 of the city's subdivision ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) This Agreement will expire upon change of use from one (1) single-family detached structure; or
- (ii) This Agreement will expire upon further subdivision or replatting of the property.

2.03 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

- (i) Other than permits for the construction of one single-family structure and accessory residential structures, the city shall not issue any other construction permit or approve any further plat/re-plat of the Property;
- (ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within two-years of city council approval;
- (iii) Developer agrees to pay the cost of recordation of this agreement within thirty (30) days of invoice by the city.

3.02 Developer acknowledges that the city's covenants are contingent upon the Developer constructing the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, and diligently pursue completion, within two-years of city council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

4. MISCELLANEOUS

- 4.01. Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.
- 4.02. Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the city has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Manvel
20031 Morris Avenue
Manvel, Texas 77578
ATTN:City Manager

If to Developer: Jesse Hernandez
8815 Crestview Dr
Manvel, Texas 77578

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

CITY OF MANVEL:

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20__, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

Notary, State of Texas

(NOTARY SEAL)

Jesse Hernandez:

By: _____
Name: Jesse Hernandez

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

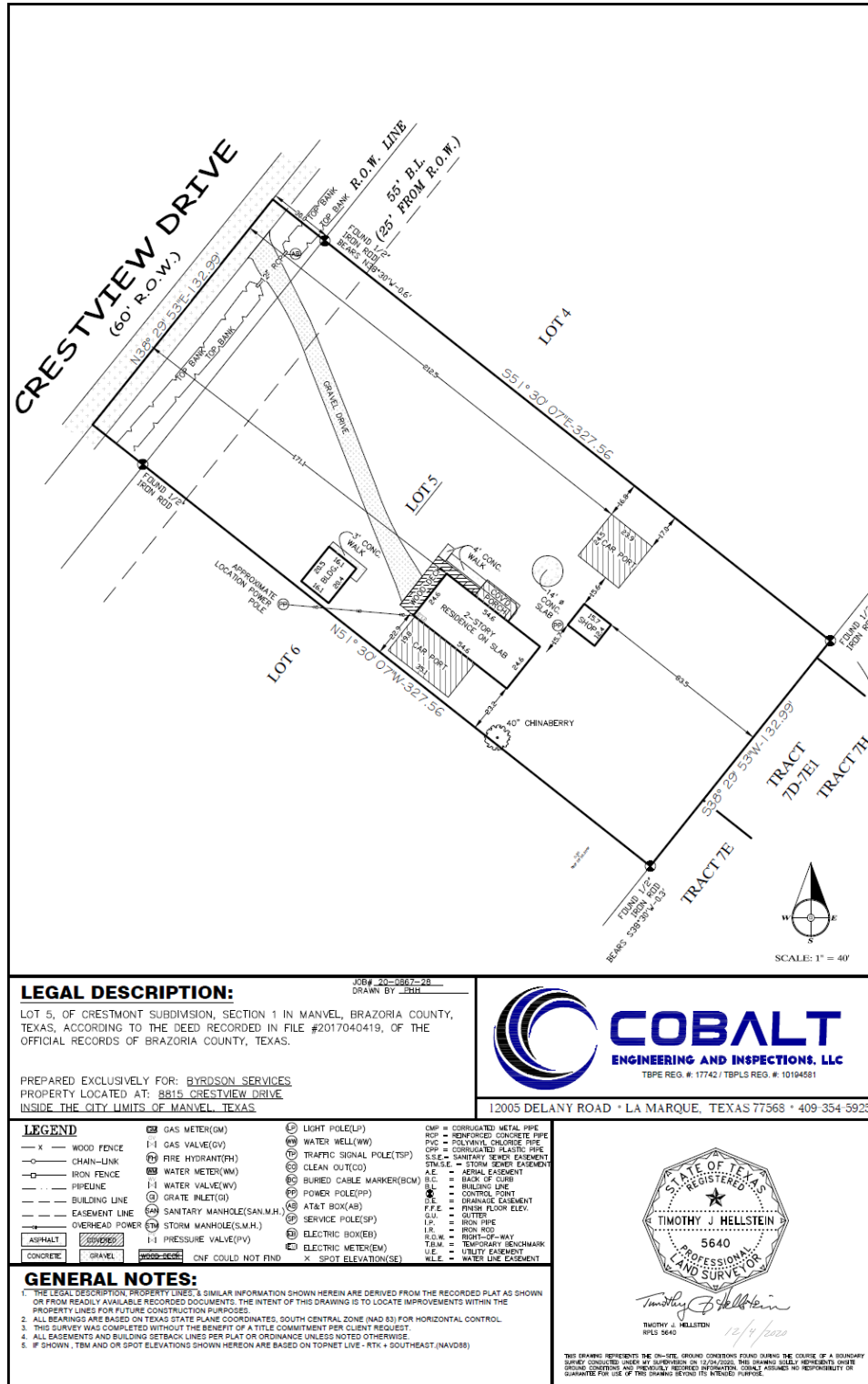
 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

(NOTARY SEAL)

Notary, State of Texas

Exhibit A

An approximate 1-acre tract being a portion of Lot 5, of Crestmont Subdivision, Section 1 (unrecorded) situated in the H.T. & B.R.R. Company Survey, Abstract No. 213, in the City of Manvel, Brazoria County, Texas, according to the deed recorded in File# 2017040419 of the Official Records of Brazoria County, Texas.



2023/2024 TCAP Board Ballot

BALLOT – 2023/2024 TCAP BOARD OF DIRECTORS

Instructions for Voting:

Only one ballot per member city/entity. The member representative is entitled to cast nine for the eight current positions and one special election position to be filled. **PLEASE BE SURE THAT NO MORE THAN EIGHT CANDIDATES HAVE BEEN CHECKED! Ballots with more than nine cast votes will be rejected.** No more than one vote may be cast for the same nominee. Places 1, 3, and 5 will be filled by the three candidates in the high consumption (HC) category receiving the most votes. Places 7 and 9 will be filled by the candidate in the medium consumption (MC) category receiving the most votes. Place 11 will be filled by the candidate in the low consumption (LC) category receiving the most votes. Places 13 and 15 will be filled by the two candidates receiving the most votes but who were not elected to a particular consumption category. The exception to this rule is the requirement in TCAP Bylaws that stipulates the board of directors include at least one member from each of the four ERCOT zones (North, South, West, and Houston). Nominees who are incumbents (I) are noted on the ballot.

(Vote for eight)

Names were randomly drawn for ballot order

☐ Joe Compian, La Marque - LC	☐ Jo Ella Wagner, Southwest Texas Water Authority- LC
☐ Alan Guard, Anna – LC	☐ Chris Steubing, Sugar Land – HC (I)
☐ Carey D. Neal, Jr., Lancaster – MC(I)	☐ William Linn, Kenedy – LC
☐ Clifford Howard, Lewisville – HC (I)	☐ Clayton Fulton, Hurst – MC(I)
☐ Jo Ann Ehmann, Ingleside on the Bay - LC	☐ Mark Dempsey, Grand Prairie – HC (I)
☐ Gilbert P. Reyna, Jr., Victoria- HC (I)	☐ Michael Marrero, Odessa - HC (I)

Submitted by (MUST BE COMPLETED):

Please complete and return by **5 p.m. C.S.T.,**

Friday, January 6, 2021 to:

Margaret Somereve, Executive Director
15455 Dallas Parkway, Suite 600
Addison, TX 75001
or msomereve@tcaptx.com

Printed Name

Signature

Member City/Entity:

2023/2024 TCAP Board Biographies

(alphabetical order)



Joe Compain, City of La Marque

Joe Compain serves as La Marque Mayor Pro Tem & District B Councilmember - La Marque's fastest growing district. Born on Galveston Island, Joe has deep roots in Galveston County. He is a 60 year resident of La Marque. Before being elected to the La Marque City Council, Joe served as a Justice of the Peace, precinct judge and Chairman of the award winning Keep La Marque Beautiful Commission.

As an engaged civic minded citizen, Joe collaborated with other governmental and non-profit organizations in organizing and directing resources to the most impacted Hurricane Ike neighborhoods. Joe was part of a Galveston County long term disaster response group that worked closely with local, state and federal entities including the Houston Galveston Council of Governments. This leadership resulted in effective public advocacy that resulted in securing over 200 million dollars of additional disaster social services block grant funding that benefit the H-GAC area. Joe remains focused on disaster response as a 15+ year Community Leadership Volunteer; External Relations Supervisor; and, Disaster Action Team Supervisor with the Texas Gulf Coast American Red Cross.

