

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
May 15, 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.

*Official oaths for the Mayor and Councilmember Places 3 and 5 were administered prior to the meeting.

Regular Session

Call To Order

Ceremonial Swearing In

Dan Davis, Mayor
Harry Opliger, Councilmember Place 3
Crystal Sarmiento, Councilmember Place 5

Invocation

Inspirational Reading - Councilmember Perry

Pledge

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

Presentations

Proclamation and Recognition:

Police Week - May 14, 2023 to May 20, 2023

Recognition of Officer of the Year - Jerry Alvarez

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

- A) Acceptance of the infrastructure improvements for Meridiana NE Village Recreation Center to begin the one-year maintenance period.
- B) Notice by Waste Connections on the CPI-U (Consumer Price Index) adjustment.
- C) Acceptance of meeting minutes to date.

Regular Agenda

1. Discussion/update on Council Rules of Procedures and Parliamentary Procedures.
2. Consideration and possible action to approve Ordinance 2023-O-18;
AN ORDINANCE ORDERING A RUN-OFF ELECTION ON JUNE 10, 2023, FOR THE UNEXPIRED TERM OF PLACE 2.

AN ORDINANCE ORDERING A RUNOFF ELECTION TO BE HELD IN THE CITY OF MANVEL, ON SATURDAY, JUNE 10, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM OF PLACE 2; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on May 12, 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



Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week; and

Whereas, the members of the law enforcement agency of the City of Manvel play an important role in safeguarding the rights and freedoms of the citizens of our community; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the police department has grown to be a modern and scientific law enforcement agency that unceasingly provides a vital public service;

Now, Therefore, I, Debra Davison, Mayor of the City of Manvel, Texas, and on behalf of the members of the Manvel City Council, call upon all citizens of Manvel and upon all patriotic, civic, and educational organizations to observe May 15, as "Police Officers Memorial Day" and the week of May 14, 2023, thru May 20, 2023, as

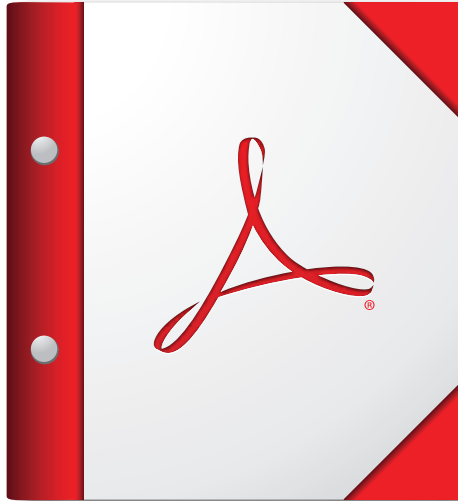


"National Police Week"

with appropriate ceremonies and observances in which we all join together in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Debra Davison, Mayor
May 1, 2023



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WASTE CONNECTIONS INC.
Connect with the Future®

April 11, 2023
City of Manvel
Attn: City Manager
20025 Highway 6
Manvel, Texas 77578
www.cityofmanvel.com

RE: Annual Rate Adjustment

Dear City Manager

Waste Connections would like to sincerely thank you for the great opportunity we have had to serve the citizens and community of Manvel. We thoroughly enjoy and appreciate the relationship between Waste Connections and the City of Manvel.

Each year we evaluate the CPI-U and costs per our contract with the city. This year the CPI-U adjustment is 8.14%. I have enclosed further details of these adjustments with this letter.

We would like to adjust these rates on the June billing cycle.

Should you have any questions or concerns regarding this adjustment or anything else, please feel free to contact me at the office at 281-331-0810.

Best Regards,

Zac Ryan
District Manager
Waste Connections of TX
Zachary.Ryan@wasteconnections.com

Rate Adjustment	Percentage Increase	
Fuel Adjustment	3.08%	**See tab Fuel Adjustment for the calculation and data
CPI-U	5.06%	**See tab CPI-U for supporting documentation
Total City of Manvel Rate Adjustment	8.14%	

CPI for All Urban Consumers (CPI-U) Original Data Value

Series Id: CUURS37BSA0, CUUSS37BSA0
 Not Seasonally Adjusted
 Series Title: All items in Houston-The Woodlands-Sugar Land, TX,
 Area: Houston-The Woodlands-Sugar Land, TX
 Item: All items
 Base Period: 1982-84=100
 Years: 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013		205.716		207.506		207.882		208.575		207.788		209.814	207.574	206.583	208.564
2014		211.745		213.309		214.668		214.102		214.791		212.169	213.365	212.835	213.895
2015		210.283		212.439		213.896		214.652		214.569		212.936	213.039	211.926	214.152
2016		214.505		215.513		217.305		216.582		218.200		217.758	216.414	215.237	217.592
2017		219.061		219.852		220.805		221.255		223.213		221.568	220.657	219.513	221.800
2018		224.711		225.116		227.393		226.307		228.070		226.557	225.927	224.763	227.091
2019		226.804		229.261		229.316		229.423		230.041		228.765	228.799	228.124	229.474
2020		230.147		226.387		228.898		228.978		229.885		230.388	229.161	228.580	229.742
2021		232.442		236.604		239.374		241.088		243.813		245.509	238.975	235.254	242.696
2022		250.563		256.668		263.874		264.074		262.423		258.588	258.660	255.451	261.869
2023		263.537													

