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

LARRY AKERY, COUNCIL PLACE 1
DAVID LANDS, 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

MINUTES 6/20/2023

Workshop Session 5:15 p.m.
Mayor Davis called the workshop of the Manvel City Council to order at 5:15 p.m. Those in attendance were:

Present:	Mayor Dan Davis
	City Councilmember Place 1 Larry Akery
	City Councilmember Place 2 David Lands
	City Councilmember Place 3 Harry Opliger
	City Councilmember Place 4 Ed Perry
	City Councilmember Place 5 Crystal Sarmiento
	City Councilmember Place 6 Jerome Hudson
Absent:	None
Also Present:	Kyle Jung, City Manager
	Dan 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
	Jose Abraham, City Planner
	Joe Murray, Fire Marshal
	Rosa Donaire, Finance Manager
	Brooke Cyphers, Public Information Officer

Discussion on FY 2023-2024 Budget

Chief Traylor provided an update on the proposed Police Department Budget.

Mayor - Are we fully staffed?
Chief - We have 3 open patrol positions.
Mayor - Possible take home vehicles to offset pay.
Chief - Feels if we offer some additional incentives that could keep qualified staff here.
Councilmember Lands - Arrest numbers from last year to this year reflect a large

difference. Why is that?
Chief - That is due to a change/update in how things are now being documented. However, DWI arrests have increased.
Councilmember Lands - Referring to Community Relations Officer - Will that be the person making the "Are You Okay" calls? Chief - Yes
Councilmember Perry - Have we started doing an overview with growth and adversity to deal with Mental Health Issues? Chief - We have not yet.
Councilmember Sarmiento - Current staff are young - what percentage has families?
Chief - Close to 95%
Councilmember Sarmiento - List shows that the city provides no additional funds for dependent coverage and would like to see that changed.
18 of 22 cities offer degree pay. What type of degrees do they pay for?
Chief - We offer certificate pay but not degree pay. This is an additional incentive.
Councilmember Sarmiento - What would you say is your top ask?
Chief - Health Benefits for family, Sign on bonus paid over a period of time

Discussion on any subject listed on the agenda dated June 20, 2023.
None

Adjourned at 6:02 pm

Regular Session - 6:00 p.m.
Call To Order
Mayor Davis called the meeting of the Manvel City Council to order at 6:08 p.m. Those in attendance were:

Present:	Mayor Dan Davis City Councilmember Place 1 Larry Akery City Councilmember Place 2 David Lands City Councilmember Place 3 Harry Opliger City Councilmember Place 4 Ed Perry City Councilmember Place 5 Crystal Sarmiento City Councilmember Place 6 Jerome Hudson
Absent:	None
Also Present:	Kyle Jung, City Manager Dan 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 Jose Abraham, City Planner Joe Murray, Fire Marshal Rosa Donaire, Finance Manager Brooke Cyphers, Public Information Officer

Ceremonial Swearing In

David Lands, Councilmember Place 2

Inspirational Reading - Councilmember Akery

Invocation

Pledge

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 0.8616 ACRES LOCATED AT 7218 NORTH MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 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 Davis opened the Public Hearing at 6:14 p.m.
1st call for comments - None
2nd call for comments - None
3rd call for comments - None
Mayor Davis closed the Public Hearing at 6:14 p.m.

Public Comments: "Comment Card" Required

Lee Ann Hickman (Email read) - In support of the separation agreement with City Manager
Adrian Gaspar - In support of the separation agreement with City Manager
Garrett Knox - In support of the separation agreement with City Manager
Jamie Pennock - In support of the separation agreement with City Manager
Milon Miller - In support of the separation agreement with City Manager
Robert Johnson - Doesn't agree to buying out contract. Thinks we should wait it out. Also spoke about Jordan drainage project. Needs a good plan in place before starting.
Abby Sarmiento - Promotes Abby shoe foundation. Raising money and asks for Council's support.

City Manager Update

Bullet points -
May 2011 home rule charter adopted
Requirement for charter needs 5000 population. Today we have over 18,000. Taxable value has gone up 6x since 2011.
Listed several more accomplishments since 2012.

Consent Agenda

1. Meeting Minutes

2. Acceptance of infrastructure improvements for MUD 56 Lift Station #2 to begin the two-year maintenance period.

<u>Councilmember Jerome Hudson made the motion to approve the Consent Agenda. Councilmember Crystal Sarmiento seconded the motion.</u>

<u>**The motion carried with a vote: 7/0**</u>

Yes:	Mayor Dan Davis, City Councilmember Place 1 Larry Akery, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No:	None
Absent:	None
Abstained:	None

Items Removed from the Consent Agenda - None

Executive Session

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

Mayor Dan Davis convened the meeting into Executive Session at 6:32 p.m.
Mayor Dan Davis reconvened the meeting out of Executive Session at 7:51 p.m.
No action taken.