Mr. Compain has a law degree from The Catholic University of America, his undergraduate degree in international relations and economics from the School of Foreign Service at Georgetown University and additional studies in developmental economics at The University of the Americas Puebla (Mexico).



Mark Dempsey, City of Grand Prairie

Mark Dempsey is a Deputy City Attorney for the City of Grand Prairie. Prior to joining the City in 2017, he served as an assistant and deputy city attorney for the City of Garland for almost 30 years, having been extensively involved with electric utility and regulatory matters in connection with providing legal services to Garland's municipally owned electric utility. Mark's current duties include supervising the transactional practice of the city attorney's office and its attorneys, and providing legal advice and services to the City and its departments on various matters including utility and regulatory matters, zoning and land use, municipal and environmental law, eminent domain, telecommunications, purchasing, civil service, open records, contracts, right of way management, and related matters. He has served as a member of the TCAP Board since 2019.



Jo Ann Ehmann, City of Ingleside on the Bay

Jo Ann Ehmann was elected Mayor in 2016 after serving on the council since 2005. A graduate of Texas A&M Corpus Christi (formerly CCSU) with a degree in Math and Computer Science, she started a bookkeeping and tax service in 1986 and also had a business with her husband that combined his professional engineering services and her tax services.

Ingleside on the Bay became a city in 1991 and Jo Ann has been active in the city administration and volunteer work since that time. She also served as a volunteer in the Ingleside on the Bay Volunteer Fire Department and is currently the financial director of the fire department and liaison to the city council on all fire department matters. Jo Ann is currently the Chairman of the San Patricio County Economic Development Company and is involved in the San Patricio County Emergency Plan as well as being very active and involved with the industry partners in the South Texas Region.

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A resident of Ingleside on the Bay since 1973, Jo Ann was married to Richard until his passing in 2019 and has 2 daughters living in the San Patricio area, 1 daughter in Washington state and one that passed from breast cancer in 2012. She has 12 grandchildren and 12 great grandchildren.



Clayton Fulton, City of Hurst

Clayton Fulton graduated with a Master's in Public Administration from the George W. Romney Institute of Public Service and Ethics in Brigham Young University's Marriott School of Management in 2008 with an emphasis in local government and financial analysis. Upon graduation he received the Stuart L. Grow award from the MPA program for integrity, academic excellence, concern for others, and devotion to public service. Clayton has also received a bachelor's degree from BYU in Sociology, holds associates degrees in Business and General Studies, completed the Texas Tech Institute of Governmental Finance and is a Certified Government Finance Officer.

Clayton has been working for the City of Hurst since October 2016 and was promoted to ACM in early 2019. Clayton has been instrumental in incorporating the Council's strategic priorities into the annual budget process and oversees Finance, Information Technology, Public Works, Utility Billing, and Solid Waste Services. He also partners with Atmos and Oncor for any customer issues faced by the citizens and coordinating on rate cases that involve the City. Prior to working for the City of Hurst, Mr. Fulton worked as the Finance Director for the City of Anna overseeing all financial operations for the city as well as managing the municipal court, utility billing, information technology, and human resource operations for the City. Mr. Fulton brought the GFOA distinguished budget award to the City of Anna and also received recognition from the State of Texas Comptroller's Office for financial transparency.

Clayton has also held positions with the State of Utah's Division of Housing and Community Development where he developed increasing responsibility over the execution and management of various Federal HUD, USDA, and HHS grants in addition to overseeing additional State grant programs. In his spare time he volunteers with his church and enjoys spending time in the great outdoors and finding adventure in everyday life. Clayton lives in NRH with his wife and 5 children.



Alan Guard, City of Anna

Alan Guard is experienced at guiding elected officials and stakeholders in the formation of a community vision and leading an organization in implementing that vision. Alan has extensive experience in municipal finance, economic development, strategic planning and building a culture of servant leadership.

Currently the Finance Director for the City of Anna since 2020, Alan modernized the City's technology and processes and improved the City's bond rating from Aa3 to Aa2.

Prior to being with Anna, Alan served as City Manager of Pilot Point Texas where he prepared the first strategic plan and organization work plan in more than 5 years. As City Manager of Chickasha, Oklahoma, Alan negotiated the installation of electrical systems for the Chickasha Airport Industrial Park. Alan has also serviced as Chief Financial Officer for the Cities of Rowlett and, Davenport, Iowa as well as Interim Finance Director for the Cities of Murphy and Fate.

Receiving a BA from the University of Texas at El Paso and an MA from the University of Texas at Dallas, Alan added to those honors with a Certificate of Completion State and Local Government

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Executive Leadership Training, John F. Kennedy School of Government, Harvard University and is a certificated Government Finance Officer as well as being a member of ICMA, TCMA, GFOA and GFOAT.



Clifford Howard, City of Lewisville

Clifford Howard is the Fiscal Services Manager for the City of Lewisville and has served the City's Finance Department in multiple capacities in his 34 years of service. Clifford's area of expertise is utility rate studies, utility collection and billing services, as well as banking and investments.

For the past 18 years, Clifford has served on the Dallas Water Utility Cost of Service rate subcommittee. Prior to being elected to the Texas Coalition for Affordable Power Board (TCAP) he served TCAP on their Technology committee. Since joining the TCAP Board he has served every year on the Finance committee. He is an active member of the Government Finance Officers Association, Government Finance Officers Association of Texas, and Government Treasurers' Organization of Texas.

Clifford is a graduate of Midwestern State University in Wichita Falls and holds a Bachelor's degree in Accounting.



William Linn, City of Kenedy

Mr. Linn is the current City Manager of Kenedy, Texas and a well-seasoned professional within the business and government industries. Mr. Linn and his wife have been married for over 24 years and have 5 children. When not working, Mr. Linn enjoys spending time with his family, travelling, reading, and watching football.

Mr. Linn attended Indiana University's Southeast campus in New Albany, Indiana where he earned his Bachelor of Science Degree in Business. After graduating with his Bachelor's Degree, Mr. Linn enrolled in Southern New Hampshire University where he earned his Master of Business Administration and Master of Science in Organizational Leadership degrees concurrently. In addition to his degrees, Mr. Linn is a Certified Fraud Examiner, a Certified Public Manager, and holds a Certification in Supply Chain Procurement.



Michael Marrero, City of Odessa

Michael Marrero is the City Manager for the City of Odessa. He has been with the City of Odessa since 1995. Mr. Marrero was named City Manager in May 2018. Prior to his current role as City Manager, he served as Deputy City Manager, Assistant City Manager and Community Development Director. As City Manager, Mr. Marrero is responsible for all municipal functions for the City of Odessa. Mr. Marrero reports to a seven-member city council, and he serves as the chief executive officer for the municipal organization, providing direction to approximately 1,000 city employees across several departments and divisions.

Michael received his B.A. from the University of Texas Permian Basin in Political Science and has also received a Masters in Public Administration from Sul Ross State University. Mr. Marrero has been involved with several local not for profit organizations in Odessa and is also a member

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of the International City Manager's Association and the Texas City Manager's Association. Mr. Marrero has served on the board of TCAP since May of 2018.



Carey D. Neal, Jr., City of Lancaster

Carey joined the City of Lancaster in July of 2019. He obtained a Bachelor of Science degree from the University of Texas at Arlington and a Masters in Public Administration from American University -Washington D.C.. Carey is currently working on his PhD from Liberty University. Prior to joining the City of Lancaster, Carey worked for seven years as a Human Resources Director for Walmart Stores Inc. His passion for public service began with an internship opportunity for State Representative Yvonne Davis-District 111.

Carey is responsible for the operations of Administration, Economic Development, Development Services, Neighborhood Services, Community Services, and all nine City of Lancaster Public Improvement Districts (PIDS).

Carey is a member of several professional organizations such as the International City/County Management Association (ICMA), Emerging Local Government Leaders (ELGL), National Forum for Black Public Administrators (NFBPA), North Texas City Management Association (NTCMA), Texas City Manager Association (TCMA), Urban Management Assistant of North Texas (UMANT) and an Executive Board Member on the Texas Coalition for Affordable Power (TCAP). Carey also volunteers with Dallas ISD- Professional Development Course, Big Brother Big Sister of America, and the Lancaster Lions Club.



