

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
April 3, 2023**

**NOTICE IS HEREBY GIVEN
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.

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

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.

City Manager Update

Update on current events and city issues.

Consent Agenda

1. Acceptance of Meeting Minutes to date.
2. Approve second and final reading of Ordinance 2023-O-15;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE "C1" OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 "OFFICES OF DENTISTS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with a favorable recommendation by PD&Z 4-0).
3. Approve second and final reading of Ordinance 2023-O-16;
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 CHANGE THE MINIMUM DISTANCE REQUIREMENT BETWEEN A MOBILE FOOD UNIT/TEMPORARY FOOD ESTABLISHMENT FROM 300 TO 100 YARDS AND ADD TWO REQUIREMENTS TO FOOD TRUCK OPERATIONS; 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.

Regular Agenda

1. Consideration and possible action to approve an Interlocal Agreement between the City of Manvel and Brazoria Drainage District No. 4 to backfill all or a portion of the previously mined sandpit on CR 58 to provide for additional stability and protection of adjacent properties and roadway.
2. Consideration and possible action to approve Ordinance 2023-O-17;
AN ORDINANCE AUTHORIZING ISSUANCE OF \$34,495,000 CITY OF MANVEL, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023; PRESCRIBING THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE PAYMENT THEREOF; MAKING OTHER PROVISIONS REGARDING SUCH CERTIFICATES AND MATTERS INCIDENT THERETO; AND AUTHORIZING EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT.

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

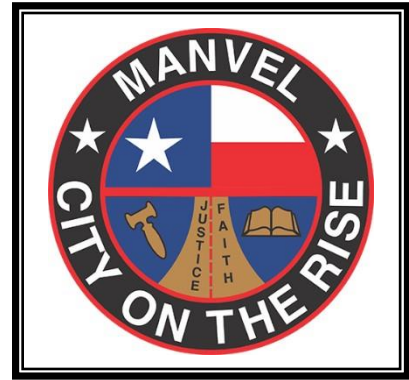
I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public March 31, 2023 in accordance 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



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 3/20/2023

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

Inspirational Reading - Council Member Akery

Pledge

Presentations

Proclamation - Fair Housing Month, April 2023

Recognition of Elaine Graham - 20-Year Work Anniversary

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 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE "C1" OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 "OFFICES OF DENTISTS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davison opened the public hearing at 6:08 p.m.

First call for comments - None

Second call for comments - None

Third call for comments - None

Mayor Davison closed the public hearing at 6:10 p.m.

Public Comments: "Comment Card" Required

City Manager Update

Easter Eggstravaganza 4/1/2023

Capital Projects page on the website has videos of development.

City hosted a meeting to update the residents on the special events permitting process. Attended by approximately 15 people.

Manvel Library has a new website - mybcls.org

Consent Agenda

1. Approve the second and final reading of Ordinance 2023-O-10;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF TWO RIGHTS-OF-WAY BEING: (1) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.3022 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE SOUTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 47, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE

PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.6044 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 42, AND 43 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

2. Approve the second and final reading of Ordinance 2023-O-11;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A RIGHT-OF-WAY KNOWN AS 0.3011 ACRES (13,115 SQUARE FEET) OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE NORTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 50 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID 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.
3. Approve the second and final reading of Ordinance 2023-O-12;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF THE FOLLOWING RIGHTS-OF-WAY: (1) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.6051 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 34, AND 35 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (2) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.9066 ACRES OF LAND LOCATED IN THE H.T. & B. R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 24, 32, AND 40 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (3) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.1152 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING

LOTS 13, 21, 29, 36, 37, 44, AND 45 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (4) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.7197 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 14, 15, 22, 23, 30, 31, 38, 39, AND 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (5) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.7228 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483 BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE WEST HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (6) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.2359 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, A/K/A THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, AND H.T. & B.R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

4. Approve the second and final reading of Ordinance 2023-O-13;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PORTION OF A 20' RIGHT OF WAY AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.5953 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 7, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID 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.

5. Approve the second and final reading of Ordinance 2023-O-14;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF (1) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.8967 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 8, AND 16 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A PORTION OF A 20' RIGHT-OF-WAY DEDICATION AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.1916 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 5 AND 6, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
6. Approve Resolution 2023-R-06;
A RESOLUTION BY THE CITY OF MANVEL TEXAS SUSPENDING THE MAY 1, 2023 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – TEXAS COAST DIVISION, TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2022 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
7. Accept the infrastructure improvements for Meridiana Section 32A to begin the two-year maintenance period.
8. Accept the infrastructure improvements for Meridiana Section 53 to begin the two-year maintenance period.
9. Approve the meeting minutes to date.

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 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 approve the City Audit for the year ended September 30, 2022.

Robert Belt, Auditor

City given an unmodified opinion; the highest level of assurance they can offer council.

Council Member Larry Akery 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

2. Consideration and possible action to direct staff on the amount of debt to be posted for sale for the building of a new Police Department, Community Services Building and City Hall.

21 million for Police Department building

8 million for Community Services building

6 million for City Hall building

Council has the option to choose the amount of debt they want to post for sale.

Mayor, Jason, Larry, and Lorraine spoke in favor of posting the entire debt.

Mayor Davison 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

3. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-15; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE "C1" OF MANVEL TOWN

CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 "OFFICES OF DENTISTS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with a favorable recommendation by PD&Z 4-0).

Jessica Rodriguez, Director of Development Service - This is for a SUP for Dentist Office. It will be a standalone office in Manvel Town Center. Staff recommends approval with three conditions being;

1. The facility is only permitted to operate during the hours of 7:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

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

4. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-16; 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 CHANGE THE MINIMUM DISTANCE REQUIREMENT BETWEEN A MOBILE FOOD UNIT/TEMPORARY FOOD ESTABLISHMENT FROM 300 TO 100 YARDS AND ADD TWO REQUIREMENTS TO FOOD TRUCK OPERATIONS; 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.

Jason Albert had concerns with the proposed time not being long enough, especially for events like sports at the school.

Council Member Lorraine Hehn made the motion to approve contingent on the Ordinance being updated to reflect the time as 7:00 a.m. - 10:00 p.m. as opposed to sunrise to sunset. Council Member Jason Albert 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

March 20, 2023 MANVEL CITY COUNCIL MEETING MINUTES

Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

5. 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 an approximate 3.9284-acres of land located at the western corner of Cemetery Rd and Scott Street intersection and authorize the Mayor to execute the Development Agreement.

