

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
DAN JOHNSON, INTERIM CITY MANAGER
TAMMY BELL, CITY SECRETARY

MISSION STATEMENT: "The City of Manvel will continue to be a unique, vibrant, growth-managed community that will meet the needs of its citizens through the efforts of local government and civic-minded individuals by promoting well-planned development, cost-effective professional management, and competent and responsive municipal services."

MINUTES 9/5/2023

Workshop Session

Mayor Davis called the workshop of the Manvel City Council to order at 5:00 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: Daniel S. Johnson, Interim City Manager
Bobby Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Robbie Hall, Public Works Director
Jessica Rodriguez, Director of Development Services
Rosie Donaire, Finance Manager
Jose Abraham, City Planner
Joe Murray, Fire Marshal
Chad Dumont, HR Manager
Brooke Cyphers, Public Information Officer

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".

City Manager Search

Mayor Davis convened the meeting into Executive Session at 5:01 p.m.
Mayor Davis reconvened the meeting out of Executive Session at 5:50 p.m.
No action was taken.

Discussion on the Fiscal Year 2023-2024 Proposed Budget.

Dan Johnson - Gave an update on the SMDA meeting. \$576,000 in this year's budget from clawback.

Councilmember Perry wants us to be careful about being too comfortable with visiting the unused fund balance or setting the tax rate so low that it inhibits us the following year.

Discussion on any topic as listed on the current agenda.

Mayor Davis closed the Workshop at 6:08 p.m.

Regular Session

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:12 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: Daniel S. Johnson, Interim City Manager
Bobby Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Robbie Hall, Public Works Director
Jessica Rodriguez, Director of Development Services
Rosie Donaire, Finance Manager
Jose Abraham, City Planner
Joe Murray, Fire Marshal
Chad Dumont, HR Manager
Brooke Cyphers, Public Information Officer

Invocation

Inspirational Reading - Councilmember Perry

Pledge

Presentations

Proclamations

Patriot Day - September 11, 2023

National Clean Energy Week - September 25-29, 2023

Presentation by the Brazoria County Hispanic Chamber of Commerce.

Executive Director, Gina Adams, gave a presentation on the Brazoria County Hispanic Chamber of Commerce.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING THE PROPOSED ANNUAL BUDGET FOR THE FISCAL YEAR OF OCTOBER 1, 2023 TO SEPTEMBER 30, 2024.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$1,926,646 OR 22.964% AND OF THAT AMOUNT, \$1,235,669 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

Mayor Davis opened the Public Hearing at 6:33 p.m.

Mayor Davis read comments submitted via email from the following:

Sara Turpine

Amanda Kay

Daniel Truhart

Sandra McNabb

Jared Jennings

1st call

Mary Ann Atkinson - Spoke in favor of the proposed tax rate and budget.

Nicole Mitchell - 6726 Austin Cove

Spoke in favor of the proposed tax rate and budget. Requested that the Council not cut the tax rate.

2nd call for comments - None

3rd call for comments - None

Mayor Davis closed the public hearing at 6:50 p.m.

Public Comments: "Comment Card" Required

Shawn with HEB spoke in favor of agenda item #7.

City Manager Update

Update on Drought Contingency Plan

Dan Johnson - We have been lucky, the city has not had to trigger any stages of the drought contingency plan. Right now, it is just voluntary.

Update on 8/30/2023 South Manvel Development Authority (SMDA) Meeting

The SMDA took action to determine how the city would compute the claw back numbers.

City has been working for the last 5 years on an interlocal agreement with C&R 3. Today we were delivered a signed agreement that we will have on the next council agenda.

Joint workshop next Monday 9/11 with PD&Z - Crystal will not be present, nor will Muhammed and Christy.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve Agreement Regarding Wastewater Treatment Facilities Between The City Of Manvel, Gr-M1, Ltd, Brazoria County Mud 56 And Brazoria County Mud 57.
3. Acceptance of infrastructure improvements for Kirby Drive Phase 3 to begin the Two-Year Maintenance Period

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Mayor Davis made the motion to approve the Consent Agenda. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

Items Removed from Consent Agenda

None

Regular Agenda

*Agenda item #7 was moved to the top of the regular agenda and voted on before item #1.

1. Consideration and possible action to schedule the adoption date for the Fiscal Year 2023-2024 Budget for September 18, 2023.

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

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

2. Consideration and possible action to approve the second and final reading of Ordinance 2023-O-28;

AN ORDINANCE AMENDING CHAPTER 59. "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" ARTICLE III. - *PUBLIC RIGHTS-OF-WAY*, SECTION 59-50. *TREE TRIMMING AMENDING PROVISIONS PERTAINING TO TREE TRIMMING IN THE RIGHT-OF-WAY*.