Gilbert P. Reyna, Jr., City of Victoria

Graduating Cum Laude from the University of Houston in Houston with a Bachelor of Accounting Degree, I obtained my Certified Public Accountant certificate in September 1988, 2 years after completing college.

In 1986 I began employment with the accounting firm, Harrison, Waldrop & Uherek (HWU), an accounting firm which consists of 15-19 professionals, serving as an Audit Manager in charge of several large governmental entities, private and public enterprises. I remained with HWU until January 1995 when I was hired as the Assistant Director of Finance for the City of Victoria, and within the first year, I was appointed as the City of Victoria Director of Finance. I am also serving as the treasurer of the Victoria Sales Tax Development Corporation, Victoria Housing Finance Corporation, Victoria Health Facilities Development Corporation, Victoria Public Facility Corporation, and the Victoria Development Commission. In August 2020, I was appointed Chief Financial Officer for the City of Victoria and continue serving as treasurer of the various boards listed above. For the period March 2009 until October 2009, I acted as interim representative to the Electric Reliability Council of Texas (ERCOT).

I was a board member of the South Texas Aggregation Project Board (STAP) representing the City of Victoria from March 2009 until the end of 2010, at which time I was elected to the Texas Coalition for Affordable Power Board (TCAP). I have served on the board of TCAP for the terms of January 2011 through December 2022.

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Chris Steubing, P.E., CFM, City of Sugar Land

Chris Steubing, P.E., CFM, Assistant City Manager is a professional engineer with 25 years of city, county and private-sector experience in the field of engineering, program/project management and construction management. He was named assistant city manager in May of 2017 and leads the City of Sugar Land as the Chief Operating Officer working to improve efficiency, performance and accountability

within the organization. Prior to this, he served as Sugar Land's city engineer from December 2006, providing oversight of new development, construction of civil infrastructure, development and delivery of the capital improvement program, floodplain administration oversight, thoroughfare planning and land acquisition.

He provided leadership and oversight for the delivery of the Smart Financial Centre at Sugar Land, the largest capital improvement project in the City's history, and is currently overseeing the City's initiatives as executive sponsor for a new Enterprise Resource Program (ERP) and the Comprehensive Mobility Plan.

Prior to Sugar Land, Steubing spent the first 10 years of his career in the Dallas/Fort Worth area in leadership positions with Denton County, the cities of Decatur and Colleyville and Racetrac Petroleum.

He received a bachelor's degree in civil engineering from Texas A&M University in 1996, earned a Texas engineering license in 2002, became a certified floodplain administrator in 2004 and completed the LBJ School of Public Affairs Public Executive Institute in April 2016. He currently serves as a board member for the Texas Coalition for Affordable Power and is a member of the several professional organizations representing the fields of engineering, city management and floodplain administration.



Jo Ella Wagner, Southwest Texas Water Authority

Jo Ella Wagner is the Assistant Executive Director/Finance Manager at South Texas Water Authority (STWA) in Kingsville, Texas. She has worked for South Texas Water Authority for 27 years and was promoted to Finance Manager and Co-Investment Officer in 1998 and Assistant Executive Director last year. Upon STWA joining STAP in 2004 and then joining TCAP in 2011, she was

instrumental in converting the various electric accounts and continues to analyze the benefits and savings of STWA's TCAP membership and advocates for TCAP participation.

Ms. Wagner received her BBA in Finance and an MBA in General Business from Texas A & I University (Texas A & M Kingsville) and also obtained a secondary teaching certificate from the State of Texas. Ms. Wagner has worked in banking, accounting and business management before taking her accounting position with STWA. She is currently a Registered Texas Assessor/Collector, STWA's Investment Officer, and holds a D Water License with TCEQ. Ms. Wagner is a member of the Texas Association of Assessing Officers, Texas Association of Appraisal Districts, and Texas Rural Water Association.

Ms. Wagner has been married for 30 years and is the mother of two. In her off-time she volunteers as the Council Advisor for the 4-H Clubs in Kleberg and Kenedy counties and the 4-H Consumer Education Coach. She has been active with 4-H for over 25 years and is a recipient of the Texas 4-H Salute to Excellence Award.

Chapter 33 FOOD AND FOOD HANDLERS

ARTICLE I. IN GENERAL

Sec. 33-1. State regulations adopted.

- (a) The city adopts by reference the most current version of the *Texas Food Establishment Rules* promulgated by the Texas Department of State Health Services as set forth in 25 Tex. Admin. Code, Ch. 228, subchapters A—J, or successor statute. The *Texas Food Establishment Rules* shall be considered incorporated herein by reference for all purposes.
- (b) From and after enactment of this chapter, the *Texas Food Establishment Rules* shall govern the regulation of food and food establishments in the city in addition to any other requirements set forth in this chapter and other applicable laws and regulations. For purposes of this chapter, the words, terms and phrases set forth in the *Texas Food Establishment Rules* as definitions shall have the meanings and interpretations set forth therein.
- (c) Any subsequent revisions or changes to the *Texas Food Establishment Rules* shall automatically become a part of this chapter, unless council action is required by law.
- (d) Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.
- (e) A copy of the *Texas Food Establishment Rules* shall be on file in the office of the city secretary.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-2. Local amendments and definitions.

The *Texas Food Establishment Rules* adopted in section 33-1 are hereby amended as follows:

- (1) The following provisions are added:
 - a. 228.2(153) Code enforcement/health officer - A city "code enforcement officer" or "health officer" shall mean any person in the city marshal's office/code enforcement office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.
 - b. 228.2(154) Reconstituted - Food created or prepared by recombining dehydrated food products with water or other liquids.
 - c. 228.2(155) Sanitation - Effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on tableware, utensils, and equipment.
 - d. 228.186(o)(2)(F) - Service Animals - In areas that are not used for food preparation or storage, a food establishment may, at the owner or manager's discretion, or where required by law, allow patrons to bring service animals on the premises. Notices stating where a patron is allowed to

bring service animals on the premises shall be posted in all areas where the service animals are to be allowed by the food establishment.

(2) The following provisions are adopted in place of the identically numbered provisions in the *Texas Food Establishment Rules*, Tex. Admin. Code, Title 25, Part 1, Chapter 228:

- a. 228.2(57) Food establishment - Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption as follows:
 1. A restaurant, retail food store, market, self-service food market, conveyance used to transport people, or institution, including any establishment where prepackaged food and food products are offered for sale to the ultimate consumer and intended for off premise consumption;
 2. An establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; and
 3. Includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises.
 4. Food establishment does not include a produce stand that only offers whole, uncut fresh fruits and vegetables, a food processing plant, a cottage food industry, an area where cottage food is prepared, sold, or offered for human consumption, a bed and breakfast limited facility as defined in this chapter, a food bank, or a private home that receives catered or home-delivered food.
- b. 228.2(85) Mobile Food Unit (MFU) - A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and push carts) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have on site at least one food employee who possesses a food manager certification.
- c. 228.2(143) Temporary food establishment - A food establishment that operates a stand or booth for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration.

(3) Additional definitions. Additionally, the following words, terms and phrases shall have the meanings set forth below except where the context clearly indicates a different meaning:

Authorized agent. Means an authorized employee(s) of the City of Manvel.

Employee. The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

Filthy. The term "filthy" shall be deemed to apply to food not securely protected from flies, dust, dirt, and as far as be necessary by all reasonable means, from all foreign or injurious contaminations.

Food. The term "food" means (1) articles used for food or drink for human consumption; and (2) components of any such article.

Food establishment. The term "food establishment" shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as defined in section 33-2 (2)a.

Health officer. The term "health officer" shall mean any person in the city fire marshal office/code enforcement office/health inspections office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.

Itinerant food establishment. The term "itinerant food establishment" shall mean a restaurant opening for a temporary period in connection with a fair, carnival, public exhibition, or other similar gathering.