Jose Abraham, City Planner provided an overview to Council. Staff is recommending approval with two conditions being;

1. This Agreement will expire upon change of use from one single-family detached structure per lot; and
2. This Agreement will expire upon further subdivision or replatting of the property.

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

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

6. Consideration and possible action to appoint Derek Dalmolin to fill the unexpired term on the Zoning Board of Adjustments (ZBOA).

Council Member Jerome Hudson made the motion to approve. Council Mayor Debra Davison seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

Mayor and Council Comments

Adjourn

Council Member Jason Albert made the motion to adjourn the meeting at 6:55 p.m. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

March 20, 2023 MANVEL CITY COUNCIL MEETING MINUTES

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

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: March 20, 2023

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 0.5727-acre tract of land located at 17205 Highway 6 / Morris Ave, Manvel, Texas (described as Reserve "C1" of Manvel Town Center Section 1 Partial Replat No 1), from Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) to Planned Unit Development District / State Highway 6 Overlay District With Specific Use Permit (PUD/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of property for NAICS use 621210 "offices of dentists".

BACKGROUND: The subject site is located at 17205 Highway 6 / Morris Ave, Manvel, Texas (Described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1). The subject site is an approximate, 0.5727-acre reserve within Manvel Town Center development and is currently zoned Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6). According to the adopted PUD document (Ordinance No. 2017-O-33), any land use that requires a Specific Use Permit (SUP) in Light Commercial (LC) zoning district will require SUP approval by the Manvel City Council.

The subject site is proposed to be developed for a dental office, which is permitted upon approval of a SUP. Plans for a shell building at the subject site is under review. Therefore, applicant, Zoltan Wilson, CDA Architects, with permission from property owner, Weitzman Group/Manvel Town Center, is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. In 2020, Zoning ordinance was amended to include SUP requirement for all land uses under NAICS use Category No. 621, *Ambulatory health care services*. Manvel Town Center is under construction and is proposed to include a wide range of general retail, commercial, and office type uses. The subject site which is currently vacant is proposed to be developed as a dental office. Therefore, the applicant is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. Please note that plans for a shell building at the subject site is currently under review for conformance to the standards of PUD and other adopted City codes and ordinances.

The proposed use being a low intensity medical office type use is not anticipated to have any negative impact on the overall development or the general area. The proposed dental office use will be similar to other general office or retail sales and service use in terms of its operation and traffic patterns. Additionally, adjoining properties are under common ownership and is proposed to be developed for general retail and commercial uses. The proposed use meets all the criteria of approval

provided in Section 77-50. (e) of the code of ordinances, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact to the general area. Section 77-50 (g) (4) of the zoning ordinance provides the following predetermined conditions for NAICS use Category No. 621, *Ambulatory health care services* upon approval of the SUP.

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

At the March 13, 2023, Planning, Development and Zoning Commission generally discussed the need for the SUP and staff clarified that it is requirement of the adopted PUD document for Manvel Town Center. The Commission also asked about the exact location of the subject site and staff clarified that the site is a pad site within the development proposed to have a standalone building. Staff indicated that the applicant has requested to adjust the hours of operation to be 7:00 am to 10:00 pm.

PD&Z RECOMMENDATION: The Planning, Development, and Zoning Commission recommended approval of Ordinance No. 2023-O-015 with an amendment to the predetermined conditions to the City Council with a vote of four "Yeas" to zero "Nays" at their March 13, 2023, meeting. The amendment to a predetermined Condition was made to adjust the hours of operation to 7:00 am to 10:00 pm.



ATTACHMENTS: Staff Report and Ordinance No. 2023-O-15

RECOMMENDATION: City staff recommends approval with conditions as proposed by staff and listed in the Staff Report.

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jose Abraham

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



City Council Specific Use Permit Request

Agenda of:	March 20, 2023	Initiated By:	Jose Abraham City Planner
Department:	Development Services	Presented By:	Jessica Rodriguez Dir. Development Services

Subject/Proceeding

Specific Use Permit (SUP) request to establish a dental office on an approximate 0.5727-acre tract of land located at 17205 Highway 6 / Morris Ave, Manvel, Texas (Described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1), in the Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6).

Exhibits

Zoning Vicinity Map, Aerial Vicinity & Surrounding Land Uses Map, Major Thoroughfare Plan Map, Recorded Plat, Application, Letter of Authorization, and Public Hearing Notice.