Regular Agenda

1. Consideration and possible action to approve Ordinance 2023-O-22;
   An Ordinance amending the Fiscal Year 2023 General Fund Budget to account for expenses in the administration budget for a separation agreement between the City and the City Manager.
   AN ORDINANCE AMENDING ORDINANCE NO. 2022-O-24 AMENDING THE CITY FISCAL YEAR 2023 BUDGET ENDING SEPTEMBER 30, 2023, BY AMENDING THE GENERAL FUND BUDGET TO ACCOUNT FOR EXPENSES IN THE ADMINISTRATION BUDGET FOR AN EMPLOYMENT SEPARATION AGREEMENT. DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

   Voted on in Agenda Item #2

2. Consideration and possible action to approve and authorize the Mayor to execute the Employment Separation Agreement between the City and City Manager, Kyle Jung.

   Mayor Dan Davis made the motion to approve Agenda Items 1 and 2. Councilmember Jerome Hudson seconded the motion.
   The motion carried with a vote: 6/1
   Yes: Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
   No: City Councilmember Place 1 Larry Akery
   Absent: None
   Abstained: None

3. Consideration and possible action on the appointment of a Mayor Pro-Tem to serve for one year.

   Mayor Dan Davis made the motion to appoint Jerome Hudson as Mayor Pro-Tem. Councilmember Perry seconded the motion.
   The motion carried with a vote: 7/0
   Yes: Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
   No: None
   Absent: None
   Abstained: None

4. Consideration and possible action to approve a request for a modification to the Design Criteria Manual for the property located on the south side of highway 6, approximately 1200 feet west of the intersection with SH 288.

   Design Criteria Modification request from Scott R. Sheridan, PE, RPLS, CFM, on behalf of the property owner, HJR Hwy 6, to the City of Manvel Design Criteria Manual, Section 5, Drainage, 1.04. G. 5.a. and Section 5, Drainage, 2.02 F. for 3.76 acres located on the south side of Highway 6, approximately 1,200 feet west from the intersection with SH 288. (Favorable Recommendation by PD&Z failed with a 2-4 vote).

   Dan Johnson and Jessica Rodriguez provided an overview and shared that staff does not recommend approval of the modification.
   Richard Rainor and Scott Sheridan give an overview as to why they feel it should be considered and approved.
   Dan Johnson suggests that if this is approved with the two conditions that staff has provided, and if Council wishes to allow pumped detention moving forward, that Council work towards setting clear guidelines in the Design Criteria Manual to help safeguard in the event of future requests.

   Mayor Dan Davis made the motion to approve the request for a modification to the Design Criteria Manual with two conditions, being: 1) installation of a natural gas emergency backup generator with an automatic transfer switch, and 2) indemnity agreement for the City from all liabilities. Councilmember Harry Opliger seconded the motion.
   The motion carried with a vote: 7/0

Yes:	Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No:	City Councilmember Place 1 Larry Akery
Absent:	None
Abstained:	None

5. Consideration and possible action to approve the first of two readings of Ordinance No. 2023-O-19;
   An ordinance amending the zoning classification of 0.8616 acres located at 7218 North Masters Road, Manvel, Texas, from Light Commercial District (LC) to Light Commercial District with Specific Use Permit (LC-SUP) to authorize the existing use of property for 621210 "Offices of Dentists";

   AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 0.8616 ACRES LOCATED AT 7218 NORTH MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 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 favorable recommendation by PD&Z 6/0)

   Jose Abraham, City Planner, provided an overview. Staff is recommending approval with conditions, being:

   1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to developing the subject site for the proposed dental office;

2. The proposed dental office on the subject site shall be in conformance with Section 77-31, Light-commercial (LC) district requirements;
3. A minimum six-foot-high wooden or masonry fence shall be constructed and retained in conformance with Section 77-43, Fences where the proposed dental office abuts a vacant land or residentially used/zoned property.
4. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture;
5. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally;
6. Any changes to the presented concept site development plan needed to conform to adopted City of Manvel codes and ordinances shall be made as part of the construction plan and building permit review process.
7. Parking shall be provided at the rate of 1 space per 250 gross square feet.
8. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day;
9. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
10. All doors shall remain unlocked and accessible during normal business hours.

Councilmember Jerome Hudson made the motion to approve. Councilmember Ed Perry seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

6. Consideration and possible action to approve a Subdivision variance request for an approximate 0.9470 acres of land located at 19429 Hwy 6, seeking to vary Chapter 62, Section 62-113 Sidewalks.

Jose Abraham, City Planner, provided an overview of the request. This is for the Shipley's development. Staff is recommending denial of the request.

Mayor Davis is not in support of this variance. Feels that sidewalks in that area are desperately needed. Suggests the possibility of having the developer escrow the funds for a sidewalk so that when a sidewalk plan is put in place for all of those businesses near the school, it can be funded and put in at that point.

Councilmembers Sarmiento and Perry are also opposed to the variance.

Mayor Dan Davis made the motion to approve. Councilmember Ed Perry seconded the motion.

The motion FAILED with a vote: 1/6

Yes: City Councilmember Place 5 Crystal Sarmiento
No: Mayor Dan Davis, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson

Absent: None
Abstained: None

7. Discussion/update on the Jordan Drainage Project and other drainage issues in the city. (Requested by Councilmember Akery and Councilmember Opliger).