Misbranded-food. A food shall be deemed misbranded if:

- (i) Its labeling is false or misleading in any particular.
- (ii) It is offered for sale under the name of another food.
- (iii) It is an imitation of another food, unless its label bears the word "imitation" in type of uniform size and prominence and immediately thereafter the name of the food imitated; and except in cases of mixture and compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article if the name is accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. No one administering this chapter may constitute oleomargarine as an imitation of butter.
- (iv) The container is so made, formed, or filled as to be misleading.
- (v) It is in package form without a label containing: (a) the name and place of business of the manufacturer, packer, or distributor; and (b) an accurate statement of the quantity of the content in terms of weight, measure, or numerical count; provided, that under clause (b) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the state commissioner of health.
- (vi) If any word, statement, or other information required by or under authority of this chapter of state law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (vii) If it purports to be or is represented as food for which a definition and standard of identity has been prescribed by state regulations, unless, (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such foods.
- (viii) If it purports to be or is represented as: (a) A food for which a standard of quality has been prescribed by state regulations, and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (b) A food for which standard or standards of fill of container have been prescribed by state regulations, and it falls below the standard of fill container applicable thereto, unless it labels bears, in such manner and form as such regulations specify, a statement that it falls below such standard.
- (ix) If it is not subject to the provisions above, unless it bears labeling clearly giving: (a) the common or usual name in the food, if any there be; and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such may be designated as spices flavorings, and colorings, without naming each; provided that, to the extent that compliance with the

requirements of clause (b) of this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the state commissioner of health; provided further that the requirements above shall not apply to any bottled carbonated drinks or soft drinks and, provided further, that clause (b) of this subsection shall not apply to any bottled carbonated drinks or soft drinks or the dispensing of carbonated soft drinks in single service cups. Nothing in this chapter shall be construed as requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except insofar as the provisions of the law require to secure freedom of adulteration or misbranding.

- (x) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the state commissioner of health determines to be, and by regulations prescribed, as necessary in order to inform purchasers as to its value for such uses.
- (xii) If it bears or contains any artificial flavorings, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations promulgated by the state commissioner of health. The provisions of this subsection and subsections (vii) and (ix) with respect to artificial coloring are not to apply in the case of butter, cheese, and ice cream.

Nonprofit organization. Means an incorporated organization which exists for educational or charitable reasons, and from which its shareholders or trustees do not benefit financially. Nonprofit status must be verified by submission of supporting documentation, such as an IRS form 501c.

Regulatory authority. Means the City of Manvel, Texas.

Temporary food establishment. Means a food establishment that operates for a period of no more than ten consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Restaurant. The term "restaurant" shall include restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich shop, sandwich stand, soda fountain, hospitals, institutions, private, public and parochial school lunchrooms, private and semi-private clubs, and all other eating or drinking establishments as well as other kitchens or other places in which food or drink is prepared for serving or for sale elsewhere.

State law definitions. Any term used in this chapter and not specifically defined herein shall have the meaning ascribed to it in the *Texas Food, Drug and Cosmetic Act*, V.T.C.A., Health and Safety Code, Ch. 431.

Utensils. The term "utensil" shall mean and include any kitchenware, tableware, glassware, cutlery, vessels, containers, or other equipment with which food or drink comes in contact during storage, preparation, serving, eating, or drinking.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-3. Application of chapter.

- (a) This chapter shall apply to all areas within the corporate limits of the city.
- (b) Persons or organizations whose food services are regulated and regularly inspected by another federal or state governmental entity are required to comply with this chapter.
- (c) If there is a conflict between a provision of this chapter and another provision of the City Code or state law, the more stringent provision shall apply.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-4. Enforcement.

Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-5. Penalty.

- (a) All provisions of this chapter shall be applicable to all food establishments, unless otherwise required by law.
- (b) No food establishment shall be operated within the city unless it conforms with the provisions of this chapter.
- (c) Any person who intentionally, knowingly, willfully, or with criminal negligence violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$2,000.00. Each day of violation of this chapter shall constitute a separate offense. Prosecution in municipal court shall be in addition to other remedies provided in this chapter, by law, or in equity.
- (d) A license holder shall ensure that the food establishment is in full compliance with this chapter at all times.
- (e) The person in charge shall ensure that the food establishment is operated in full compliance with this chapter and that all food is stored, prepared, displayed and served in accordance with the provisions of this chapter.
- (f) All mobile food vendors must comply with the requirements of the City Code, chapter 35, article IX, as amended from time to time.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-6. Injunction.

- (a) If it appears that a person has violated, is violating, or threatens to violate this chapter, the city may institute a civil suit in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation.
- (b) The city may petition a district court for a temporary restraining order to immediately halt a violation or other action creating an emergency condition if it appears that:
 - (1) A person is violating or threatening to violate this chapter; and
 - (2) The violation or threatened violation creates an immediate threat to the health and safety of the public.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Secs. 33-7—33-9. Reserved.

ARTICLE II. PERMIT

Sec. 33-10. Required.

- (a) Permit. No person shall operate a food establishment without possessing a valid permit issued by the city through the permits department. Such permit be known as a "food service permit", a "temporary food service permit", or a "mobile food vendor permit", hereinafter referred to collectively as "permit", "permits", or "food permit". Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit.
- (b) Permits are not transferable from one person or place to another person or place. A valid permit shall be posted in view of the public in every food establishment and every temporary food establishment.
- (c) Each and every food establishment, whether under one roof or not, shall be considered a separate establishment, and a permit must be obtained for each establishment. Each such establishment is subject to the requirements in this chapter.
- (d) Application.
 - (1) Any person desiring to obtain a food service permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Such application shall include the applicant's full name and mailing address; the location of proposed food establishment; and the signature of the applicant or applicants.
 - (2) Any person desiring to obtain a temporary food service permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. In addition to the information listed in subsection (1) above, such application shall include the inclusive dates of the proposed operations; the name, address and telephone number of the owner or owners of the property where the temporary food service establishment is to be located; and a statement signed by the owner(s) of the property or his/her authorized agent, stating that arrangements have been made for the proper disposal of all rubbish, trash, garbage, and for maintaining the property free from litter and nuisances during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage, and litter resulting from the food service. A description of such arrangements must be included. A permit for temporary food establishment may be issued for a period of time not to exceed 14 consecutive days.
 - (3) Any person desiring to obtain a mobile food vendor permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. All mobile food vendors must comply with the requirements of the City Code, chapter 35, article IX.
- (e) The permit department shall issue the appropriate permit to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this chapter.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-11. Duration.

Permits shall be issued annually and shall extend from the date of issuance or renewal, as applicable. Annual renewal applications must be submitted at least 30 days prior to the expiration date of the permit. A permit shall be issued only if the establishment is in complete compliance with this chapter.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-12. Fees.

- (a) Before any permit shall be issued under this chapter, the applicant shall pay the applicable fees set forth in the latest fee schedule resolution adopted by the city.
- (b) The re-inspection fee set forth in the latest fee schedule resolution adopted by the city shall apply in cases where re-inspection is deemed necessary by the city's health official/code enforcement officer.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-13. Refunds/proration.

Permit fees are not refundable and shall not be prorated.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-14. Suspension.

- (a) The city's code enforcement/ health officer may suspend any permit to operate a food establishment, temporary food establishment, and/or mobile food unit, if the permit holder does not comply with the requirements of this chapter and the violation creates an immediate threat to the health and safety of the public. Suspension is effective upon written notice, and service operations shall immediately cease.
- (b) Whenever a permit is suspended, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is suspended and inform them of the opportunity for a hearing before the city municipal court. If the permit holder requests a hearing, they shall file their written request for a hearing with the city secretary within ten days following service of such notice of suspension. If a request for hearing is filed, a hearing shall be scheduled within ten days of the city's receipt of such request. If no request for hearing is filed within the ten-day period, the suspension of the permit is sustained. The city's code enforcement/ health officer may end the suspension at any time if reasons for suspension no longer exist.
- (c) Whenever a food service license is suspended, it may be physically removed from the premises by the code enforcement/health officer and retained at the office of the Code enforcement/health officer until the suspension has been lifted or modified.
- (d) Whenever a mobile food unit license is suspended, it shall be physically removed from the mobile food unit in violation by the code enforcement/health officer.
- (e) All hearings shall be held in the municipal court and presided over by a municipal court judge. All hearings shall be, as much as practicable, conducted pursuant to the Texas Rules of Civil Procedure.
- (f) If the permit holder fails to appear at the hearing at the time, place, and date specified, the city shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health which formed the basis of the suspension of the license.
- (g) If the municipal court finds that the food establishment was, in fact, in violation of this chapter or that it constituted a hazard to public health, the court shall make written findings of fact and shall order the permit suspended until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the court shall be either given to the responsible party upon conclusion of the hearing, or sent by certified mail, return receipt requested, to the permit holder. If the municipal court finds that the public interest will be adequately protected by a warning or other penalty authorized under this chapter, it may reinstate the permit.