Recommended Action

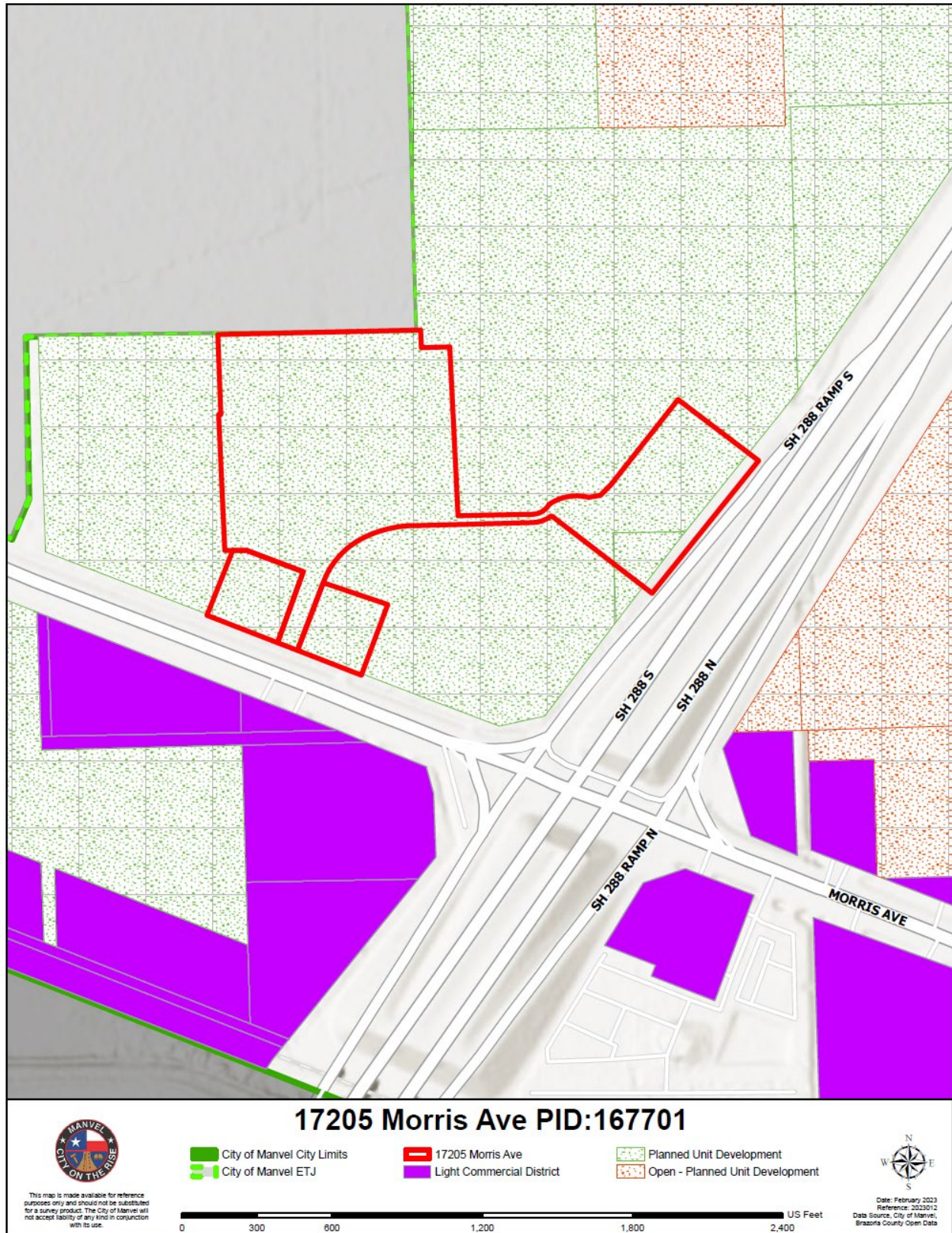
A Public Hearing followed by Consideration and Action from the Commission to provide a recommendation to the City Council

Executive Summary

The subject site is located at 17205 Highway 6 / Morris Ave, Manvel, Texas (Described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1). The subject site is an approximate, 0.5727-acre reserve within Manvel Town Center development and is currently zoned Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6). According to the adopted PUD document (Ordinance No. 2017-O-33), any land use that requires a Specific Use Permit (SUP) in Light Commercial (LC) zoning district will require SUP approval by the Manvel City Council.

The subject site is proposed to be developed for a dental office, which is permitted upon approval of a SUP. Plans for a shell building at the subject site is under review. Therefore, applicant, Zoltan Wilson, CDA Architects, with permission from property owner, Weitzman Group/Manvel Town Center, is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. Staff overview of the proposed SUP is contained in the attached Staff Report section.

Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

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

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

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) South: Light Commercial District /State Highway 6 Overlay District (LC/SH6) East: Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) West: Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6)
Surrounding Land Use	North: Manvel Town Center development / Proposed HEB & Retail Shops South: Gas Station with Convenience Store (Chevron) & Vacant/Undeveloped East: Manvel Town Center development / Proposed McDonald’s West: Manvel Town Center development / Proposed Fuel Station

Overview

The subject site is an approximate 0.5727-acre tract located at 17205 Highway 6 / Morris Ave, Manvel, Texas. The subject site is a commercial reserve within Manvel Town Center development which is generally located at the northwestern corner of State Highway 6 and State Highway 288

intersection. The Manvel Town Center property was rezoned to Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) on November 6, 2017 (Ordinance No. 2017-O-33). The subject site is described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1.

The adopted PUD document for Manvel Town Center allows all uses that are permitted within Light Commercial (LC) zoning district and certain other additional specific commercial uses. However, according to the adopted PUD document (Ordinance No. 2017-O-33), any land use that requires a Specific Use Permit (SUP) in Light Commercial (LC) zoning district will require SUP approval by the Manvel City Council. In 2020, Zoning ordinance was amended to include SUP requirement for all land uses under NAICS use Category No. 621, *Ambulatory health care services*. Manvel Town Center is under construction and is proposed to include a wide range of general retail, commercial, and office type uses. The subject site which is currently vacant is proposed to be developed as a dental office. Therefore, the applicant is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. Please note that plans for a shell building at the subject site is currently under review for conformance to the standards of PUD and other adopted City codes and ordinances.

The proposed use being a low intensity medical office type use is not anticipated to have any negative impact on the overall development or the general area. The proposed dental office use will be similar to other general office or retail sales and service use in terms of its operation and traffic patterns. Additionally, adjoining properties are under common ownership and is proposed to be developed for general retail and commercial uses. The proposed use meets all the criteria of approval provided in Section 77-50. (e) of the code of ordinances, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact to the general area. Section 77-50 (g) (4) of the zoning ordinance provides the following predetermined conditions for NAICS use Category No. 621, *Ambulatory health care services* upon approval of the SUP.

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

The applicant has requested to allow the hours of operation to start at 7:00 am.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The proposed use is part of a larger commercial development located along a major thoroughfare, and therefore, aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

Staff Recommendation

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS Use No. 621210 "Offices of Dentists" with the following conditions:

1. The facility is only permitted to operate during the hours of 7:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and

3. All doors shall remain unlocked and accessible during normal business hours.

Planning, Development and Zoning Commission Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. No one spoke in favor or opposition of the proposed SUP at the Public Hearing held on March 13, 2023 at the Planning, Development and Zoning Commission regular meeting.

Planning, Development and Zoning Commission Discussion

At the March 13, 2023, Planning, Development and Zoning Commission generally discussed the need for the SUP and staff clarified that it is requirement of the adopted PUD document for Manvel Town Center. The Commission also asked about the exact location of the subject site and staff clarified that the site is a pad site within the development proposed to have a standalone building. Staff indicated that the applicant has requested to adjust the hours of operation to be 7:00 am to 10:00 pm.

Planning, Development and Zoning Commission Recommendation

The Planning, Development, and Zoning Commission recommended approval of Ordinance No. 2023-O-015 with an amendment to the predetermined conditions to the City Council with a vote of four "Yeas" to zero "Nays" at their March 13, 2023, meeting. The amendment to a predetermined Condition was made to adjust the hours of operation to be 7:00 am to 10:00 pm.

