

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 SPECIAL CITY COUNCIL
MEETING OF THE CITY OF MANVEL
May 15, 2023**

**NOTICE IS HEREBY GIVEN
5:30 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 - 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.

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.

Regular Agenda

1. Consideration and possible action to approve Resolution 2023-R-09;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCILMEMBERS AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
2. Consideration and possible action to approve Resolution 2023-R-10;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, CANVASSING THE RETURNS OF A SPECIAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR THE UNEXPIRED TERM OF PLACE 2; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
3. Consideration and possible action to approve Resolution 2023-R-11;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY TWO PROPOSITIONS. PROPOSITION 1 BEING A CITIZEN-INITIATED ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10.00 FOR CERTAIN RELATED FEES; PROPOSITION 2 BEING SUBMITTED AS AN ALTERNATIVE ORDINANCE PROPOSED BY THE CITY COUNCIL ON THE SAME SUBJECT, CONSISTENT WITH THE CITY CHARTER SEC. 7.07(C), AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN MANVEL RESIDENTS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$0.00 FOR CERTAIN RELATED FEES.

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

RESOLUTION NO. 2023-R-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANVEL, TEXAS, CANVASSING THE RETURNS AND DECLARING
THE RESULTS OF A GENERAL ELECTION HELD ON MAY 6, 2023,
FOR THE PURPOSE OF ELECTING A MAYOR AND TWO
COUNCILMEMBERS AND CONTAINING OTHER PROVISIONS
RELATING TO THE SUBJECT.**

* * * * *

WHEREAS, a general election was held within the City of Manvel, Texas, on May 6, 2023, for the purpose of electing a Mayor and two (2) Councilmembers; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of ____ votes were cast in said election;

WHEREAS, this canvassing of the election is made pursuant to the Texas Election Code and City Charter; and

WHEREAS, in the election for Councilmember- Place No. 3 no candidate received a majority of votes, thereby requiring a runoff election to determine the winner; and

WHEREAS, the candidate with the second highest number of votes in the main election for Councilmember – Place No. 3 has withdrawn from the runoff; and

WHEREAS, pursuant to Texas Election Code § 145.095, upon withdrawal of the runoff candidate the remaining runoff candidate is considered to be elected and the runoff election for that office is not held.

now, therefore,

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

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

Section 2. The official canvass of the returns of the general election held on May 6, 2023, reflects that the following named persons received the number of votes set opposite their names in the respective positions to be filled.

Section 3. The official canvass of the returns of the general election held on May 6, 2023, reflects that the following named persons received the number of votes set opposite their names in the respective positions to be filled:

Mayor

Candidate

Votes Received

Dan Davis

Eugene Howard

Lorraine Hehn

Councilmember – Place No. 3

Candidate

Votes Received

Pete Iznaga

Harry Opliger

Norman Desormeaux

* In the election for Councilmember- Place No. 3 no candidate received a majority of votes, thereby requiring a runoff election to determine the winner. Norman Desormeaux, the candidate with the second highest number of votes in the main election for Councilmember – Place No. 3, has withdrawn from the runoff. Pursuant to Texas Election Code § 145.095, upon withdrawal of the runoff candidate the remaining runoff candidate is considered to be elected and the runoff election for that office is not held.

Councilmember – Place No. 5

Candidate

Votes Received

Jason Albert

Crystal Sarmiento

Section 4. The official canvass of the returns of the general election held on May 6, 2023, reflects that the following persons were duly elected to the respective positions shown:

Mayor

Dan Davis

Councilmember - Place No. 3

Harry Opliger

Councilmember - Place No. 5

Crystal Sarmiento

Section 5. It is hereby found and determined that the NOTICE OF MEETING relating to the meeting of the City Council at which this Resolution was considered and the posting thereof, was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and RESOLVED this 15 day of May, 2023.

Debra Davison
Mayor

ATTEST

Tammy Bell
City Secretary

RESOLUTION NO. 2023-R-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, CANVASSING THE RETURNS OF A SPECIAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR THE UNEXPIRED TERM OF PLACE 2; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, a special election was held within the City of Manvel, Texas, on May 6, 2023, for the purpose of electing a Councilmember for the unexpired term of Place 2; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of _____ votes were cast in said election;

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

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

Section 2. The official canvass of the returns of the special election held on May 6, 2023, reflects that the following named persons received the number of votes set opposite their names:

<u>Candidate</u>	<u>Councilmember – Place No. 2</u>	<u>Votes Received</u>
Jason Hoelscher		
David Lands		
Tony Cassaro		
Robina Spruill		

Section 2. The official canvass of the returns of the special election held on May 6, 2023, reflects that no candidate received a majority of the vote. 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. 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. The runoff election shall be held in accordance with state law.