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- (h) Whenever the reasons for a suspension no longer exist, the permit holder or the person in charge shall notify the permit department that the conditions under which the permit was suspended have been corrected and that an inspection is requested. Upon receipt of request and payment of any required re-inspection fee, such inspection shall be conducted as soon as possible and in no event, no later than three regular working days after the receipt of the request for inspection.
 - (i) Revocation/suspension of mobile food vendor permits shall be in accordance with section 35-317 of the City Code.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-15. Revocation.

The city may revoke a permit for serious or repeated violation(s) of any of the requirements of this chapter or for interference with the health official/code enforcement officer in the performance of his/her duties. Prior to revocation, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is subject to revocation and inform them of the opportunity for a hearing. If the permit holder requests a hearing, they shall file their written request for a hearing with the city secretary within ten days following service of such notice of revocation. If a request for hearing is filed, a hearing shall be scheduled within 30 days of the city's receipt of such request. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-16. Service of notice.

A notice provided for in this article is properly served when it is delivered to the permit holder or the person in charge of the establishment or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder or when it is delivered by the city in person to the last known address of the permit holder.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-17. Hearings.

The hearings provided for in this article shall be held in the municipal court and presided over by a municipal court judge. Based upon the recorded evidence of such hearing, the municipal court judge shall make a final finding and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder, and a copy shall be filed with the city secretary.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-18. Application for a new permit after revocation.

The permit holder that has been revoked must wait 180 days after the final date of the revocation decision before making written application for a new permit.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Secs. 33-19—33-30. Reserved.

ARTICLE III. INSPECTIONS

Sec. 33-31. Access.

Agents of the city, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-32. Frequency.

- (a) An inspection of a food service establishment should be performed on each food establishment within the city at least every six months, and additional inspections shall be performed as often as necessary for the enforcement of this chapter. Any establishment scoring 75 or below on an inspection will automatically receive a follow-up inspection within ten days. A re-inspection fee must be paid prior to follow up inspection. Failure to pay re-inspection fee or a second score of 75 or below on an inspection shall result in an order to immediately cease all food service operations. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon an order from the city shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- (b) If a food establishment is being inspected for the first time by a city code enforcement/health officer, the following additional requirements apply:
 - (1) For a food establishment located at permanent premises, a code enforcement/health officer will only conduct an inspection to obtain a food service permit after the food establishment has passed final inspections by the building official and the fire marshal, or their respective designees.
 - (2) A food establishment located at permanent premises may not store any food defined as time/temperature control for safety food (TCS) at the premises until after the code enforcement/health officer has completed his/her inspection and the food establishment has passed said inspection. If a food establishment is found to have TCS food on the premises at the time of an initial health inspection, the code enforcement/health officer may order the TCS food to be disposed of properly if it is found to have been kept in unsafe conditions.
- (c) Whenever an inspection of a food establishment is conducted, the findings shall be recorded in an inspection report, and a copy of each inspection report with number score and corresponding letter grade shall be provided to the food service manager or other person in charge of the establishment. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. It is the responsibility of the food service manager to post the letter grade corresponding to the food establishment's inspection report upon an inside wall or window near the main public entrance of the establishment in a location readily visible to consumers, and such letter grade shall not be defaced or removed by any person except the code enforcement/health officer. Any person, firm, or corporation who fails to properly post the inspection report or the corresponding letter grade as required shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

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- (d) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the code enforcement/health officer shall immediately suspend the license. Any person, firm, or establishment who is found to have failed to immediately cease operations upon suspension of temporary food service license shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-33. Correction of violations.

The inspection form shall specify a reasonable period of time to correct the violations and such violations must be corrected within the specified period; provided, however, that:

- (1) If an imminent health hazard exists the establishment, including a mobile food unit, shall immediately cease food service operations and operations shall not be resumed until authorized by the city; and
- (2) All violations at temporary food establishments shall result in cessation of temporary food service operations.
- (3) The establishment or mobile food unit shall not resume operations until such time as a re-inspection determines that the condition(s) responsible for the requirement to cease operations no longer exists. The city shall offer to re-inspect the establishment within a reasonable time.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Secs. 33-34—33-50. Reserved.

ARTICLE IV. CONSTRUCTION, REMODELING AND CONVERSION

Sec. 33-51. Plans.

- (a) Two sets of properly prepared plans and specifications for each construction, remodeling or alteration of a food establishment shall be submitted to the permit department prior to any on-site construction. The plans must be drawn to scale no smaller than one-eighth inch and shall consist of a plot plan, floor plan, foundation plan, structural plan, plumbing plan, elevation plan, wall section, engineer's scale and survey (if required by applicable law), mechanical and electrical details, and health equipment detail with elevations, any of the City of Manvel standard details that apply, and the city's signature block on the first page.
- (b) All food establishments shall have a minimum of a 500-gallon grease trap.
- (c) Under sink grease traps for all food establishment shall be strictly prohibited. The only exception is for MFU's.
- (d) All food prep areas shall have smooth wall board. Such as FRP (fiberglass reinforced panels.). No rough or porous wall board will be allowed.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-52. Other code requirements.

A building permit shall be required for construction, alteration, remodeling or conversion of a food establishment in accordance with the International Building and Fire Codes and any and all codes adopted by the

city. Any construction, alteration, remodeling, or conversion of a food establishment shall comply with all applicable federal and state laws and codes and regulations of the city. To the extent of a conflict between or among the provisions of this chapter and other codes or ordinances of the city, the more restrictive provision shall control.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Sec. 33-53. Ownership of food establishment.

- (a) When an existing food establishment is purchased and the purchase does not include the property or the structure, but includes the rental or lease of space and equipment, the city requires that the person who operates the food establishment obtain a valid food establishment's permit. The person who applies for the food establishment's permit is considered, legally, to be the owner.
- (b) The person who is registered on the food establishment's permit is the responsible party for the property, premises, structure and complete operating services. The operator of the food establishment is the ultimate responsible party, and the conditions under which the food establishment was leased or rented does not release the operator from the requirements of this article.
- (c) A new owner may continue to operate a food establishment without interruption from the city when the establishment is in complete compliance with this chapter. Total compliance is the basis for issuing the food establishment's permit, which must be obtained prior to opening the establishment for business. An inspection of the premises and operations can demonstrate the extent to which the food establishment is in compliance. Upon normal conditions, depending on the condition of the food establishment, many violations can be corrected within such a short period of time that an interruption of food services is unnecessary and not required.
- (d) Depending on the wear and tear (depreciation) on the establishment, the building and equipment may already be close to compliance, and it is the responsibility of the new owner to schedule an inspection from the city to determine what is required to meet current codes.

(Ord. No. 2020-O-25, § 2, 9-8-2020)

Appendix A Food Establishments Grade Card

GRADE/SCORE CARDS

Each food establishment inspection begins with 100 points. As a Code enforcement/health officer conducts an inspection, the appropriate sub-categories in the Food Establishment Inspection Report of the Texas Department of State Health Services (Texas Food Establishment Rules), will be marked. The sub-categories are assigned a specific point value based on the associated public health risk of the violation. Point value is deducted from the 100 points if violations are observed by the officer conducting the inspection. (Refer to the Texas Food Establishment Rules for a more detailed explanation of these sections.)

Beginning of the Inspection	100 points
Total points deducted	- _____
Remaining points	Grade or Score

A grade card will be issued to each food establishment with a score of seventy-six to one hundred (76 to 100) at the end of all routine inspections. The card issued will be based upon the score received on the Retail Food Establishment Inspection Report. The grading is calculated as follows:

- PART II CODE OF ORDINANCES
Chapter 33 - FOOD AND FOOD HANDLERS
Appendix A Food Establishments Grade Card

Points:

92— 100	A	Generally superior in food handling practices and overall food facility maintenance.
91— 84	B	Generally good in food handling practices and overall food facility maintenance.
83— 76	C	Generally acceptable in food handling practices and overall general food facility maintenance.
0—75	Score	Poor in food handling practices and overall general food facility maintenance.

A facility receiving a score of seventy-five (75) or below will be issued a score card and not a grade card. The score card will indicate the actual score received.

The grade or score card must remain posted until the next routine inspection, at which time the Code enforcement/health officer will issue a new grade or score card to replace the previous document issued. This replacement card must be posted as described above.

