

MINUTES MANVEL CITY COUNCIL MEETING November 7, 2022

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 11/7/2022

Workshop Session - 5:00 p.m.

Mayor Davison called the workshop of the Manvel City Council to order at 5:00 p.m.
Those in attendance were:

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

Absent: None

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager/City Engineer
Jessica Rodriguez, Director of Development Services
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Gilbert Salas, Directory of Community Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Discussion on:

- *Special Events Policy,
- *Code of Ordinances, Chapter 33 Food and Food Handlers, and
- *Code of Ordinances, Chapter 35 -Article X - Mobile Food Vendors.

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Joe Murray on Special Events Policies:

Researched surrounding cities. They all require the Fire Marshal to do inspections on events dependent upon the event. Pearland has a Type A and Type B events and subcategories help determine specific requirements. Spoke with Fire Marshals in Alvin and Iowa Colony and Deputy FM in Friendswood to compare policies.

Chief Keith Traylor on Draft of Mobile Food Vendors Ordinance:

Researched several cities that allow mobile food vendors and came up with an ordinance that has a better definition of what a mobile food vendor/truck is and classifies them, what you can and can't do, and further defines the requirements based off of their different classifications. Looked at the inspection and permitting side of it and is something that needs to be further discussed and clarified. Do we want to permit each event or yearly? Some cities do yearly. For inspections, do we want to allow inspections from other cities? This draft ordinance is just laying a base so we can refine and come back based on what Council wants.

Kyle Jung:

Tells Council that there needs to be direction from Council on what they want so staff knows what to present in the Ordinance

Council Member Tyson:

Is there a reason that we would want to require a city inspection if it's already been inspected by another city or county?

Kyle Jung:

As long as it's as, or more, stringent than the inspection process that we put into place.

Jason Albert:

Wants staff to go out and look at other cities and compile a list of what cities we would accept inspections on.

Chief Traylor:

All cities have adopted and follow state-wide international code. So, when cities are inspecting these, they should be inspecting them based on those regulations. He put in restrictive and non-restrictive definitions. Restrictive is pre-packaged, non-restrictive is cooked on-site.

Lorraine Hehn:

Does want to follow the permitting procedure that other cities do, just doesn't want it to be cumbersome.

Niccole Tyson:

What is the current permitting process?

Kyle:

Goes through Development Services. Then whoever else needs to be involved after that, can be.

Jessica Rodriguez:

If we can streamline the permitting process and clarify policies, it will make things a lot better.

Mayor Davison:

How do people know that they need to come to the City for an event? Jessica answered that most people do know now.

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What is the time period that's acceptable? Jessica answered that at least more than 48 hours would be acceptable as a lot of things come in last minute.

Lorraine Hehn:

City approved events seems to be a big hang up. Is this something we need to consider removing? If it's city sponsored, it makes another hurdle. Jessica answers that truthfully, they've not had one they turned down or disapproved.

Jason Albert: Maybe not disapproved, but didn't happen. The New Hope event that didn't happen is an example. From that he wants staff is what happened, what failed, and what do we need to fix so that problem doesn't happen again?

Jessica answered that the big hurdle in that event was temporary food vendors. We did not allow them. Since then, in June, Council amended that ordinance, we allow it now. That was a road block as staff that we couldn't do anything about. We heard you and we changed it.

Mayor Davison:

Thinks we are on a good path to get ourselves to a place like our neighboring cities and past these growing pains.

Jason Albert:

For the sign ordinance, would like to make some sort of exception for real estate signage on busy roads, because the allowable sign is very small.

Jessica responded with that they could put language in there that says if it's on a major thoroughfare it can be larger. Jason is happy with that change.

Kyle Jung:

Yanni Palms went bankrupt and everything developmentally has expired. Talks about a development agreement with the new development here, now called Manvel Palms.

Kyle Jung:

Wrong section for Bluewater Lakes Section 2 on the Consent Agenda. Should be Section 3. This item will be stricken from the agenda and moved to the next meeting.

Discussion on any topic as listed on the agenda dated 11/7/2022

The Workshop adjourned at 5:52 p.m.

Regular Session - 6:00 p.m.

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:02 p.m.

Those in attendance were:

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

Absent: None

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney

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Dan Johnson, Assistant City Manager/City Engineer
Jessica Rodriguez, Director of Development Services
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Gilbert Salas, Directory of Community Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Inspirational Reading - Council Member Hudson

Pledge

Public Hearing

TO HEAR COMMENTS ON A REQUEST FOR CLOSURE AND ABANDONMENT OF A 40 FOOT WIDE 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.

Mayor Davison opened the Public Hearing at 6:05 p.m.

1st call for comments - None
2nd call for comments - None
3rd call for comments - None

Mayor Davison closed the Public Hearing at 6:06 p.m.