Section 3. I, the undersigned, the presiding officer of the final canvassing authority, in accordance with Texas Election Code Section 2.027, hereby certify the placement of the names of the runoff candidates on the runoff election ballot to appear in the same order as they appeared on the ballot in the general election, as follows:

**DAVID LANDS
ROBINA SPRUILL**

Section 4. It is hereby found and determined that the NOTICE OF MEETING relating to the meeting of the City Council at which this Resolution was considered and the posting thereof, was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and RESOLVED this 15 day of May, 2023.

Debra Davison
Mayor

ATTEST

Tammy Bell
City Secretary

RESOLUTION NO. 2023-R-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY TWO PROPOSITIONS. PROPOSITION 1 BEING A CITIZEN-INITIATED ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10.00 FOR CERTAIN RELATED FEES; PROPOSITION 2 BEING SUBMITTED AS AN ALTERNATIVE ORDINANCE PROPOSED BY THE CITY COUNCIL ON THE SAME SUBJECT, CONSISTENT WITH THE CITY CHARTER SEC. 7.07(C), AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN MANVEL RESIDENTS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$0.00 FOR CERTAIN RELATED FEES.

* * * * *

WHEREAS, a Special Election was held in the City of Manvel, Texas, on May 6, 2023, for the purpose of submitting to the qualified voters of the City two (2) proposition relating to a citizen-initiated ordinance to amend the Code of Ordinances of the City of Manvel, Texas, Chapter 62; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of ____ votes were cast in said election for Proposition No. One; and

WHEREAS, it appears that a total of ____ votes were cast in said election for Proposition No. Two; now, therefore,

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

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

Section 2. The official canvass of the returns of the Special Election – May 6, 2023, for the purpose of submitting to the qualified voters of the City two (2) proposition relating to the Code of Ordinances of the City of Manvel, Texas, Chapter 62, reflects the following votes:

PROPOSITION NO. ONE (ORDINANCE NO.1)

(Relating to exemption of certain developers (those intending to build a single-family residence for themselves) from several codified provisions of Chapter 62 of the City Code and providing a max fee of \$10.00 for certain related fees)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL. TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10.00 FOR CERTAIN RELATED.

For the Proposition: _____

Against the Proposition: _____

PROPOSITION NO. TWO (ORDINANCE NO.2)

(Relating to exemption of Certain Manvel Residents (those intending to build and occupy a single-family residence for themselves) from several codified provisions of Chapter 62 of the City Code and providing a max fee of \$0.00 for certain related fees)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL. TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN MANVEL RESIDENTS (THOSE INTENDING TO BUILD AND OCCUPY A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$0.00 FOR CERTAIN RELATED FEES.

For the Proposition: _____

Against the Proposition: _____

Section 3. The official canvass of the returns of the Special Election held on May 6, 2023, reflects that the following Proposition was REJECTED by a majority of the qualified voters of the City who voted at the election held for that purpose and, therefore, is not adopted:

PROPOSITION NO. ONE

Section 4. The official canvass of the returns of the Special Election held on May 6, 2023, reflects that the following Proposition was APPROVED by a majority of the qualified voters of the City who voted at the election held for that purpose and, therefore, are adopted:

PROPOSITION NO. TWO

Section 5. Pursuant to Section 7.09 of The City Charter, if a majority of the qualified voters vote in favor of a proposed initiative ordinance, it shall thereupon be an initiative ordinance of the city. The City Council hereby acknowledges that that the ordinance approved by Proposition No. Two is hereby an approved initiative ordinance of the City of Manvel.

Section 6. It is hereby found and determined that the NOTICE OF MEETING relating to the meeting of the City Council at which this Resolution was considered and the posting thereof, was proper and said notice and posting are hereby authorized, approved, resolved, ratified, and confirmed.

PASSED, APPROVED, and RESOLVED this 15 day of May, 2023.

Debra Davison
Mayor

ATTEST

Tammy Bell
City Secretary