City Council Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received and staff is not aware of opposition.

Site Photographs

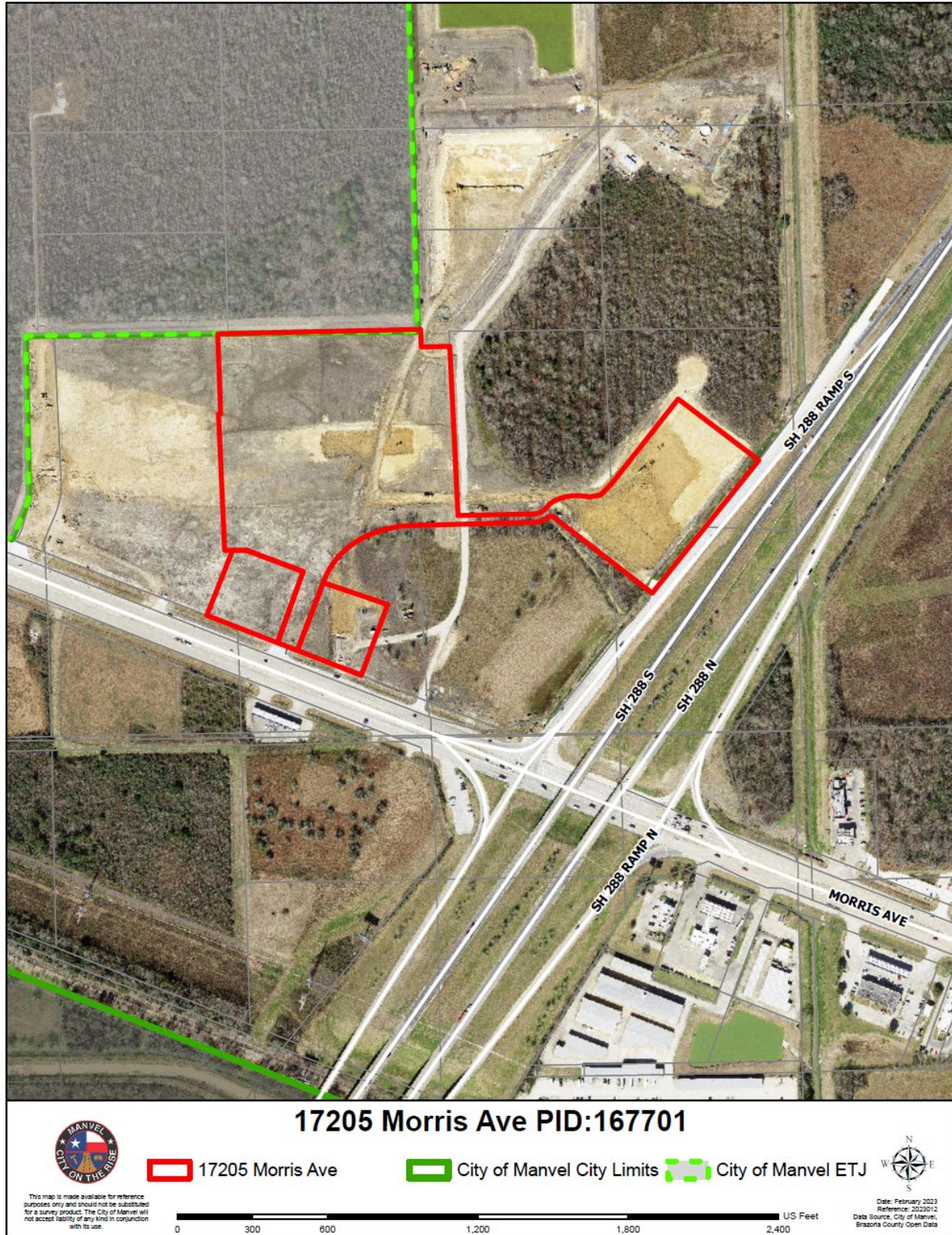


Aerial view (viewing South) of Manvel Town Center Site

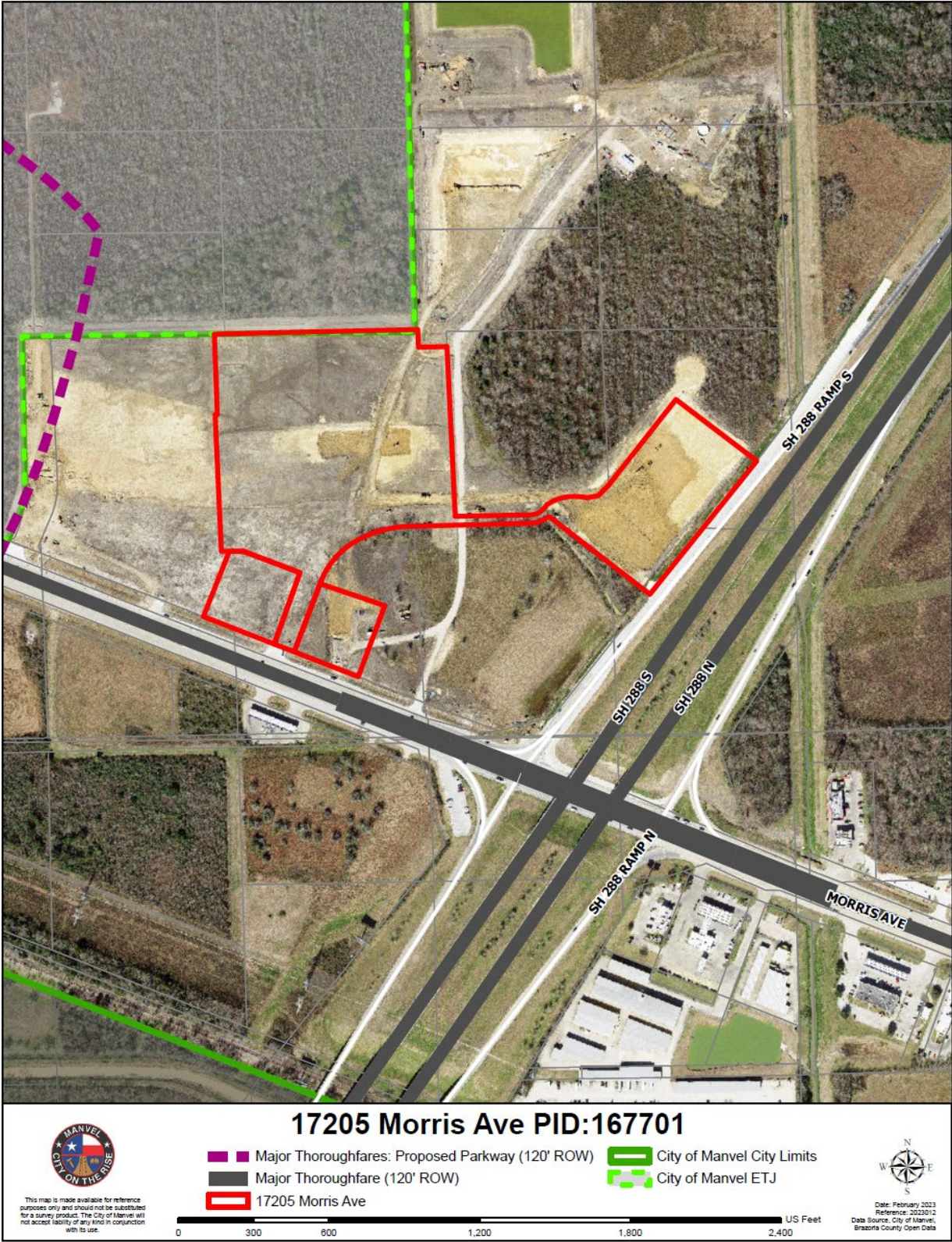


Aerial view (viewing East) of Manvel Town Center Site

Aerial Vicinity & Surrounding Land Uses Map



Major Thoroughfare Plan Map



Application



DEVELOPMENT SERVICES

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

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: Heartland Dental - Manvel Town Center
Project Location/Address: 17205 Highway 06
Legal Description: Manvel Town Center, LTD. ABST-291 SUBD-Emigration Land Co S/D, A-291 Lot-50
Current Zoning: Planned Unit Dev. Proposed Land Use: Commercial-Retail NAICS No.: 621210
Parcel/Tax ID# (s): 167701 Total Acreage: 0.573

APPLICANT INFORMATION

Applicant Name: Zoltan Wilson
Company Name: CDA Architects
Address: 20445 S.H. 249, Suite 200 City: Houston State: TX Zip: 77070
Phone #: 832-678-9232 Email: zoltanw@cdaarchitects.com

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

Applicant Signature (REQUIRED)

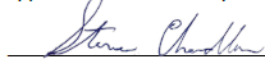
Date

PROPERTY OWNER INFORMATION

Owner(s) Name: Weitzman Group
Address: 1800 Bering, Suite 500 City: Houston State: TX Zip: 77070
Phone #: 713-781-7111 Email: bbloomfield@weitzmangroup.com

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

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



1/27/2023

Owner's Signature (REQUIRED)

Date

Application



DEVELOPMENT SERVICES

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

SUBMITTAL CHECKLIST

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

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

APPLICANT CERTIFICATION

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


Applicant Signature

01/30/2023
Date

Letter Of Authorization



DEVELOPMENT SERVICES

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

LETTER OF AUTHORIZATION

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

Manvel Town Center, Ltd.

Owner Name

1800 Bering Drive, Suite 550

Owner Address

Houston, TX 77057

Owner City, State Zip

01.27.2023

Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Steve Chandler, certify that I am the owner of the project property located at 17205 Highway 06, Manvel, TX and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Zoltan Wilson with the company CDA Architects (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 713-781-7111 if you have any questions.

Sincerely,

Owner Name Steve Chandler

Owner Signature *Steve Chandler*

Public Hearing Notice

Public Hearing Notice to run on Sunday 02/26/2023

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 6:00 P.M. ON MONDAY, MARCH 13, 2023, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M. ON MONDAY, MARCH 20, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE “C1” OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 “OFFICES OF DENTISTS”; 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. /S/ TAMMY BELL, CITY SECRETARY.