AN ORDINANCE AMENDING CHAPTER 59. "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE III. - PUBLIC RIGHTS-OF-WAY, SECTION 59-50. TREE TRIMMING TO AMEND THE PROVISIONS PERTAINING TO TREE TRIMMING IN THE RIGHT-OF-WAY; 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.

Councilmember Lands - Would like to see the size of the trees be considered. Trees with a larger circumference should be handled differently with permission from the homeowners.

City Manager - If over 100 inches in circumference, we could include language where we have an arborist perform the work.

City Attorney - Add in sub section D. After notice, if the resident wishes to trim the tree at their own expense, they can within X amount of days.

Mayor Davis made the motion to amend the ordinance to adding the following:

(c) Notice. Residents should be notified of tree trimming by city 72 hours in advance. Notice shall be by personal contact or notice posted on door or left on the premises.

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(d) Within 72 hours after receipt of notice from the city, the resident may notify the city that the resident will perform the tree trimming themselves, or have it done by a contractor, at resident's expense.

Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

Mayor Davis made the motion to approve as amended. Councilmember Perry seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

3. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-29; AN ORDINANCE AMENDING CHAPTER 33 "FOOD AND FOOD HANDLERS," TO AMEND THE DEFINITIONS; AMENDING THE PROVISIONS PERTAINING TO GREASE TRAP REQUIREMENTS

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL BY AMENDING CHAPTER 33 "FOOD AND FOOD HANDLERS," TO AMEND THE DEFINITIONS; AMENDING THE PROVISIONS PERTAINING TO GREASE TRAP REQUIREMENTS; 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.

Jessica Rodriguez - updated definition of restaurant. Recognizing not all businesses need a standard 500 gallon grease trap. New worksheet from TCEQ that can be used by a certified plumber to see what size grease trap the business needs.

Language changed to state that you need a grease trap if you discharge fats, oils, or grease into the public sewer system.

Councilmember Opliger made the motion to approve. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

4. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-30; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 29 – *FIRE PREVENTION AND PROTECTION* PERTAINING TO REGULATION OF ALARM SYSTEMS WITHIN THE CITY; PROVIDING PENALTIES FOR VIOLATION; AND PROVIDING FOR SEVERABILITY.

Name change includes burglar alarms too. In line with Local Government Code.

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

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

5. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-31; AN ORDINANCE AMENDING CHAPTER 59 *STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, ARTICLE IV “RESIDENTIAL PARKING,” BY ADOPTING A NEW SECTION 59-82 RELATED TO THE REGULATION OF PARKING.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 59 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV “RESIDENTIAL PARKING,” BY ADOPTING A NEW SECTION 59-82 RELATED TO THE REGULATION OF PARKING; RENUMBERING THE REMAINING SECTIONS OF ARTICLE IV; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

This will address parking issues around the schools. Prohibits parking, stopping, standing, loading, and unloading of passengers in specific areas along specific streets that run adjacent to schools.

Councilmember Hudson made the motion to approve. Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

6. Discussion and possible direction to staff regarding Home Rule Charter Section 4.02. *Appointment of members of boards and commissions.* (Requested by Mayor Dan Davis)

Tammy Bell - New board management software, escribe.

Bobby Gervais - Would not be able to discuss advisory type boards/committees in executive session.

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For removal, the ones that do fall under the Council's discretion can be voted out at will by a majority vote.

We do have a code of conduct for all boards, committees, etc.

Not all boards have by-laws.

Mayor Davis states that PD&Z by-laws need to be updated.

Councilmember Sarmiento says that online bullies should not be allowed to apply.

No action taken.

7. Consideration and possible action to approve a variance to the Manvel Town Center Planned Unit Development (PUD), provided in Exhibit E of Ordinance 2017-O-33, Section IV. Project/Plan Description, E. Signage, 4) Wall Mounted Signage. c. Anchor Tenants over 80,000 square feet., to allow for a wall sign exceeding the maximum height allowance of 92 inches.

****This item was moved to the top of the Regular Agenda and voted on before item #1.****

Councilmember Akery made the motion to approve. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

Mayor and Council Comments

Work anniversaries - Laura Hernandez, John Thomas, Jessica Rodriguez, Percy Ben. Ed Thompson, State Representative, announced he is not seeking reappointment.

Adjourn

Mayor Davis made the motion to adjourn the meeting at 7:53 p.m. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: City Councilmember Place 4 Ed Perry, City Councilmember Place 6 Jerome Hudson, City Councilmember Place 1 Larry Akery, City Councilmember Place 3 Harry Opliger, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

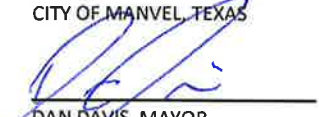
No: None

Absent: None

Abstained: None

CERTIFICATION


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS


DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS

