

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 2/21/2023

Regular Session - 6:00 p.m.

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:00 p.m.
Those in attendance were:

Present: Mayor Debra Davison
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
Daniel Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Gilbert Salas, Director of Community Services
Jose Abraham, City Planner
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Inspirational Reading - Council Member Albert

Pledge

Presentations

Proclamation - Colorectal Cancer Awareness Month, March 2023

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811192 "CAR WASHES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Opened at 6:06 p.m.

1st call for comments - Petty Hardin, owner of the car wash, spoke in favor of the proposed carwash.

2nd call for comments - None

3rd call for comments - George White shared that the language in these items is difficult to understand and asks that they be explained in laymen terms.

Closed at 6:10 p.m.

Public Comments: "Comment Card" Required

Robert Johnson (online submission read by Mayor) -

Against the renewal of the City Manager Contract extension.

Lori Cimerhanzel (online submission read by Mayor) -

Against the renewal of the City Manager Contract extension.

Angelo Cassaro -

Concerns about mud on the roads caused by Valencia construction. No responses were received from emails that were sent to the Mayor and City Manager. Dewatering is causing the Blue Water Lakes pond water levels to drop over 25 feet.

David Jones -

New resident to Manvel. He retired from centerpoint and offers any help he can give to city staff and council.

George White -

Against the contract extension of the City Manager. Knows personally that the City Manager knows the law but feels the staff is harassing exempt institutions regarding food handling.

Joe Bolduc -

Opposed to the extension of the City Manager's contract. He has been here a long time and has done a lot of good for the city. However, the community would be better served to have new leadership to help move us towards the future.

City Manager Update

- Covid numbers update

- Manvel Citizens Police Academy is open for citizen registration, Officer Carr-Lacy is the contact for that.

- Striping of streets; Cemetery, Crestridge, Alabama, and Georgia

- Parking on McCoy complaints from Lakeland residents, contacted the school district but have not heard back from them

- 20 year anniversary celebrated by staff for employee Elaine Graham

Consent Agenda

1. Approve the second and final reading 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.
2. Approve the second and final reading 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.

3. Approve the second and final reading 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.
4. Approve the meeting minutes to date.
5. Acceptance of the infrastructure improvements for Pursley Boulevard Phase 7 to begin the One-Year Maintenance Period.
6. Acceptance of the infrastructure improvements for Water and Sewer Facilities to serve Rogers Road and Wilson Drive to begin the Two-Year Maintenance Period.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, 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 approve the first of two readings of Ordinance 2023-O-09;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811192 "CAR

WASHES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Jose Abraham, City Planner, provided an overview to council. Planning, Development, and Zoning, and City staff are recommending approval with the following conditions;

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to developing the subject site for the proposed carwash;
2. A recorded copy of the agreement with adjacent property owner regarding access to the subject site shall be provided prior to plat approval and referenced on the plat;
3. Any changes to the presented concept site development plan that may be required to conform to adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process;
4. The proposed carwash on the subject site must comply with all pollution control related requirements of Chapter 77, Article III, Appendix A - Pollution Control;
5. Sidewalk shall be provided in conformance with Section 62-113, Sidewalks;
6. An opaque fence shall be provided at the rear property line in conformance with Section 77-43, Fences;
7. In addition to complying with all trees, landscaping, fencing and screening requirements of Section 77-44, a continuous row of shrubs shall be provided along the front property line to provide screening;
8. A minimum of 33 parking spaces as shown on the site plan shall be provided;
9. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture;
10. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed five-tenths foot-candles, measured vertically and horizontally.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, 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

2. Consideration and possible action to approve a subdivision variance request for an approximate 14.13-acres of land located at 7207 Jordan Road (7207 S. Masters Rd according to BrazoriaCAD) 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.

Jose Abraham, City Planner, provided an overview to council. This is a variance request that expired and is being brought back. Staff recommends approval with the following conditions;

1. The subdivision variance will expire upon change of use from single-family residential use or zoning;
2. The subdivision variance will expire upon replatting of the property.

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

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, 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

3. Consideration and possible action to participate in the State of Texas' subsequent settlements with litigants in opioid litigation, and authorize the City Manager to execute the following: CVS Settlement Subdivision and Release Form, Allergan Subdivision and Special District Settlement Participation Form, Walgreens Subdivision Participation Form, and the Walmart Subdivision Participation Form and any other paperwork needed to finalize the settlements.

Council Member Jason Albert made the motion to approve. Mayor Debra Davison seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 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 a third-party headhunter company for the Finance Director position and authorize the City Manager to execute the agreement.

Council Member Jason Albert made the motion to approve moving forward with Robert Half and Associates. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, 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

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

Mayor Davison recessed the meeting at 6:42 p.m. for Executive Session.

Mayor Davison reconvened the meeting at 8:16 p.m.

There was no action taken during executive session.

Regular Agenda

5. Consideration and possible action regarding compensation and terms of employment of the City Manager.

No action taken.

Mayor and Council Comments

Adjourn

Council Member Lorraine Hehn made the motion to adjourn the meeting at 8:17 p.m. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

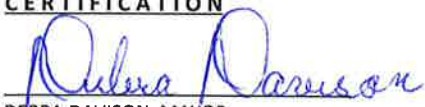
Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

CERTIFICATION


DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