ORDINANCE NO. 2023-O-15

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE “C1” OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 “OFFICES OF DENTISTS”; 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. /S/ TAMMY BELL, CITY SECRETARY.

* * * * *

WHEREAS, Manvel Town Center Ltd, is the owner (the “Owner”) of a certain 0.5727-acre tract of land located at 17205 Highway 6 / Morris Ave, Manvel, Texas, such tract located in the H.T. & B.R.R. CO. Survey, section 71, Abstract No. 291 City of Manvel, Brazoria County, Texas, also being Reserve “C1” of Manvel Town Center Section 1 Partial Replat No 1, recorded in Plat No. 2022068054, Brazoria County Plat Records (B.C.P.R.) a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 0.5727-acre tract is currently zoned Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6); and

WHEREAS, the applicant, Zoltan Wilson, CDA Architects, with permission from the owner, filed an application to change the zoning classification of

the 0.5727-acre tract to Planned Unit Development District / State Highway 6 Overlay District, with a Specific Use Permit (PUD/SH6-SUP) allowing the existing use of the property for NAICS use 621210 “Offices of Dentists”; and

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

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

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

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

Section 2. The zoning classification of a certain 0.5727-acre tract of land located at 7205 Highway 6 / Morris Ave, Manvel, Texas, such tract located in the H.T. & B.R.R. CO. Survey, section 71, Abstract No. 291 City of Manvel, Brazoria County, Texas, also being Reserve “C1” of Manvel Town Center Section 1 Partial Replat No 1, recorded in Plat No. 2022068054, B.C.P.R., as more particularly described in Exhibit “A” attached hereto, shall be changed from Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Offices of Dentists – (NAICS 621210)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

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

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

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

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

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

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

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

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Being a Lot located in the H.T. & B.R.R. CO. Survey, section 71, Abstract No. 291 City of Manvel, Brazoria County, Texas, also being a partial replat of unrestricted reserve "C" of Manvel Town Center Section One, Recorded in Plat No. 2022042761, B.C.P.R.