13.079

5.1%

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Sourcekey EMD_EPD2DXL0_PTE_
R30_DPG

**Weekly Gulf Coast
No 2 Diesel Ultra
Low Sulfur (0-15
ppm) Retail Prices
(Dollars per Gallon)**

Date	
Feb 14, 2022	3.785
Feb 21, 2022	3.83
Feb 28, 2022	3.872
Mar 07, 2022	4.703
Mar 14, 2022	5.11
Mar 21, 2022	4.964
Mar 28, 2022	4.972
Apr 04, 2022	4.929
Apr 11, 2022	4.84
Apr 18, 2022	4.855
Apr 25, 2022	4.916
May 02, 2022	5.21
May 09, 2022	5.339
May 16, 2022	5.295
May 23, 2022	5.216
May 30, 2022	5.18
Jun 06, 2022	5.309
Jun 13, 2022	5.37
Jun 20, 2022	5.453
Jun 27, 2022	5.441
Jul 04, 2022	5.33
Jul 11, 2022	5.217
Jul 18, 2022	5.083
Jul 25, 2022	4.911
Aug 01, 2022	4.801
Aug 08, 2022	4.677
Aug 15, 2022	4.614
Aug 22, 2022	4.619
Aug 29, 2022	4.821
Sep 05, 2022	4.796
Sep 12, 2022	4.76
Sep 19, 2022	4.69
Sep 26, 2022	4.623
Oct 03, 2022	4.557
Oct 10, 2022	4.897
Oct 17, 2022	5.018
Oct 24, 2022	4.987
Oct 31, 2022	4.965
Nov 07, 2022	4.937
Nov 14, 2022	4.886
Nov 21, 2022	4.782
Nov 28, 2022	4.699
Dec 05, 2022	4.524
Dec 12, 2022	4.344
Dec 19, 2022	4.205
Dec 26, 2022	4.164
Jan 02, 2023	4.267
Jan 09, 2023	4.223
Jan 16, 2023	4.224
Jan 23, 2023	4.32
Jan 30, 2023	4.351
Feb 06, 2023	4.249
Feb 13, 2023	4.15

Average:	4.76
Component I:	13.20%
Fraction	0.233193277

Fuel Cost Adjustment:	3%
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Base Price - Annual Average Price
Annual Average Price

4.76 - 3.65
4.76

EXHIBIT "A"
CITY OF MANVEL
SOLID WASTE SCHEDULE
EFFECTIVE 2023-06

Tax & Franchise Fees not included in rates.

8.14%

Total Residential Cart/Recycle Cart	\$	24.34	per month
Total Per additional trash Cart	\$	15.71	per month
Total Per additional Recycle Cart	\$	15.71	per month
To cancel Recycle & add trash cart	\$	-	per month
Total Commercial Cart/Recycle Cart	\$	40.48	per month
<i>2 x Week trash & 1 x Week Recycle</i>			
Total Per additional CO trash Cart- 2xWk	\$	28.28	per month
Total Per additional CO Recycle Cart- 1xWk	\$	28.28	per month

Tax and franchise fees are not included in rates.

Franchise Fee is not charged tax. Take base rate x's by 15% franchise fee, then take base rate and x's by 8.25% tax. Last add these totals together for all in price.

Tax Code: Manvel Franchise = Tax & Franchise fees charged

CONTAINER SIZE	Lifts Per Week						
	1	2	3	4	5	6	Extra-Lifts
2 Cubic Yd	\$ 79.74	\$ 137.75	\$ 200.58	\$ 258.57	\$ 337.12	\$ 431.36	\$ 48.33
3 Cubic Yd	\$ 89.41	\$ 153.45	\$ 221.11	\$ 274.29	\$ 357.65	\$ 451.91	\$ 53.16
4 Cubic Yd	\$ 100.29	\$ 163.12	\$ 231.99	\$ 294.82	\$ 379.41	\$ 494.19	\$ 64.04
6 Cubic Yd	\$ 142.58	\$ 231.99	\$ 310.53	\$ 379.41	\$ 547.36	\$ 693.57	\$ 95.46
8 Cubic Yd	\$ 174.00	\$ 289.99	\$ 384.24	\$ 483.32	\$ 673.02	\$ 888.10	\$ 126.87