Larry Akery - 117 acres off of Jordan drainage project. Started approximately 2 years ago. Meant to stop Highway 6 from flooding.
Adewale Taiwo, Capital Projects Manager -
City has moved forward with installing outfall pipes. CNR3 has utilized a contract with the city to get their fuel expedited out there. They have done a portion of the ditch work. Berm being built up. They have since pulled out since February and have said that they have no availability to assist the City with this project for the remainder of the year.
Dan Johnson - We're at a standstill with the project. City will explore sandmining and in the meantime meeting with the Drainage District and TXDOT as well.
Mayor - We pay taxes to the drainage district (CNR3). We need to schedule a time to meet with them and work through this with them.
Ed Perry - Given that it's an evacuation route, to what degree can we influence the state in this? Feels these partnerships are going to have to be reviewed because we don't have the funds to do it on our own.

8. Discussion/update on The Gardens at Croix Park.

Paul Sofka, Croix Park Task Force - Got a master naturalist on board to help design a butterfly and botanical garden. Trails. Bee sanctuary. Waterways. Place for migratory birds to rest. Council approved $250,000 and the bids they are receiving are more than that due to inflation ($259,000-400,000). Once built, Master Gardeners club can meet there. Can sell plants.
Phyllis (part of Croix family) - Gave the history of her family and the donation of the land that became Croix Park.
Adewale Taiwo - the selection criteria on the bidding was very strict. Met with the two of the three, the first and section options. Weeded out 300 submissions due to the criteria. Feel very confident in the capabilities of both companies. The first option was the most expensive, the second was the least expensive.
Councilmember Opliger asks since Council has approved only $250,000 can we start the project now with budgeting more money in the next budget to complete the project?
Adewale confirms that yes, the project can start now. The two companies agreed to phasing the project.
Councilmember Sarmiento - What would it take to get the entire plan done that was shown on the Master Plan in addition to the gardens?
Adewale - Trail, parking expansion, park pavilion, soccer field, restroom redo will easily be over 3 million at today's cost to complete what was shown on the original master park plan.
Mayor has a concern about being able to maintain the park.
Adewale says the company provided a reoccurring maintenance proposal as well. Approximately
$40,000 a year. This would need to be placed in the budget yearly moving forward.

Direction from the Mayor - bring forward an action item for the next meeting.

9. Consideration and possible action to direct staff on a budget amendment transferring $400,000.00 out of the fund balance into the general fund.

No action.

10. Consideration and possible action to direct staff on creating a Business Advisory Committee.

11. Consideration and possible action to direct staff on creating a Development Advisory Committee.

12. Consideration and possible action to direct staff on amending the Capital Improvement Advisory Committee.

13. Consideration and possible action to reactivate the Parks and Recreation Board and the Events Board and direct staff to advertise for board applicants.

*Agenda Items 10-13 grouped together

#10 & 11 Business Advisory & Development Advisory - Both ad hoc boards

#12 - Capital Improvement Advisory Committee - provide direction to staff to open that back up. Separate PD&Z from this.

#13 - We have a parks board and events board. Something formal at next meeting and need to start advertising immediately.

Ed Perry - Brings up the Diversity, Equity, and Inclusion board again. Mayor suggests he get with Tammy to get this put on an agenda.

Mayor Dan Davis made the motion to provide staff with the direction to move forward with Agenda Items 10-13. Councilmember Harry Opliger seconded the motion.
The motion carried with a vote: 7/0

Yes:	Mayor Dan Davis, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No:	None
Absent:	None
Abstained:	None

14. Consideration and possible action to direct staff on changes to the sign ordinance.

Jessica Rodriguez - Researched nearby cities. Some cities didn't allow more than 30 days in a year. Alvin permits feather flags. Suggests allowance on a temporary basis. Couldn't find any specific data regarding safety in school zones. Read over some distracted driving statistics. Addressed the bounce houses - could be classified under amusement devices.
Councilmember Sarmiento shares that none of the data shared in the statistics come from signs.
Councilmember Lands would like to see an allowance for signs for grand openings, holidays, and the waving willy.
Jessica Rodriguez shares that with the current days allowed for holidays, that means that they can essentially be up all year round with the exception of like one week in July.
Mayor Davis suggests removing the attention getting devices from prohibited signs, clarification on the temporary allowance for holidays. Need something in front of Council at the next meeting.

15. Update on the status of a community survey.

Brooke Cyphers - Two survey options. One is more exhaustive and includes questions related to the city's performance and direction, and the second is more budget directed.

Mayor - Would like to have the surveys done on a reoccurring basis.
Councilmember Perry - Did some research on organizations to do this for the city. This would have to be done as a budgeted item. Okay to do a simple survey now but continue to explore how to budget dollars towards an agency handling this.
Councilmember Sarmiento - If we done get a good result with the survey then this might not be something to move forward with.

Mayor and Council Comments
Mayor said happy birthday and happy work anniversary to city employees.

Adjourn

Councilmember Jerome Hudson made the motion to adjourn the meeting at 10:09 p.m. Councilmember Crystal Sarmiento seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Larry Akery, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS

CITY OF MANVEL
CORPORATE SEAL
1961
TEXAS