MANVEL TOWN CENTER
SECTION ONE
PARTIAL REPLAT NO 1

A SUBDIVISION OF 1.640 ACRES OF LAND
LOCATED IN THE
H.T.& B.R.R. CO. SURVEY, SECTION 71,
ABSTRACT NO. 291
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS
ALSO BEING A PARTIAL REPLAT OF
UNRESTRICTED RESERVE "C" OF MANVEL TOWN CENTER
SECTION ONE,
RECORDED IN PLAT NO. 2022042761, B.C.P.R.

REASON FOR REPEAT:
TO CREATE TWO UNRESTRICTED RESERVES

PAGES: 2 BLOCK: 1
1"=100' DATE: NOVEMBER 15, 2022



page 1 of 2

MANVEL TOWN CENTER
SECTION ONE
PARTIAL REPLAT NO 1

A SUBDIVISION OF 1.640 ACRES OF LAND
LOCATED IN THE
H.T.& B.R.R. CO. SURVEY, SECTION 71,
ABSTRACT NO. 291
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS
ALSO BEING A PARTIAL REPLAT OF
UNRESTRICTED RESERVE "C" OF MANVEL TOWN CENTER
SECTION ONE,
RECORDED IN PLAT NO. 2022042761, B.C.P.R.

REASON FOR REPEAT:
TO CREATE TWO UNRESTRICTED RESERVES

REVISED: 2 BLOCK: 1
DATE: 11/10/07 DATE: NOVEMBER 15, 2002



Page 2 of 2

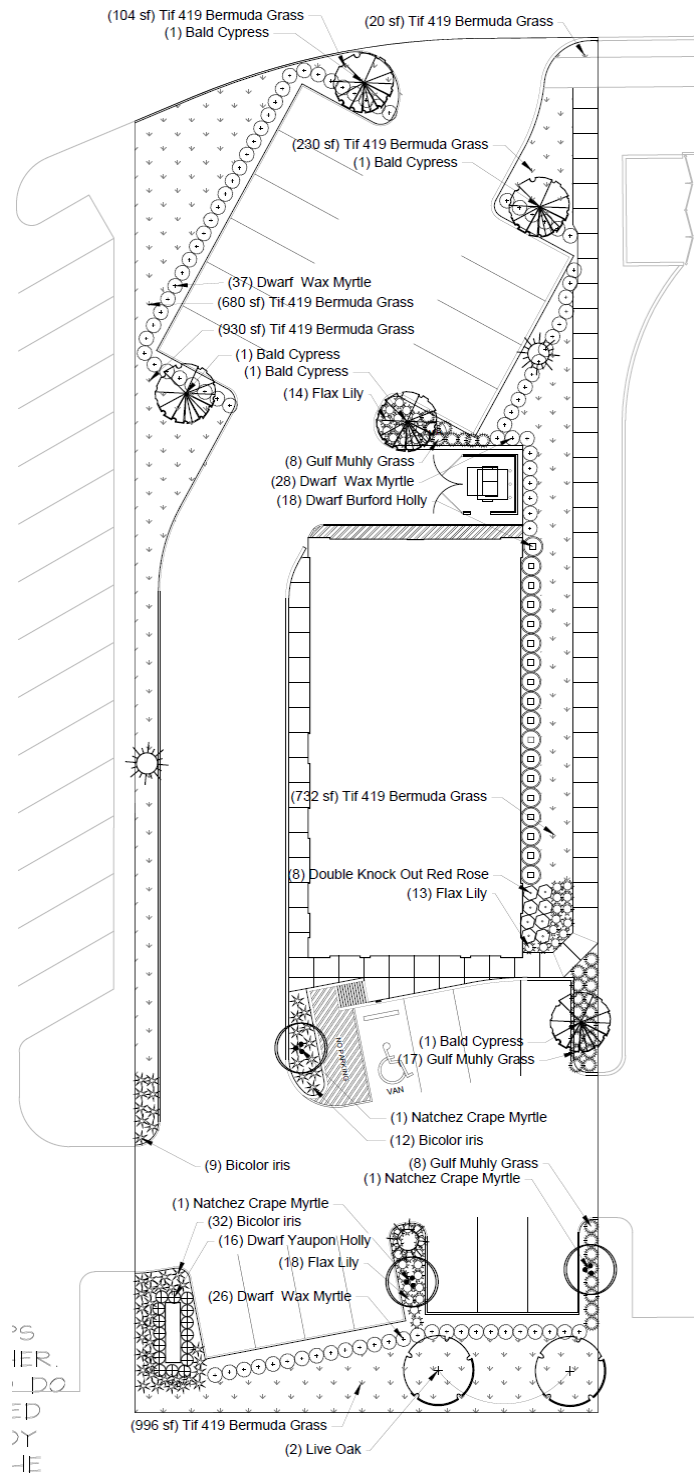
Exhibit B

CONDITIONS FOR 17205 HIGHWAY 6 / MORRIS AVE (OFFICES OF DENTISTS)

1. The facility is only permitted to operate during the hours of 7:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

Exhibit C

GENERAL SITE LAYOUT FOR 17205 HIGHWAY 6 / MORRIS AVE (OFFICES OF DENTISTS)





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 3, 2023

TOPIC: Consideration and possible action to approve Ordinance No. 2023-O-16, which changes the minimum distance requirement from 300 to 100 yards between a mobile food unit (food truck)/temporary food establishment and a restaurant, adds two requirements to food truck operations, and corrects typos.

BACKGROUND: The City Council amended Chapter 35, Article X, *Mobile Food Vendors*, on February 6, 2023 by Ordinance No. 2023-O-02. In that amendment, various changes were made to accommodate mobile food units (food trucks) with new regulations adopted for special events. After Ordinance No. 2023-O-02 was approved, staff noticed a typo in a distancing requirement, two regulations left off for food truck operations, and other typos. These changes were meant to be part of the previously adopted ordinance. The changes include:

- 1) Section 35-317: a change from 300 to 100 yards to which a vendor may not set up from a restaurant, unless express written consent from the restaurant owner. Staff proposes to reduce the distance so there are less conflicts but still protecting brick and mortar restaurant investments.
- 2) Section 35-314: two regulations added to the list for food truck operations. The regulations include: a) MFU may only operate from 7:00 a.m. to 10:00 p.m., except for events with extended hours as may be expressly authorized via application and approved by the City, and b) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.
- 3) Section 35-317: an addition of "(8)" when referring to "eight hours", "six" when referring to "6 inches", and from "by not limited to..." to "but not limited to..."