All food establishments presenting a substantial hazard to public health may be subject to closure regardless of the score received on the inspection report.

(Ord. No. 2020-O-25, § 3, 9-8-2020)

ARTICLE X. MOBILE FOOD VENDORS

Sec. 35-310. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food hand cart means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

Food truck (stationary) means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).

Food truck (mobile) means a food or drink vending station operating from a mechanical vehicle or pulled trailer that drives continuously, intermittently stopping for sales (e.g. ice cream truck).

Mobile food vendor means any person or entity engaged in selling or serving food or drink from a vehicle, booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart; or
- (3) Food truck (stationary); or
- (4) Food truck (mobile)

Sidewalk stand means a food or drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way (e.g. lemonade stand).

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-311. General prohibition.

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-312. Sidewalk stand.

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade/soft drink sidewalk stands operated by juveniles, or a non-profit corporation, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-313. Food hand cart.

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;

-
- (2) City approved or sponsored events; and
 - (3) Private events (where admission is not open to the general public) on private property.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-314. Food truck (stationary).

Food trucks (stationary) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-315. Food truck (mobile).

Food trucks (mobile) are prohibited.

- (1) There shall be an exception for temporary operation for the following:
 - a. pre-packaged food vendors
 - b. ice cream trucks
- (2) Food trucks (mobile) shall not stand for more than 15 minutes at any one location and may not prepare or cook food or drink items on the vehicle (pre-packaged only).
- (3) Food trucks with music or a public address system shall not exceed 65 decibels.
- (4) Food trucks may only operate from dawn until dusk, except for events with extended hours as may be expressly authorized by the city manager or designee.
- (5) Food trucks may not vend from the second lane of traffic, and may not double park or impede traffic.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-316. Basic requirements.

The following requirements shall apply to the mobile food vendors that are specifically permitted under this article:

- (1) Permitted mobile food vendors shall operate only on a temporary basis. Temporary shall mean for eight hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles must be marked with the vendor's name.
- (5) No detachable signage shall be permitted, except for one removable sandwich-board sign displaying product and/or pricing information.

-
- (6) All stationary food truck vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
 - (7) Vendors may not set up within 300 yards of a restaurant, except with express written consent of the restaurant owner.
 - (8) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
 - a. The nature of the event, which must be open to the general public;
 - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
 - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
 - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
 - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Sec. 35-317. Permits and health requirements.

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

- (1) *Permits.*
 - a. All food truck vendors, mobile and stationary, must obtain a permit from the fire marshal's office. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
 - b. No person shall operate or cause to be operated any food truck (mobile or stationary) which does not possess a valid permit issued by the fire marshal's office. Any person, firm, or establishment who is found to have operated or caused to be operated a food truck (mobile or stationary) without a valid mobile food truck permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
 - c. Such permit shall be affixed by the fire marshal or designee on the food truck in a conspicuous place where it can be viewed by patrons. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.
 - d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three inches in height.
 - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
 - f. Food hand cart vendors, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.

-
- (3) *Food handling regulations.* All vendors must obey and be in compliance with all state, county and city food handling regulations.
 - (4) *Vehicle inspections.* All mobile vendors must pass a vehicle inspection from the fire marshal's office as part of the city permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
 - (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
 - (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
 - (7) *Revocation of permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

Secs. 35-318-35-329. Reserved.



CITY OF MANVEL PERMITS DEPARTMENT

20025 HIGHWAY 6 • MANVEL, TEXAS 77578

PHONE 281-489-0630 • FAX 281-489-0634

SPECIAL EVENT PERMIT APPLICATION

Event Location/Address: _____

Event Start Date: _____ Event Start Time: _____

Event End Date: _____ Event End Time: _____

Approximate Number of Persons Attending Event Per Day: _____

Name of Applicant: _____

Address: _____

City, State, Zip: _____ Phone: _____

Organization Hosting Event

Organization Name: _____

Address: _____

City, State, Zip: _____ Phone: _____

Event Chairperson/Contact

Name: _____

Address: _____

City, State, Zip: _____ Phone: _____

Email: _____

Property Owner Information

If any portion of the event will be held on private property (including parking), please provide the following:

Name: _____

Address: _____

City, State, Zip: _____ Phone: _____

Email: _____

Applicant shall submit copy of letter from property owner giving written permission for event use if applicable.

Proposed Parking Locations and Number of Parking Spaces Provided:

Applicant shall submit written permission for use of parking from property owner. Parking location(s) must be indicated on the site plan.

NOTE: If any item in lines 1-8 is applicable, additional City of Manvel Ordinances may apply to each item, and must be followed to ensure the safety of this Special Event. Each ordinance can be found can be found at www.cityofmanvel.com.

1. Please circle all that apply as part of this Special Event and each must be included on the site plan:

Closing a Street	Blocking of Streets or Public Property	Loudspeakers
Tents or Canopies	Stage or Music	Sale of Merchandise
Portable Toilets	Fencing	Amusement Rides
Inflatable/Bounce houses	Cooking	Generators

For Street closures*: What streets _____ From when to when _____

**Attach detailed traffic plan to application. For road races on County roads an engineered stamped traffic plan and permit from TxDOT is required.*

For Generators: Quantity and sizes: _____

For Fencing: Location(s) and/or the positioning must be indicated on the event site plan.

For Tent(s): How many _____ Dimensions/size _____

Will the tent(s) have sides? **YES / NO** *If yes, how many sides will be closed?* _____
The size(s) and location(s) of tents, canopies or other membrane structures must be indicated on the event site plan.

2. Will food and/or beverages be available or served? **YES / NO**

3. Will Food Trucks be used? **YES / NO**

If yes, a Food Service Permit must be obtained.

Please list the Food Trucks that will be at the event.

Food Trucks will need to be registered with the City of Manvel. A list of approved Food Trucks may be obtained from the City of Manvel.

Will chaffing fuel or a fryer be utilized? **YES / NO**

Will alcohol be sold or allowed (BYOB) at this event? **SOLD / ALLOWED / NO**

If SOLD, provide a copy of *TABC Permit*.

4. If this application is for a **Run/Walk or Parade**, please include:

A) To assist in traffic safety planning, what time will the first participant leave the start line?

B) Onsite preparation and set-up begins at _____

C) Onsite registration begins at _____

D) Assembly location (Street Location) _____

E) Name of company providing registration/marketing/run timing

F) Name of Rental Company setting out barricades, event day contact name and phone number or will you use the City of Manvel: _____

G) Run/Parade Route, including starting point and disbanding area _____

H) Estimated number of participants/people in the run/parade _____

I) Number of vehicles/floats _____

J) Amount of space between parade units (ft.) _____

K) Other types of participants (example: animals, etc.) _____

L) Route Map – Attach required map to application

5. If the event will impact surrounding property owners, notice must be sent to abutting property owners at least two (2) weeks before the event date. A sample notification letter is available at the Special Event Permits page. Date notice provided to abutting property owners: ____/____/____

6. Will signs/banners be utilized for the event? **YES / NO**

If yes, please submit a list of signage sizes and locations. Signage must be indicated on the event site plan and adhere to the City of Manvel sign ordinance.

7. Will amusement rides/bounce house(s) be used in conjunction with the event? **YES / NO**

If yes, the location(s) must be indicated on the event site plan. Proof of Insurance must be provided no later than 10 business days before event for permit approval. **Rides and/or attractions associated at special events shall conform with the statutory rules and regulations set forth in Chapter 21. Article 21.53 of the Texas Insurance Code, designated the Amusement Ride Safety Inspection and Insurance Act, as amended. **Certificates of Inspection** and copies of inspection reports will be required. From time to time a question arises concerning whether a ride is subject to the requirements of the Texas Amusement Ride Safety Inspection and Insurance Act. (The Act lists rides that are included and excluded, but there are still instances where questions arise.) In those cases, the City of Manvel's position is that the ride is included unless the applicant can provide written documentation from the Texas Department of Insurance (TDI) that the specific ride(s) have been reviewed and determined not to fall under the Act. It is the Applicant's responsibility to provide a written TDI opinion exempting that specific ride(s).

8. Will animals (other than pets on a leash) be used in conjunction with the event? **YES / NO**

If yes, what kind and how many? _____

The location(s) must be indicated on the event site plan. A hand washing station must be provided and indicated on the site plan for permit approval.