Lock Charge 10.01 per mo

ROLL OFF CONTAINERS

Haul Rates	Haul	Delivery	Rental	Disposal/ Ton **	Deposit
20 yard	\$ 293.28	\$ 117.31	\$ 7.74	\$ 32.84	\$ 645.21
30 yard	\$ 293.28	\$ 117.31	\$ 7.74	\$ 32.84	\$ 645.21
40 yard	\$ 293.28	\$ 117.31	\$ 7.74	\$ 32.84	\$ 645.21
28 yrd Compactors	\$ 310.87	\$ 117.31	\$ 20.52	\$ 32.84	\$ 645.21
30 yrd Compactors	\$ 310.87	\$ 117.31	\$ 20.52	\$ 32.84	\$ 645.21
35 yrd Compactors	\$ 310.87	\$ 117.31	\$ 20.52	\$ 32.84	\$ 645.21
40 yrd Compactors	\$ 310.87	\$ 117.31	\$ 20.52	\$ 32.84	\$ 645.21
42 yrd Compactors	\$ 310.87	\$ 117.31	\$ 20.52	\$ 32.84	\$ 645.21

**** Disposal - 3 ton minimum**

EXHIBIT "A"
CITY OF MANVEL
SOLID WASTE SCHEDULE
EFFECTIVE 2022-06

Tax & Franchise Fees not included in rates.

8.48% CPI

Total Residential Cart/Recycle Cart	\$ 22.51 per month
Total Per additional trash Cart	\$ 14.53 per month
Total Per additional Recycle Cart	\$ 14.53 per month
To cancel Recycle & add trash cart	\$ - per month
Total Commercial Cart/Recycle Cart	\$ 37.43 per month
<i>2 x Week trash & 1 x Week Recycle</i>	
Total Per additional CO trash Cart- 2xWk	\$ 26.15 per month
Total Per additional CO Recycle Cart- 1xWk	\$ 26.15 per month

Tax and franchise fees are not included in rates.

Franchise Fee is not charged tax. Take base rate x's by 15% franchise fee, then take base rate and x's by 8.25% tax. Last add these totals together for all in price.

Tax Code: Manvel Franchise = Tax & Franchise fees charged

CONTAINER SIZE	Lifts Per Week						
	1	2	3	4	5	6	Extra-Lifts
2 Cubic Yd	\$ 73.74	\$ 127.38	\$ 185.48	\$ 239.11	\$ 311.74	\$ 398.89	\$ 44.69
3 Cubic Yd	\$ 82.68	\$ 141.90	\$ 204.47	\$ 253.64	\$ 330.73	\$ 417.89	\$ 49.16
4 Cubic Yd	\$ 92.74	\$ 150.84	\$ 214.53	\$ 272.63	\$ 350.85	\$ 456.99	\$ 59.22
6 Cubic Yd	\$ 131.85	\$ 214.53	\$ 287.16	\$ 350.85	\$ 506.16	\$ 641.36	\$ 88.27
8 Cubic Yd	\$ 160.90	\$ 268.16	\$ 355.32	\$ 446.94	\$ 622.36	\$ 821.25	\$ 117.32

Lock Charge 10.01 per mo

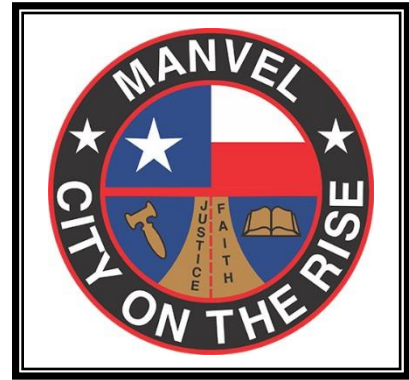
ROLL OFF CONTAINERS

Haul Rates	Haul	Delivery	Rental	Disposal/ Ton **	Deposit
20 yard	\$ 271.20	\$ 108.48	\$ 7.16	\$ 30.37	\$ 596.64
30 yard	\$ 271.20	\$ 108.48	\$ 7.16	\$ 30.37	\$ 596.64
40 yard	\$ 271.20	\$ 108.48	\$ 7.16	\$ 30.37	\$ 596.64
28 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
30 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
35 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
40 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64
42 yrd Compactors	\$ 287.47	\$ 108.48	\$ 18.98	\$ 30.37	\$ 596.64

**** Disposal - 3 ton minimum**

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 5/1/2023

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 5:30 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 4 Ed Perry
City Council Member Place 5 Jason Albert City
Council Member Place 6 Jerome Hudson

Absent: City Council Member Place 3 Niccole Tyson

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
Jessica Rodriguez, Director of Development Services
Brooke Cyphers, Public Information Officer

Discussion with Richard Rainer on Riverway Retail development.

