

**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
February 6, 2023**

**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 - 5:00 p.m.

Discussion on the Subdivision Ordinance, Initiative Petition, and Special Election relating to the Petition.

Discussion on any subject listed on the Agenda dated February 6, 2023.

Regular Session - 6:00 p.m.

Call To Order

Inspirational Reading - Council Member Perry

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

o 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. o 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.

Presentation

Proclamation - Black History Month

February 2023

City Manager Update

Update on current events and city issues.

Consent Agenda

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

1. Approve the second and final reading of Ordinance 2023-O-01;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII "SPECIAL EVENTS" TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
2. Approve the second and final reading of Ordinance 2023-O-02;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
3. Approve the meeting minutes dated January 3, 2023.
4. Approve the meeting minutes dated January 17, 2023.
5. Acceptance of the 2022 Racial Profiling Report.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

Update on Litigation – Rise Communities, LLC and GR-M1, LTD. VS. Manvel Planning Development and Zoning Commission, and Jose Abraham, City Planner.

Executive Session

City Council will convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071: Consultation with Attorney and Section 551.072: Deliberation regarding real property.

Acquisition of right-of-way for Kirby Drive

Council will convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071: Consultation with attorney and Section 551.072: Deliberation regarding real property.

Acquisition of right-of-way for Clark Road

Council will convene into Executive Session in accordance with the Texas Government Code, pursuant to Section 551.071: Consultation with attorney and Section 551.072: Deliberation regarding real property.

Acquisition of right-of-way for Charlotte Street

Regular Agenda

1. Consideration and possible action to direct staff on the Initiative Petition.
2. Consideration and possible action to approve a request for a Subdivision variance for an approximate 2.29-acres of land located at 7926 Bissell Road seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks and authorize the Mayor to execute the Development Agreement.
3. Consideration and possible action to approve a request for a Subdivision variance seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks for an approximate 1.42-acre tract of land located along the north side of Big Island Dr/ CR 88, generally bounded by SH 288 (east), Sandy Cove Drive (west) and the American Canal (north) and authorize the Mayor to execute the Development Agreement.
4. Consideration and possible action to approve authorization for filing of Petition for Entry onto Land in connection with the possible acquisition of right-of-way for Kirby Drive.
5. Consideration and possible action to approve authorization for filing of Petition for Entry onto Land in connection with the possible acquisition of right-of-way for Clark Road.
6. Consideration and possible action directing staff regarding the possible acquisition of right-of-way for Charlotte Street.
7. Consideration and possible action to approve Ordinance 2023-O-03;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A GENERAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCILMEMBERS: ONE EACH FOR, MAYOR, PLACE 3, AND PLACE 5; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
8. Consideration and possible action to approve Ordinance 2023-O-04;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A SPECIAL ELECTION ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM OF PLACE 2 FOR ONE YEAR; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE;

ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

9. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-06; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, BUILDING PERMITS; AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, TO ADOPT NEW TECHNICAL CODES GOVERNING THE CONSTRUCTION OF STRUCTURES WITHIN THE CITY; ADOPTING THE INTERNATIONAL BUILDING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL BUILDING CODE; ADOPTING THE INTERNATIONAL PLUMBING CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PLUMBING CODE; ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL FUEL GAS CODE; ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL MECHANICAL CODE; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS; ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
10. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-07; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, TO ADOPT THE NATIONAL ELECTRICAL CODE, 2020 EDITION, PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID NATIONAL ELECTRICAL CODE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

11. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-08; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, BY REPEALING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND SECTION 319 OF THE 2018 INTERNATIONAL FIRE CODE AND ADOPTING THE 2021 INTERNATIONAL FIRE CODE; AMENDING THE LOCAL AMENDMENTS TO THE CITY'S INTERNATIONAL FIRE CODE; PROVIDING THAT FEES ASSOCIATED WITH THE FIRE CODE SHALL BE THE FEES STATED IN THE MOST CURRENT FEE SCHEDULE RESOLUTION ADOPTED BY CITY COUNCIL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
12. Consideration and possible action to approve Resolution 2023-R-04; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; AND OTHER RELATED MATTERS.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Sec. 551.074. "Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee".

Kyle J. Jung, City Manager and Robert Gervais, City Attorney

Regular Agenda

13. Consideration and possible action regarding compensation and terms of employment of the City Manager.
14. Consideration and possible action regarding compensation and terms of employment of the City Attorney.

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.

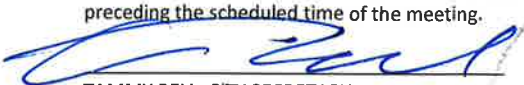
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory 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 salutory 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 February 3, 2023 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