Public Comments: "Comment Card" Required

None

City Manager Update

Covid update from last meeting
1 additional confirmed case
Total of 10 cases
6 probable, up 4
Up 15 recovered cases
1 death, 51 total
7,553 total cases

Cemetery, Crest Ridge, Georgia, and Alabama streets are all being paved with the help of the County.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Final acceptance of the infrastructure improvements and release of the associated Maintenance Bonds for the following;
Bluewater Lakes Section 1
Bluewater Lakes Section 2

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Del Bello Lakes Section 2
Del Bello Lakes Section 4

Jason Albert made the motion to strike "Bluewater Lakes Section 2" from item 2 of the consent agenda and to add items 1,2,7,8,9 from the Regular Agenda to the Consent Agenda and approve as amended. Lorraine Hehn seconded the motion. The motion carried with a vote of: 7/0 Council Member Jason Albert made the motion to approve the Consent Agenda as amended. Mayor Davison seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

Regular Agenda

1. Consideration and possible action to select a Construction Manager at Risk (CMAR) for the police station project (construction of an approximate 44,000 sq ft police station); authorize the scope of work for the preconstruction services and approve a preconstruction services contract; authorize the City Manager to execute the agreement.

This item was moved to the Consent Agenda.

2. Consideration and possible action to approve a burn ban for 30 days, and authorizing the Fire Marshal and or Mayor to lift it early should the Keetch-Byram Drought Index, as monitored and reported by the Texas Forest Service, reach and maintain 400 or less for five consecutive days.

This item was moved to the Consent Agenda.

3. Consideration and possible action to fill the vacancy on the Zoning Board of Adjustment Board.

Council Member Ed Perry made the motion to appoint Martina McNickles to the ZBOA. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

4. Consideration and possible action to approve the first of two readings 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

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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).

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

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

5. Consideration and possible action to approve the first of two readings 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.

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

The motion carried with a vote: 6/1

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

No: City Council Member Place 3 Niccole Tyson

Absent: None

Abstained: None

6. Consideration and possible action to approve the first of two readings 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

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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.

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

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

7. Consideration and possible action to approve Resolution 2022-R-18;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING AN ADVANCE FUNDING AGREEMENT WITH TXDOT FOR THE REPLACEMENT/REHABILITATION OF THE BRIDGE ON PATTERSON ROAD AT MUSTANG BAYOU; PROVIDING THAT THE MAYOR IS AUTHORIZED TO EXECUTE THE AGREEMENT ANY AND ALL DOCUMENTS ASSOCIATED WITH THE TRANSACTION.

This item was moved to the Consent Agenda.

8. Consideration and possible action to approve Resolution 2022-R-19;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING A DEVELOPMENT AGREEMENT WITH RIC (MANVEL) LLC FOR THE DEVELOPMENT OF A 131.18-ACRE TRACT OF LAND SITUATED IN BRAZORIA COUNTY MUD No. 29, (FORMERLY CALLED YANNI PALMS); CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

This item was moved to the Consent Agenda.

9. Consideration and possible action to approve Resolution 2022-R-20;
RESOLUTION CONSENTING TO THE ADDITION OF LAND INTO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40.

This item was moved to the Consent Agenda.

10. Consideration and possible action to direct staff on the maintenance of Carpenter Road and working with Brazoria County for the acceptance and dedication of Carpenter Road to the City.

Kyle Jung -

City Attorney got with Mary Shine with the County and they show that the County never accepted the road. The process would be to have the county first accept it, then transfer it to the city, then the city would accept the transfer so that it could become a city road.

Robert Gervais -

The alternative would be to go find the heirs of the deceased previous owner.

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Council Member Lorraine Hehn made the motion to move to accept the transferring of Carpenter Road from the County to the City. Debra Davison seconded the motion.
The motion carried with a vote: 7/0

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

11. Consideration and possible action to direct staff on the following as requested by Council Member Hehn and Council Member Perry;

*Special Events Policy,
*Code of Ordinances, Chapter 33 Food and Food Handlers, and
*Code of Ordinances, Chapter 35 -Article X - Mobile Food Vendors.
(Requested by Council Member Hehn and Council Member Perry)
(Tabled at the 10/17/2022 Council Meeting)

Kyle Jung -

From the workshop discussion, it was decided to bring back updates to the Mobile Food Ordinance and the Special Events Policy.

Jason Albert -

Worried that if we don't table this, it will go away and not be brought back.

No action taken.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" and 551.072: Deliberations regarding real property to discuss the following:

- ROW acquisition
- 2.197 Acres located at 19803 Morris Avenue, Manvel Texas

Mayor Davison convened the meeting into Executive Session at 6:27 p.m.

Mayor Davison reconvened the meeting out of Executive Session at 7:25 p.m.

No action was taken in Executive Session

Regular Agenda

12. Consideration and possible action to direct staff on ROW acquisitions.

No action taken.

13. Consideration and possible action to direct staff on the offer made on the 2.197 acres located at 19803 Morris Avenue, Manvel Tx.

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Mayor Davison made the motion to direct staff to go forward with the sale of 2.197 acres on Hwy 6 and authorize the City Manager to enter into an earnest money contract with a purchase price of \$900,000. Council Member Larry Akery seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

Mayor and Council Comments

Jason Albert asked that we remember Veterans this week for Veterans Day.

Adjourn

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

The motion carried with a vote: 7/0

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

No: None

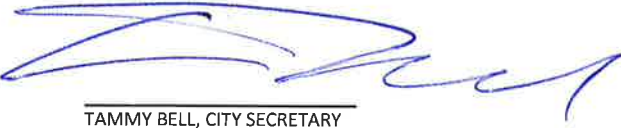
Absent: None

Abstained: None

The meeting adjourned at 7:27 p.m.

CERTIFICATION


DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