Discussion on property owned by Mr. Rainer on the south side of Highway 6 (across from Manvel Town Center).

Concerns are pumped detention and a ROW on the west and south sides of property.

Going to go to EDC to request water on the south side of the road.

Current taxes on property are around \$19,000, which could significantly increase if this property is able to develop.

Possible option if able to develop is a 13,000 sq/ft retail center

Questions -

*Hehn - Wanting to confirm what the "ask" is - Help with Utilities, Kirby, and Pump Detention
Would the city be willing to abandon the ROW?

*Jung - By doing that there could be a possibility of land locking some other properties.

*Hehn - Pump detention; what are the pro's and con's from the city?

What is the consensus of the Council in considering the pump detention?

*Albert - Who is going to assure that the generator is operating and being tested regularly? Is there a way we could modify the variance?

*Johnson - If this is something that's going to be entertained, then we need to really make sure we're taking every safety measure to ensure we're not flooding a safety evacuation route.

*Hehn - Asks council if this is something we would even consider or is it going to be a waste of their time to seek a variance?

*Perry - If engineering shows its safe, he would consider it.

*Mayor - Has reservations based on the overall safety of the community during a disaster. These rules have been in place since 2017. Questions Dan Johnson on if he thinks this is a consideration?

*Johnson - Candidly, it is up to the council and/or new council coming in a few weeks.

*Rainer - Says DD4, CNR3, City of Pearland, TXDOT all allow it on a case-by-case basis. It's a last resort for them and escrows are usually required. These properties are next to impossible to develop and are stuck without allowing pump detention.

*Johnson - This workshop was to get a feel for council to see if there is even reason for them to go through this process.

Discussion on any subject listed on the agenda dated May 1, 2023.

Mayor Davison adjourned the Workshop Session at 6:06 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:06 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 4 Ed Perry
City Council Member Place 5 Jason Albert City
Council Member Place 6 Jerome Hudson
Absent: City Council Member Place 3 Niccole Tyson
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
Jessica Rodriguez, Director of Development Services
Brooke Cyphers, Public Information Officer

Inspirational Reading - Mayor Debra Davison

Pledge

Presentations

Proclamations

- Municipal Clerks Week - April 30, 2023 to May 6, 2023
- Police Week - May 14, 2023 to May 20, 2023
- Public Works Week - May 21, 2023 to May 27, 2023
- Motorcycle Safety Awareness Month - May 2023

The Police Week Proclamation was pulled, to be put on the next agenda.

Public Comments: "Comment Card" Required

Monica Britton did not attend

Stephanie Gregory - item is on the consent agenda for approval tonight. Has had issues with communication problems. Hopes the item will be approved and that their certificate of occupancy will be issued soon.

Clint Weekly - Spoke on issues with the food truck ordinance. Read off several issues he found with the ordinance.

City Manager Update

- Business Expo on Thursday at KC Hall from 4-7 p.m.
- Election day is on Saturday. The last day to early vote is tomorrow.
- McDonalds has broken ground in the Manvel Town Center.

Consent Agenda

1. Accept the infrastructure improvements for Pomona Lake I to begin the two-year maintenance period.
2. Accept the infrastructure improvements for Diamond Storage to begin the two-year maintenance period.
3. Approve the updated real estate brokerage service agreements with David J.H. Smith (Boatman Realty, LLC) and authorize the Mayor and City Manager to execute the respective agreements.
4. Approve meeting minutes to date.

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

The motion carried with a vote: 6/0

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

No: None

Absent: City Council Member Place 3 Niccole Tyson

Abstained: None

Regular Agenda

1. Update by Tim Austin on state legislation HB 5403 (Manvel Sports Facilities District).

May 1, 2023 MANVEL CITY COUNCIL MEETING MINUTES

The bill is going through the hearing process. If it passes in the House, it will go to Senate.

This bill will create a municipal management district under Chapter 375 of Texas Local Government Code and also create a special chapter for this district, chapter 4004 of the TLGC. That creates a special district over a specific area; it has a lot of the same powers as a MUD would have, governance is a little different as well as goals.

Mayor Davison asks Mr. Austin to provide some details around the board members, as there has been some questions and concerns in the community about this and whether it was done improperly. He explains that the initial members are just interim and do not require council approval and if and once the legislation passes, then a board will be formed with members meeting specific criteria and will be appointed at council's approval. Another additional concern addressed is annexation and this district's ability to annex. He clarifies that it will not, that the only way is for landowners to file a petition to be annexed with 100% participation from all landowners. Also, the district is entirely accountable to City Council and will have to come to council for things like the sale of bonds. The district is a funding mechanism and cannot generate revenues, i.e. tax citizens outside of the district. At this time, the property within the district is entirely owned by the City of Manvel.