At their March 20, 2023, City Council voted to approve Ordinance No 2023-O-16 with an amendment to food truck operation hours. The operating hours were changed from sunrise to sunset to 7:00 a.m. to 10:00 p.m. The changes were made in the proposed Section 35-314 and existing language in Section 35-315.

Staff is recommending City Council to approve amended Ordinance No. 2023-O-16 on second and final reading.

RECOMMENDATION: The staff recommends approval of amended Ordinance No. 2023-O-16 on second and final reading.

ATTACHMENTS: Ordinance No. 2023-O-16 (amended), Chapter 35, Article X, *Mobile and Temporary Food Vendors*, Clean Draft, and Chapter 35, Article X, *Mobile and Temporary Food Vendors*, Redline Draft

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



ORDINANCE NO. 2023-O-16

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 CHANGE THE MINIMUM DISTANCE REQUIREMENT BETWEEN A MOBILE FOOD UNIT/TEMPORARY FOOD ESTABLISHMENT FROM 300 TO 100 YARDS AND ADD TWO REQUIREMENTS TO FOOD TRUCK OPERATIONS; 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.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35, *Licenses and Special Business Regulations* of the City Code by amending Article X regulating mobile food vendors to change the minimum distance requirement from 300 to 100 yards between a mobile food unit (food truck)/temporary food establishment and a restaurant, add two requirements to food truck operations, and correct typos; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

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

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

Section 2. Chapter 35. *Licenses and Special Business Regulations* of the Code of Ordinances of the City of Manvel is hereby amended by amending Article X. *Mobile and Temporary Food Vendors* to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

....

ARTICLE X. – MOBILE AND TEMPORARY FOOD VENDORS

...

Sec. 35-314. Mobile Food Unit (food trucks).

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

- (1) City events;
- (2) City approved Special Events;
- (3) Private events (where admission is not open to the general public) on private property;
and
- (4) City approved Type C Recurring Special Events.

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

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
 - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
 - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
 - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
 - b. Selling or offering for sale non-food items from the mobile food unit;

- c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
 - d. Displaying, selling, or serving food outside of the mobile food unit;
 - e. Altering the mobile food unit is such a matter that would prevent or otherwise reduce ready mobility;
 - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
 - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
 - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
 - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
 - j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
 - k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
 - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from sunrise until sunset, except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

...

Sec. 35-315. Mobile Food Unit operating at a Type C Recurring Special Event.

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile food units must be readily moveable at all times. Altering the mobile food unit is such a matter that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from ~~[sunrise until sunset]~~ 7:00 a.m. to 10:00 p.m., except for events with extended hours approved by the City with a special event permit.

- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event.

...

Sec. 35-317. Basic requirements.

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

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) 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 and booths must be marked with the vendor's name. No detachable signage shall be permitted for mobile food units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment 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.
- (6) Vendors may not set up within [~~300~~] 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including [~~by~~] but not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including

- a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
 - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six inches off the ground.
 - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
 - 1. Cold food holding shall not exceed 41 degrees Fahrenheit.
 - 2. Hot food holding shall not be less than 135 degrees Fahrenheit.
 - d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
 - e. Only single use articles may be provided for use by the consumer.
 - f. All vendors in service for longer than two hours must have access to a toilet facility.
- (10) 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.

...

Secs. 35-319—35-329. Reserved.”

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this the _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this the _____ day of _____, 2023.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

ARTICLE X. MOBILE AND TEMPORARY 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).

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

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

- (1) Sidewalk stand; or
- (2) Food hand cart.

Private events mean any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including but not limited to a wedding or family event.

Sidewalk stand means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

Temporary food establishment means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Sec. 35-311. General prohibition.

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

Sec. 35-312. Sidewalk stand.

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

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 Special Events; and
- (3) Private events (where admission is not open to the general public) on private property.

Sec. 35-314. Mobile Food Unit (food trucks).

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

- (1) City events;
- (2) City approved Special Events;
- (3) Private events (where admission is not open to the general public) on private property; and
- (4) City approved Type C Recurring Special Events.

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

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
 - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
 - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
 - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
 - b. Selling or offering for sale non-food items from the mobile food unit;
 - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
 - d. Displaying, selling, or serving food outside of the mobile food unit;
 - e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
 - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
 - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
 - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
 - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;

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- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
 - k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
 - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from 7:00 a.m. to 10:00 p.m., except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

Sec. 35-315. Mobile Food Unit operating at a Type C Recurring Special Event

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile food units must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from ~~sunrise until sunset~~ 7:00 a.m. to 10:00 p.m., except for events with extended hours approved by the City with a special event permit.
- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event.

Sec. 35-316. Temporary food establishment

Temporary food establishments are prohibited. There shall be an exception 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

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

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- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
 - (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
 - (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

Sec. 35-317. Basic requirements.

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

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) 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 and booths must be marked with the vendor's name.
 - (a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment 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.
- (6) Vendors may not set up within ~~300~~ 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including ~~by~~ but not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed concrete). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including
 - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
 - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored ~~six~~ (6) inches off the ground.
 - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
 - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
 - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit

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- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
 - e. Only single use articles may be provided for use by the consumer.
 - f. All vendors in service for longer than two (2) hours must have access to a toilet facility.
- (10) 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. 35-318. Permits and health requirements.

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

- (1) *Health Permit.*
- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
 - b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve 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.
 - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health 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 posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.

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- 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 (3) inches in height.
 - e. Sidewalk stands, 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 preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
 - (4) *Fire Marshals' Office and Vehicle inspections.*
 - a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 - BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. - FIRE CODE, Sec. 17-243. - Mobile food units of the as adopted by City of Manvel.
 - b. 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 health 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.

ARTICLE X. MOBILE AND TEMPORARY 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).

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

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

- (1) Sidewalk stand; or
- (2) Food hand cart.

Private events mean any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including but not limited to a wedding or family event.

Sidewalk stand means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

Temporary food establishment means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Sec. 35-311. General prohibition.

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

Sec. 35-312. Sidewalk stand.

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

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 Special Events; and
- (3) Private events (where admission is not open to the general public) on private property.

Sec. 35-314. Mobile Food Unit (food trucks).