9. Explain how sanitation will be handled by the event. How will this event dispose of trash? If a service is contracted, you must use whichever company has a franchise agreement with the city.

Prior to permit approval, submittal of the following items is required:

- 1) Written authorization granting Applicant permission to submit this permit application on behalf of event host
- 2) Written permission from property owner for use of private property
- 3) Detailed Event Site Plan with all applicable items noted in this application
- 5) Copy of notification letter and a list of addresses notified
- 6) Payment of non-refundable Permit application Fees

In the event the City determines, upon review of this application, that this special event requires the special attention and involvement of the City personnel or facilities, the City shall so notify the applicant. In such event, prior to the issuance of a permit for this special event, the applicant shall pay to the City the cost estimated for policing, closure of roadways, and applicable fees, along with any required Clean - Up Deposit and Surety Bond. Should actual costs for policing and cleaning exceed the estimated amount, the applicant agrees to pay any additional costs to the City incurred as a result of the special event within five (5) days of the date upon which the City informs the applicant of the amount of such additional costs.

I, the undersigned, hereby confirm that the information stated above is true and correct to the best of my knowledge.

Signature of Applicant

Date

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF MANVEL, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.

Signature of Applicant

Date

By signature, Assistant City Manager or City Manager (Appeals Only) approves this event subject to the above requirements:

Signature of City Manager

Date



CITY OF MANVEL
FIRE MARSHAL'S OFFICE
INSPECTIONS * INVESTIGATIONS
20025 Hwy 6 Manvel, TX 77578
(281) 489-0630 Fax (281)-498-0634



Temporary Booth, Membrane Structures and Tents Permit Application

Date: _____

Business/Property Owner Name: _____ Phone: _____

Business/Property Owner Address: _____

Installing Company's Name: _____ Phone: _____

Installing Company's Email Address: _____

Site plan depicting all tents, temporary membrane structures, existing buildings and property line setbacks shall accompany application.

Certificates of Flame Resistance shall accompany application.

Portable Fire Extinguishers and Occupant Load shall be displayed within temporary membrane and/or tent.

Each Temporary Booth, Membrane Structures and Tents must have required Fire Extinguisher(s).

Install Date: _____

Removal Date: _____

Date and Time of Display: _____

Alternate Date and Time of Display: _____

Give a description as to what activities will be held within and/or under the temporary membrane and/or tent:

Booth Description (Check as many that apply):

☐ Cooking Fried Foods ☐ Cooking BBQ Pit

☐ Cooking Other: _____

☐ Open Flames ☐ Portable Heating ☐ Gas ☐ Electric ☐ Liquid

Describe Open Flame:

☐ Portable Generator ☐ Lighting ☐ Fixed Wiring ☐ Liquid Fuel

Fire Code Requirements:

Fire Extinguisher Type

☐ 10 lb. ABC (4A 60BC)

☐ Class K (for frying)

☐ 2 ½ Gallon Water (2A)

NOTE: Each Fire Extinguisher must have a current State of Texas inspection tag. BBQ Pit's must be at least 10' away from any building. Hot coals must be disposed of properly.

Plan Review or Permit Fee	50% of the total permit cost	
Temporary Membrane Structures	\$250.00	
Tent & Canopy 201 to 300 square feet	\$50.00	
Tent & Canopy 301 to 600 square feet	\$75.00	
Tent & Canopy 601 to 1,000 square feet	\$100.00	
Tent & Canopy over 1,001 square feet	\$150.00	
Total Permit Cost		

I have reviewed and fully understand the above regulations for temporary booth/ vendors. I agree that failure to comply will result in the closing of temporary vending operations.

Contractor's Signature/Applicant Name (Please Print) _____

Contractor's/Applicant Signature _____

Created: May 2022

Reviewed: June 2022

Approved: July 2022 by Joe Murray, Fire Marshal



MOBILE FOOD UNIT INFORMATION PACKET



TFER 228.2(85) Mobile Food Unit (MFU) - A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and push carts) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A Mobile Food Unit does not mean a stand or a booth. A Mobile Food Unit operating in the City must have on site at least one food employee who possesses a food manager certification. Tents are only allowed in the City of Manvel for a Special Event or Temporary Activity in which a Special Event Permit is required.

- Application and payment for a Mobile Food Unit Permit must first be processed at the Permit Office prior to contacting the Fire Marshal's Office to schedule an appointment for inspection's with the Fire Marshal's Office.

**Permit Department
City Hall
20025 Hwy 6
Manvel, Texas 77578
281.489.0630 X0**

**Fire Marshal's Office/Code Enforcement
20025 Hwy 6
Manvel, Texas 77578
281.489.0630 X3**

Permit Application and Inspection Requirement Information

- Mobile Food Unit License Application and Fee paid to Permits Office
- Valid Texas Driver's License must be provided for the Mobile Unit Driver
- Valid Insurance showing proof that the Mobile Unit Driver is covered
- Proof of Commissary
- Proof of a Certified Food Manager, and Food Handler's certification(s) for *all* employees
- Proof of current registration-(Mobile Unit/Trailer)
- Readable VIN(Vehicle Identification Number) on Vehicle that matches registration

Mobile Units must be inspected by a Manvel Health Officer, and will require an inspection by a Fire Marshal: Please call the Fire Marshal's Office to make an appointment for inspection at 281.489.0630. X3.

Submittal of all paperwork must be done at time of application being submitted to the City of Manvel along with payment. Once the Mobile Food Unit has passed requisite inspections, a medallion will be issued to the unit; which will expire December 31st of the year of issuance.



Mobile Food Unit Inspection Criteria



Health Safety

A Fire Marshal and Health Inspection must be passed prior to a Permit being issued

- Working Head Lights, Tail Lights and Brake Lights
- Working Horn
- Readable VIN number on Vehicle that matches Vehicle Registration.
- Current Trailer registration if applicable
- Working cold hold coolers - (if applicable) Cold food 41°F (5°C) or less
- Working hot hold areas - (if applicable) Hot food 135 F (57.2 C) or greater
- Manual Ware-washing; 3-compartment sink requirements: wash, rinse, and sanitize
- At least one hand-washing station set up correctly with soap and paper towels with hot water available
- Single-service articles only for use by the consumer
- Backup Thermometers in cold hold coolers and/or freezer
- Employees must wear hair restraint - {ex; hats hairnets}
- Employees must wear gloves while handling "Ready to Eat Food Items"
- Menu of all food items to be sold
- Business name, printed, permanently affixed and prominently displayed upon at least two (2) sides of such unit, in letters not less than three(3) inches in height. *If the vendor is not a drivable Mobile Food Unit, then a banner or sign attached will be acceptable.*

Fire Safety

- A proper, tagged Fire Suppression System is required for a Mobile Food Unit when food cooking equipment is present, and must meet the specific needs of each Mobile Food Unit.
- Portable, currently inspected fire extinguisher(s) must be properly mounted, and of the proper type and size – A Class -K extinguisher is required to be mounted towards the door. A Class 3-A:40-B:C; is required when cooking equipment is present, which should be mounted towards the door. If both types are required, they should be installed in a manner which will prevent confusion between the two during an emergency.
- Minimum 16" between any fryer and surface flames.
- LP/Propane cylinder properly secured, stored away from trash, and not kept in the passenger area.
- Proper hose to pipe LP/Propane gas.
- No Smoking sign posted.
- Extension cords used properly.
- Trash free from flammables.

*Please contact the Fire Marshal's Office about the Fire Suppression system requirements, or for any other questions related to fire safety at **281.489.0630 X3***



MOBILE FOOD UNIT OPERATING GUIDELINES



- Per the Texas Food Establishment Rules (TFER), a mobile food unit must remain readily movable, as defined in Sec. 228.221 (a) (3). Food Trucks and Trailer Units are not meant to be permanent fixtures, and must retain their ability to be readily moved at all times. Trailer units requiring a vehicle for transportation, will require the vehicle to be available and present at the location where the unit is operating; and all appropriate transportation equipment should remain available and ready for use at all times.
- Per the City of Manvel Ordinances Mobile Food Units are ONLY allowed with Permits and ONLY at City approved events.