2. Consideration and possible action to 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. (Tabled at the 04/03/2023 and 4/17/2023 City Council meetings)

No action taken.

Food truck owners and brick and mortar restaurants do not want the distance lowered, they are ok with 300 yards.

What is the fix for the school events? What type are they? A, B, C, or D?

Issues with food trucks not being able to go on grass.

Glove Issue - does not include state law exceptions

6 inch rule - does not include state law exceptions

Suggestion is made to let the incoming council deal with the ordinance and any changes that need to be made.

3. Consideration and possible action to authorize the City Manager to enter into a temporary assignment agreement(s) for the temporary resale of "take or pay" surface water from the Brazos River Authority; and authorize the execution of any amendment to the current agreement with BRA necessary for the temporary resale.

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

The motion carried with a vote: 6/0

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

No: None

Absent: City Council Member Place 3 Niccole Tyson

Abstained: None

4. Consideration and possible action to approve the appointments as recommended by Mayor Davison to the TIRZ 3 Board Positions #3 and #5 with a term to expire May 2024 and Positions #2 and #4 with a term to expire May 2025.

Council Member Lorraine Hehn made the motion to approve Nicole Mitchell (Pos 2), Kim Bickham (Pos 3), Finance Director (once hired will be Pos 4), and Devon Jones (Pos 5). Council Member Ed Perry seconded the motion.

The motion carried with a vote: 6/0

Yes: None

No: None

Absent: City Council Member Place 3 Niccole Tyson

Abstained: None

5. Consideration and possible action to approve the appointments as recommended by Mayor Davison to the SMDA Board Positions #1, #3 and #5 with a term to expire May 2024 and Positions #2 and #4 with a term to expire May 2025.

Council Member Jerome Hudson made the motion to approve Debra Davison, Kim Bickham, and Devon Jones to positions 1, 3, and 5; and Nicole Mitchell and Finance Director (once hired) to positions 2 and 4. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote: 6/0

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

No: None

Absent: City Council Member Place 3 Niccole Tyson

Abstained: None

Mayor and Council Comments

Adjourn

Council Member Jerome Hudson made the motion to adjourn the meeting at 7:26 p.m. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote: 6/0

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

No: None

Absent: City Council Member Place 3 Niccole Tyson

Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

RESOLUTION NO. 2022-R-04

**A RESOLUTION OF THE CITY OF MANVEL, TEXAS, ADOPTING
RULES OF PROCEDURE FOR MEETINGS OF THE CITY COUNCIL;
PROVIDING THAT ALL OTHER RESOLUTIONS INCONSISTENT OR
IN CONFLICT HERewith ARE HEREBY REPEALED.**

* * * * *

WHEREAS, section 3.10 of The City Charter provides that the city council shall, by resolution, determine its own rules and order of business; and

WHEREAS, the City Council deems it in the best interest of the City to amend and adopt new Rules of Procedure herein; NOW THEREFORE,

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

Section 1. The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Manvel, and the conduct of all members and other persons in attendance at such meetings.

Rule 1. Meetings, Regular and Special

(A) The city council shall hold at least one (1) regular meeting each month and as many additional special meetings as the Council deems necessary to transact the business of the city. Generally, the City Council shall meet in the Council chambers of the City Hall on the first and third Mondays of each month, commencing at 6:00 p.m. In the event Monday falls on a holiday, the meeting for that day shall occur on the next open business following the holiday or other day as may be determined by Council. Any meeting of City Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting shall be held without further posted notice.

(B) Other special meetings shall be held on the call of the Mayor or four Councilmembers. The agenda for such meetings shall be established at the discretion of those calling the meeting. Special meetings shall be posted 72 hours prior to the called meeting, except where permitted by state law for emergency meetings.

(C) All meetings shall be held at City Hall or at such other public place as may be approved by city council, and all meetings of the city council shall be open to the public, except as authorized by state law.

(D) Four members of the City Council shall constitute a quorum for the transaction of business.

(E) The City Council may retire into Executive Session at any time as authorized by the Texas Open Meetings Act (Texas Government Code, Chapter 551). These Rules of Procedure shall apply to the conduct of Councilmembers in an Executive Session, provided they do not conflict with the provisions of the Open Meetings Act or other law.

Rule 2. Chairman and call to order

The Mayor or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the City Council. If the Mayor and the Mayor Pro-Tem are absent, any Councilmember may be appointed by a majority of the Council to preside. At the hour of the meeting, the Mayor shall assume the chair, call the Council to order, and the City Secretary shall record the roll.