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

- (1) City events;
- (2) City approved Special Events;
- (3) Private events (where admission is not open to the general public) on private property; and
- (4) City approved Type C Recurring Special Events.

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

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
 - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
 - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
 - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
 - b. Selling or offering for sale non-food items from the mobile food unit;
 - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
 - d. Displaying, selling, or serving food outside of the mobile food unit;
 - e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
 - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
 - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
 - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
 - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;

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- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
 - k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
 - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from 7:00 a.m. to 10:00 p.m., except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

Sec. 35-315. Mobile Food Unit operating at a Type C Recurring Special Event

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile food units must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from 7:00 a.m. to 10:00 p.m., except for events with extended hours approved by the City with a special event permit.
- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event.

Sec. 35-316. Temporary food establishment

Temporary food establishments are prohibited. There shall be an exception 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

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

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- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
 - (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
 - (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

Sec. 35-317. Basic requirements.

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

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) 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 and booths must be marked with the vendor's name.
 - (a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment 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.
- (6) Vendors may not set up within 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including but not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed concrete). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including
 - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
 - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six (6) inches off the ground.
 - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
 - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
 - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit

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- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
 - e. Only single use articles may be provided for use by the consumer.
 - f. All vendors in service for longer than two (2) hours must have access to a toilet facility.
- (10) 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. 35-318. Permits and health requirements.

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

- (1) *Health Permit.*
- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
 - b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve 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.
 - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health 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 posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.

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- 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 (3) inches in height.
 - e. Sidewalk stands, 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 preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
 - (4) *Fire Marshals' Office and Vehicle inspections.*
 - a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 - BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. - FIRE CODE, Sec. 17-243. - Mobile food units of the as adopted by City of Manvel.
 - b. 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 health 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.

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF MANVEL AND
BRAZORIA DRAINAGE DISTRICT NO. 4**

This AGREEMENT is made between the BRAZORIA DRAINAGE DISTRICT NO. 4, acting through its Board of Commissioners (hereinafter “the DISTRICT”) and the CITY OF MANVEL, a home-rule municipality acting through its City Council (hereinafter “the CITY”) respectively, each being a governmental entity pursuant to the Interlocal Cooperation Act.

RECITALS

WHEREAS, the CITY currently owns a former sand quarry in Brazoria county, Texas located on County Road 58 and finds it advantageous to backfill all or a portion of the previously mined pit (hereinafter “the SANDPIT”) area in order to provide additional stability and protection of adjacent properties and roadway: and

WHEREAS, the DISTRICT finds it to be advantageous to provide and deposit excess excavated soil from local flood control mitigation projects into the SANDPIT; and

WHEREAS, the DISTRICT and the CITY agree to contribute certain materials, equipment or efforts to complete the project, pursuant to the authority of the Interlocal Cooperation Act, V.T.C.A. Gov. Code Sec 791.001 et seq.:

NOW, THEREFORE, for the mutual consideration and covenants set forth below, the DISTRICT and the CITY agree as follows:

I.

1.01 To accomplish the tasks set forth above, in cooperation with the CITY, under the Interlocal Cooperation Act and other applicable statutes, the DISTRICT shall do the following:

(a) Supply and deliver excess soil generated from local flood control projects at no cost to the CITY; and

(b) Supply equipment (with operators) as necessary to backfill and spread materials into the SANDPIT area in order to establish a minimum perimeter berm width of 100’ from the property line to the top of bank; and for which does not exceed a maximum berm width of 200 feet from the property line to water’s edge; and

(c) Supply drainage pipe/ culverts and water pump as necessary to control water level within the SANDPIT as necessary to maintain stability and safety of adjacent property; and

(d) Clear and remove brush and debris from perimeter of the SANDPIT and establish perimeter fencing as necessary for safety purposes.

1.02 To accomplish the tasks set forth above, in cooperation with the DISTRICT under the Interlocal Cooperation Act and other applicable statutes, the CITY shall do the following:

(a) Provide unrestricted SANDPIT access to the DISTRICT for the purpose of depositing excess fill material and other necessary site work; and

(b) Provide additional fill material as may be beneficial to the CITY and/ or CITY projects;

II.

2.01 All parties intend that the DISTRICT, in performing such services, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The DISTRICT is not to be considered an agent or employee of the CITY.

2.02 All parties intend that the CITY, in performing such services, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CITY is not to be considered an agent or employee of the DISTRICT.

2.03 To the extent permitted by law, the DISTRICT agrees to hold harmless and release the CITY, its agents, officers and employees from any and all loss, damage, cost demands and causes of action of any nature or kind, for loss or damage to property, or for injury or death to persons, arising in any manner from the performance of the above referenced construction.

2.04 To the extent permitted by law, the CITY agrees to hold harmless and release the DISTRICT, its agents, officers and employees from any and all loss, damage, cost demands and causes of action of any nature or kind, for loss of damage to property, or for injury or death to persons, arising in any manner from the performance of the above referenced construction.

2.05 The parties hereto agree to pay for the performance of any obligation under this agreement from current revenues.

III.

3.01 The CITY executes this Agreement by and through the Mayor, acting pursuant to the approval of the City Council so authorizing: and the DISTRICT executes this Agreement by and through the Chairman of the Board of Commissioners acting pursuant to authorization of the Board of Commissioners of that DISTRICT.

3.02 This agreement shall terminate upon completion of the project, except that the obligation for continued cooperation to fix any issues shall survive the agreement.

IV.

4.01 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

4.02 Nothing herein shall be construed to create any rights in third parties.

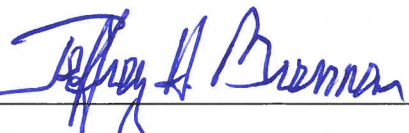
4.03 This agreement may only be amended, modified, or supplemented in writing and subsequently dated by DISTRICT and CITY.

4.04 Misspelling of one or more words in this agreement shall not void this agreement. Such misspelled words shall be read so as to have the meaning apparently intended by the parties.

4.05 Venue for any dispute arising out of this agreement shall lie in Brazoria County, Texas.

IN TESTIMONY OF WHICH, witness our signatures on the execution dates herein below.

BRAZORIA DRAINAGE DISTRICT NO. 4

BY:  Date: MARCH 7, 2023
Chairman, Board of Commissioners

CITY OF MANVEL

BY _____ Date: _____
Mayor