Texas Food Establishment Rules



Texas Department of State Health Services
Division for Regulatory Services
Environmental and Consumer Safety Section
Policy, Standards, and Quality Assurance Unit
Public Sanitation and Retail Food Safety Group

October 2015

Texas Food Establishment Rules

25 TAC §§228

Texas Department of State Health Services
Division for Regulatory Service
Environmental and Consumer Safety Section
Policy Standards and Quality Assurance Unit
Public Sanitation and Retail Food Safety Group
P.O. Box 149347, MC 1987
Austin, TX 78714-9347

Effective Date: October 11, 2015

Texas Administrative Code

TITLE 25 PART 1
CHAPTER 228
SUBCHAPTER H
RULE §228.221

HEALTH SERVICES
DEPARTMENT OF STATE HEALTH SERVICES
RETAIL FOOD
REQUIREMENTS APPLICABLE TO CERTAIN
ESTABLISHMENTS Mobile Food Units

(a) Mobile Food Unit provisions.

(1) General. Except as otherwise provided in this paragraph and in paragraph (2) of this subsection, the regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation, may prohibit the sale of some or all time/temperature control for safety (TCS) food, and when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements as specified in paragraphs (7) and (8) of this subsection; subsection (c)(1)(A) - (E) of this section and §§228.71 - 228.75 of this title. The regulatory authority shall require a Mobile Food Unit operator to demonstrate that the vehicle is readily moveable.

(2) Restricted operation. Mobile Food Units that serve only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are non-time/temperature control for safety (NTCS) food and are dispensed from covered urns or other protected equipment, need not comply with the requirements of this chapter relating to the necessity of water and sewage systems nor to those requirements relating to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its central preparation facility.

(3) Readily moveable. The regulatory authority prohibits alteration, removal, attachments, additions, placement or change in, under, or upon the Mobile Food Unit that would prevent or otherwise reduce ready mobility. A regulatory authority may require a Mobile Food Unit to come, on an annual basis or as often as required, to a location designated by the regulatory authority as proof that the Mobile Food Unit is readily moveable.^{Pf}

(4) Initial Permitting Inspection. The regulatory authority shall require a Mobile Food Unit to come to a location designated by the authority. The mobile unit must be totally operable at time of inspection, including but not limited to handwash/warewash facilities, refrigeration and wastewater disposal. Required documentation to have available includes:

(A) Certified Food Manager Certification.^{Pf}

(B) Central Preparation Facility Authorization (if required). A signed letter of authorization is required, to verify facility use, if the Central Preparation Facility is not owned by the mobile unit operator.

(C) Central Preparation Facility Inspection Report. A copy of the most current health inspection of the central preparation facility must be maintained on the mobile unit at all times.

(D) Servicing Area Authorization. A signed letter of authorization may be required by the regulatory authority to verify service area use, if the servicing area is not owned by the mobile unit operator.

(E) Menu of all food items to be sold.

(5) Single-service articles. Mobile Food Units shall provide only single service articles for use by the consumer.

(6) Equipment, numbers and capacities.

(A) Cooling, heating, and holding capacities. Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under Subchapter C of this chapter.^{Pf}

(B) Manual warewashing, sink compartment requirements.^{Pf}

(i) A sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils as specified in §228.107(b)(1) of this title.^{Pf}

(ii) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils as specified in 228.107(b)(2) of this title.^{Pf}

(C) At least one handwashing sink shall be available for convenient use by employees and properly provisioned in accordance with 228.175(b) - (c) of this title.^{Pf}

(7) Mobile water system materials, design, and operation. Mobile Food Unit water systems shall meet the requirements of §228.149(f) of this title.

(8) Mobile Food Unit tank inlet. A Mobile Food Unit's water tank inlet shall be:

(A) 19.1 mm (3/4 inch) in inner diameter or less; and

(B) Provided with a hose connection of a size or type that will prevent its use for any other service.

(C) Fill hose and water holding tank shall be labeled as "Potable Water."

(9) Sewage and other liquid waste.

(A) Waste retention. If liquid waste results from operation of a Mobile Food Unit, the waste shall be stored in a permanently installed retention tank.

(B) Capacity and drainage. A leak-proof sewage holding tank in a Mobile Food Unit shall be:

(i) sized at least 15% larger in capacity than the water supply tank; and

(ii) sloped to a drain that is 25 millimeters (1 inch) in inner diameter or greater, equipped with a shut-off valve.

(C) All connections on the vehicle for servicing the Mobile Food Unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the Mobile Food Unit.

(D) Discharge liquid waste shall not be discharged from the retention tank while the Mobile Food Unit is in motion.^P

(E) Flushing a waste retention tank. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner.^P

(F) Removing Mobile Food Unit wastes. Sewage and other liquid wastes shall be removed from a Mobile Food Unit at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.^P

(G) Liquid waste holding tank shall be labeled as "waste water"

(10) Mobile Food Unit water and wastewater exemption.

(A) A roadside vendor that sells only prepackaged food is exempt from the requirements of this chapter relating to water and wastewater.

(B) A Mobile Food Unit that prepares food requiring no water for operations and no hand contact with food is exempt from the requirements of this chapter relating to water and wastewater if the required cleaning and sanitization equipment exist at its central preparation facility. Chemically treated towelettes for handwashing may be used as specified in §228.147(a)(3) of this title.^P

(11) Toilet rooms, convenience and accessibility. Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) Central preparation facility.

(1) Supplies, cleaning, and servicing operations. Mobile Food Units shall operate from a central preparation facility or other fixed food establishment and shall report to such location daily for supplies and for cleaning and servicing operations.

(2) Construction. The central preparation facility or other fixed food service establishment, used as a base of operation for Mobile Food Units, shall be constructed and operated in compliance with the requirements of Subchapter F of this chapter.

(c) Servicing area and operations.

(1) Protection.

(A) A Mobile Food Unit servicing area shall include at least overhead protection for any supplying, cleaning, or servicing operation. Those areas used only for the loading of water and/or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

(B) Within the servicing area, the location provided for the flushing and drainage of liquid wastes shall be separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.^P

(C) A servicing area will not be required where only packaged food is placed on the Mobile Food Unit or where Mobile Food Units do not contain waste retention tanks.

(D) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

(E) Potable water servicing equipment shall be installed in the servicing area according to the Plumbing Code and shall be stored and handled in a way that protects the water and equipment from contamination.^P

(2) Construction exemption. The construction of the walls and ceilings of the servicing area is exempted from the provisions of §228.173(a) of this title.

Source Note: The provisions of this §228.221 adopted to be effective October 11, 2015, 40 TexReg 6901



Permit Department

City of Manvel

20025 Hwy 6

Manvel, Texas 77578

Phone: 281.489.0630 | Fax: 281.489.0634

www.citymanvel.com

Permit #: _____

Mobile Food Unit Application

Business/Mobile Name: _____		Phone #: _____	
Commissary Name _____		Address: _____	
		Phone Number: _____	
Owner: ☐ Individual ☐ Firm ☐ Corporation ☐ Partnership			
Name(s) of Owner(s) _____		Address: _____	
		Phone #: _____	
Operator's Name: _____		Phone #: _____	
Type of License: ☐ New Business ☐ Renewal ☐ Change of Owner/Operator		Emergency and Alternate Contact Information: Name: _____ Phone Number: _____ Name: _____ Phone Number: _____	
Name of Service location: _____		Vehicle Make: _____	
Address of location: _____		Model: _____	
		Vin #: _____	
		License #: _____	
		Operators DL Number: _____ State: _____	
Health Officer: _____		Approved Date: _____	
A Copy of the Food Managers Certificate and a Drivers License is required. If Food Manager Certificate is not current, receipt for renewal or registration is required.			
As of this date this vehicle does meet the minimum standards of sanitation prescribed for mobile food units. This application should be presented at the office of the City Health Officer at 20025 Hwy 6, or mailed to 20025 Hwy 6., Manvel, TX 77578 with appropriate application fee. Failure to obtain license will result in immediate cessation of all food services. License is valid for the calendar year issued and expires on Dec. 31 st of the year issued. Permit Renewal is due no later than Jan. 1 st .			
FEE SCHEDULE			
MOBILE UNIT\$200.00			
Each Additional unit from same establishment.....\$200.00			

Document Check List →

- Valid-TDL-for-Driver(s) → ☐
- Valid-Ins.-each-driver → ☐
- Proof-of-Commissary → ☐
- Food-Handler-cert(s) → ☐
- Current-Registration → ☐
- VIN-on-Vehicle → ☐
- Gas-/Water-(if-app) → ☐

Revised 01.11.2019