Rule 3. Handling of agenda subjects

The City Council is the sole judge of its own procedure and in full control of the business before it. Neither the Mayor, the Mayor pro-tem, nor any Councilmember appointed to preside shall have any power to either recess a meeting or adjourn a meeting, or prevent the City Council from considering an agenda item or lay the same out for consideration except in strict accordance with Texas open meetings act, and as enacted herein. If, notwithstanding the positive provisions of this rule, the presiding, officer whether Mayor, Mayor Pro-Tem, or Council member presiding, shall attempt to prevent City Council from taking any action on any agenda item brought before it, any Councilmember present may call for a vote of the City Council to consider the matter.

Rule 4. Conduct of Mayor and Councilmembers

Any member of the City Council including the Mayor, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of Council with such disorderly conduct is subject to being expelled from such meeting upon motion passed by 2/3 vote of the Council present at this meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct. Disorderly Conduct is defined under the Texas Penal Code, Section 42.01.

Rule 5. Non-interruption

Each member of the City Council shall be permitted to address the chair while either seated or standing, and after recognition shall not be interrupted while speaking without his/her consent.

Rule 6. Handling of question of order

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Councilmembers present may over rule the decision of the chair. When the chair makes a ruling on a point of order and one of the Councilmembers states, "I appeal the ruling of the chair", or words to such effect, no other business

shall be transacted until the question, "shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

Rule 7. Procedure for submitting agenda items

Any and all ordinances, resolutions or other matters, including all written data, except emergency items, to be brought before the City Council for its consideration by the Mayor, or by any two members of the Council, or the City Manager, shall be submitted to the City Secretary not later than noon of the Tuesday preceding the meeting at which the same is to be considered.

Rule 8. Motion to table

Since the City Council of the City of Manvel will always have regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the City Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

Rule 9. Procedure to debate

Upon any ordinance, resolution or other measure being laid out, or any motion being made, any Councilmember present, before there is any debate opened on the subject, may make a parliamentary objection to the consideration of the subject which need not be seconded. No debate shall then be permitted, and the presiding officer shall immediately put the question, "shall the objection be sustained"? If the objection is sustained by a vote of two-thirds of the Councilmembers present the ordinance, resolution, motion, or other measure is permanently defeated for that meeting and shall not be debated (except in accordance with Rule 11).

Rule 10. Closing of debate

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" To a vote of the Council, and if two thirds of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 11. Reconsideration of a subject

When an ordinance, resolution, motion, or other measure of any sort has been placed before the City Council and defeated, the same identical question shall not again be considered by the City Council until at least ninety (90) days have elapsed.

Rule 12. Reducing motion to writing

All oral motions must be seconded before being put to vote by the chair (except where otherwise provided in these rules), and upon request of any other member of the Council, or Mayor, the party making any such oral motion (except a motion to order a vote on a subject being considered per rule 10 or to table, or other such procedural matter) shall reduce the same to writing, or request the City Secretary to so the same. If a motion be made by any member of the Council in writing and filed with the presiding office, it shall still require a second.

Rule 13. Secretarial procedure

The City Secretary shall be the Secretary of the Council and shall act as reading and recording clerk to the Council. By his or her signature, the Secretary shall certify the correctness of the minutes and journals, shall record all actions taken by the Council, shall record the vote upon each measure when taken by the ayes and nays, and shall schedule and place on Council agendas, public hearings at the earliest practicable dates and shall perform such other duties as may be required of the City Secretary by the Mayor and the City Council. The City Secretary shall mark the absence of the Mayor or any other member of Council. The City Secretary shall test and attest to the satisfactory operation of the recorder, and maintain proper functioning as needed throughout the meeting. In the absence of the City Secretary, any suitable person may be appointed by the City Secretary or Mayor to serve as acting City Secretary of any meeting. The City Secretary shall ensure that a recording or certified agenda of any executive session shall be made and shall secure such following each meeting. The City Secretary shall keep a copy of these rules in the Council chamber, available for reference.

Rule 14. Voting

No action of the city council shall be valid or binding unless approved by the affirmative vote of a majority of the entire city council. Each member of city council, if present, shall vote upon all matters before the city council, except when the matter involves the consideration of that member's own official conduct or where that member's participation in the vote is prohibited by state law.

Rule 15. Public's right to be heard

Members of the public shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as they may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except to indicate that the matter may be placed on a later agenda. A time shall be set aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person. The Mayor shall retain the discretion to further limit

or increase this time for public comments on agenda items. Members of the public attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting.

No member of the public shall be heard until recognized by the presiding officer. It is not necessary, however, for a member of the public to prepare and submit a card requesting the right to address the Council for public hearings. Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing the City Council, shall be deemed guilty of disrupting a meeting (Section 42.05 of the Texas Penal Code, Class B Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council Chambers by the sergeant-at-arms or other agent designated by City Council.

Rule 16. Order of Business

Unless agreed to otherwise by majority vote of Council, the normal order of business before the City Council in any meeting shall be as follows:

- (1) Call to order.
- (2) Invocation or Inspirational Reading.
- (3) Pledge of Allegiance.
- (4) Special Recognitions, Acknowledgements, and Proclamations.
- (5) Public Hearings.
- (6) Public Comment - The Council shall hear from members of the public as provided in Rule 15.
- (7) City Manager reports.
- (8) Consent Agenda – including, but not limited to: bids, appointments, routine items, items for approval, minutes, etc.
- (9) Regular Agenda – including, but not limited to: discussion and/or action items, resolutions, ordinances, and tabled items, etc.
- (10) Communications from the Mayor and Council.

If a meeting does not include any of the items above (i.e. no special recognitions, proclamations, public hearings, etc.), that item will be excluded from the Order of Business and the posted meeting agenda.

Rule 17. Suspension of rules of procedure

Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate state law, and provided that not less than two-thirds Council members vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended. The requirement of two thirds to suspend a rule shall not apply to Rules 16 and 17, but the order of business may be suspended by a majority vote.

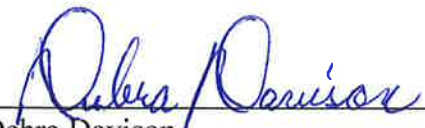
Rule 18. Rules of Procedure

Except where in conflict with any state law, City ordinance or the rules of procedure adopted by this resolution, the rules of procedure laid down in *Robert's Rules of Order*, 75th Anniversary Edition, shall govern the proceedings of the City Council.

Rule19. Sergeant at Arms

The highest-ranking police officer of the Manvel Police Department in attendance at any meeting of the City Council, weather regular or special, shall be, and is hereby, designated and appointed as the Sergeant at Arms for such meeting.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Manvel,
Texas on this the 2nd day of May, 2022.



Debra Davison
Mayor

ATTEST:



Tammy Bell
City Secretary



SUMMARY OF PROCEDURAL RULES

<u><i>Motion</i></u>	<u><i>Debatable</i></u>	<u><i>Amendable</i></u>	<u><i>Majority Vote of Members Present</i></u>
Main motion	Yes	Yes	Yes
Motion to amend	Yes	No	Yes
Table or postpone to a certain time	Yes	Yes	Yes
Table indefinitely	No	No	Yes
Move or call the question	No	No	Yes
Reconsider	Yes	Yes	Yes
Suspend rules	Yes	Yes	Yes
Point of order	No	No	(Presiding officer)
Limit debate	Yes	Yes	Yes
Recess	No	No	Yes
Adjourn	No	No	Yes

PARLIAMENTARY TERMS

AGENDA: an outlined plan of an entire business session; an order of business.

ACCEPT: adopt, approve, agree to.

ADOPT: approve, agree to, accept.

AMEND: modify or change the wording of a motion before action is taken upon the motion itself.

ANNOUNCING THE VOTE: declaration by the chair of the result of the vote.

ASSEMBLY: a body of people assembled for the transaction of business.

ARE YOU READY FOR THE QUESTION: debate (discussion) is in order.

BYLAWS: basic rules of a society which relate to itself as an organization.

CARRIED: adopted, approved.

CHAIR: the presiding officer; the place or station of the presiding officer.

DIVISION OF THE ASSEMBLY: a motion requiring that a vote taken by voice or by show of hands be retaken by rising.

EX OFFICIO: "from the office" or by virtue of the office or chairmanship. Bylaws frequently provide that the president shall be an ex-officio member of all committees except the nominating committee.

FLOOR, OBTAIN THE: securing recognition by the chair as having the right to speak in a meeting.

GENERAL CONSENT: unanimous consent; informal agreement of the assembly. •The chair asks if there is any objection to a certain procedure; *silence gives consent*.

GERMANE: closely related; of the same subject matter. Example: an amendment must be germane to the motion to which it is applied.

IMMEDIATELY PENDING Q~STION: the latest question (motion) stated by the chair when more than one question is pending.

INCIDENTAL MOTIONS: motions which deal with questions of procedure arising out of other motions or items of business.

MAIN MOTION: A motion that introduces business to an assembly.

MAJORITY VOTE: over half of the votes cast.

MEETING: a single gathering of persons or members of an organization, usually for the purpose of transacting business. See *Session*.

MINUTES: the record of the proceedings of an assembly. Sometimes referred to as the *journal*.

MOTION: a formal proposal that certain action be taken, or that a certain statement express the sense, opinion, desire, or will of the assembly.

PARLIAMENTARY LAW: a consistent system of rules which govern procedure in all deliberative assemblies; founded upon certain fundamental principles originated in the unwritten customs of the House of Parliament in England; first compiled for use in this country by Thomas Jefferson, whose manual has been the foundation for rules used in the United States House of Representatives and Senate.

PENDING: before the assembly. A motion is "pending" after it has been stated by the chair and until it is disposed of temporarily or permanently.

PLURALITY VOTE: the largest number of votes received by a candidate or proposition when three or more choices are possible. A plurality vote never decides a question or election except by specific rule of the organization.

PRECEDENCE, TAKES: outranks; used in reference to the order in which motions can be introduced and must be considered by the assembly.

PREVIOUS NOTICE: announcement that a specific motion will be introduced at the next meeting; substance of the proposal should be described at least briefly; unless specified otherwise in the bylaws, must be made at the preceding meeting or included in the call of the meeting at which it is to be brought up.

PRIVILEGED MOTIONS: a class of motions which, although they are not directly concerned with the business before the assembly, are of such immediate importance that they have the privilege of interrupting the consideration of anything else. All motions of this class are *not debatable*.

PRO TEM: for the time being; most frequently applies to the office of secretary.

PUTTING THE QUESTION: putting the motion to a vote.

QUESTION: the business before the assembly; the motion as stated by the chair. (See "motion.")

QUORUM: the number of members who must be present in order that business can be transacted legally. The quorum is a majority of all members unless bylaws or rules of procedure state otherwise.

RECESS: an intermission taken by the assembly.

RESOLUTION: a main motion usually of such importance and length as to be written; may or may not have a preamble setting forth the reasons for the resolution.

REVISION OF THE BYLAWS: a complete set of bylaws submitted as a substitute for existing bylaws.

RONR: acronym for *Robert's Rules of Order Newly Revised*.

SECONDARY MOTIONS: motions which can be made while a main motion is pending and which relate to business already before the assembly, to questions of order or procedure, or to matters of comfort or privilege. There are three classes of secondary motions: subsidiary, privileged, and incidental.

SECONDDING MOTIONS: agreeing that a motion should come before a meeting.

SESSION: a meeting or a series of meetings with a single order of business, agenda, or program.

STANDING RULES: regulations for the guidance of an organization's meetings

STATING THE QUESTION: formally placing a motion before the assembly and indicating (where appropriate) that it is open to debate. Wording of a motion in the minutes should be exactly the same as when *stated* by the chair.

SUBSIDIARY MOTIONS: Motions that assist the assembly in treating or disposing of a main motion (and sometimes other motions).

TWO-THIRDS VOTE: two out of three of the votes *cast*. For two-thirds approval, the affirmative vote is at least twice as Large as the negative.

UNFINISHED BUSINESS: questions that have come over from the previous meeting because that meeting adjourned without completing its order of business.

VOTE: a formal expression of the will, opinion, or preference of the members of an assembly in regard to a matter submitted to it.

YIELD: give way to. A pending question yields to one of higher rank.

ORDINANCE NO. 2023-O-18

AN ORDINANCE ORDERING A RUNOFF ELECTION TO BE HELD IN THE CITY OF MANVEL, ON SATURDAY, JUNE 10, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER TO FILL A VACANCY FOR THE UNEXPIRED TERM OF PLACE 2; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the official canvass of the returns of the special election held on May 6, 2023, reflects that no candidate in the election for Councilmember- Place No. 2, received a majority of votes, thereby requiring a runoff election to determine the winner; and

WHEREAS, section 6.09 of The City Charter provides that, in the event no candidate for office receives a majority of all votes cast for such office at such election, the council shall call a runoff election within the time and manner required by law; and

WHEREAS, in such runoff election, the two (2) candidates receiving the highest number of votes for such office shall be voted on again, and the candidate who receives a majority of the votes for such office in the runoff election shall be elected to such office; now, therefore,

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

Section 1. That a runoff election is hereby ordered and shall be held in and throughout the City of Manvel, Texas, on the 10th day of June, 2023. Voting location will be determined by Brazoria County.

Section 2. That early voting by personal appearance will begin on May 30, 2023 and end on June 6, 2023. Early voting location(s) will be determined by Brazoria County.

Section 3. That the election is ordered for the purpose of conducting a runoff election for the unexpired term of Councilmember Place Two of the City of Manvel.

Section 4. That said runoff election shall be held in accordance with the Constitution and laws of the State of Texas and the Charter of the City of Manvel, and all duly qualified resident electors of the City of Manvel, Texas, shall be qualified to vote.

Section 5. The City has made provisions to contract with the Brazoria County Elections Officer to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code*;

Section 6. If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

PASSED AND APPROVED on the first and final reading this 15th day of May 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:
Robert Gervais, City Attorney