

October 16, 2023 CITY COUNCIL MEETING AGENDA

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

NOTICE OF A CITY COUNCIL MEETING OF THE CITY OF MANVEL October 16, 2023

NOTICE IS HEREBY GIVEN 5:00 P.M. WORKSHOP – 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.

CITY OF MANVEL 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."

Workshop Session -5:00 p.m.

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 Employment Agreement

Workshop Session

Discussion on Water Reclamation Facility (WRF).

Discussion on any subject listed on the agenda dated October 16, 2023.

Regular Session - 6:00 p.m.

Call To Order

Invocation

Inspirational Reading - Councilmember Lands

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

H-E-B Leadership Recognition

Proclamation

Chamber of Commerce Week October 16, 2023 - October 20, 2023

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

City Manager Update

Update on current events and city issues.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Consideration and possible action to approve acceptance of infrastructure improvements for Valencia Section 1 to begin the Two-Year Maintenance Period.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to appoint Daniel S. Johnson as City Manager, approve Agreement of Employment, and authorize the Mayor to execute said agreement.
2. Consideration and possible action to set the amount of the surety bond for the City Manager Position as required by Article V Sec. 5.02 (d) in the City Charter.

3. Consideration and possible action to approve Ordinance 2023-O-39;
AN ORDINANCE AMENDING ORDINANCE NO. 2023-O-32 AMENDING THE CITY FISCAL YEAR 2024 BUDGET ENDING SEPTEMBER 30, 2024, BY AMENDING THE GENERAL FUND BUDGET AND CAPITAL PROJECTS FUND BUDGET TO ACCOUNT FOR THE REALIGNMENT OF THE CLARK ROAD BRIDGE. 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.
4. Consideration and possible action to approve Resolution 2023-R-27
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING AN "ADVANCE FUNDING AGREEMENT FOR LOCALLY FUNDED PROJECT OFF-SYSTEM" WITH TXDOT FOR THE REALIGNMENT OF CLARK ROAD ON BOTH SIDES OF THE CLARK ROAD BRIDGE AT BRAZOS RIVER AUTHORITY CANAL, WITH LOCAL SHARE FOR THIS PORTION OF THE PROJECT IN THE APPROXIMATE AMOUNT OF \$410,000.00, AS SHOWN IN ATTACHED EXHIBIT A.
5. Consideration and possible action to approve an Interlocal Agreement between Brazoria County and the City of Manvel for assistance with labor and equipment for repairing the following roads;
Wilson - From Hwy 6 to Lewis Lane
Dogwood - From McCoy to Masters (FM1128)
Tankersley - From McCoy to Masters (FM1128)
Charlotte - From McCoy to Masters (FM1128)
6. Consideration and possible action on the appointments of the Business Advisory Task Force positions #1, #2, #3, #4, #5, and two alternates with a term to expire in October 2025.
7. Consideration and possible action to appoint Jacob Dubois to the Animal Advisory Board Position #4 with a term to expire March 2024.
8. Consideration and possible action to approve the second and final reading of Ordinance 2023-O- 37;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO REVISE THE REGULATIONS PERTAINING TO MOBILE FOOD UNITS (MFUs);
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 REVISE THE REGULATIONS PERTAINING TO MOBILE FOOD UNITS (MFUs); 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.

9. Consideration and possible action to approve the second and final reading of Ordinance 2023-O-38;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE XII "SPECIAL EVENTS" PERTAINING TO THE REGULATION OF SPECIAL EVENTS WITHIN THE CITY; 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.
10. Consideration and possible action to direct staff on engaging with the school district to add a pedestrian walking area from the High School to Weekley's Shaved Ice.
11. Consideration and possible action to approve Resolution 2023-R-28
A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE SOUTH MANVEL DEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER THREE, CITY OF MANVEL, TEXAS; AND MAKING CERTAIN FINDINGS RELATING THERETO.

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 October 13, 2023 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



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

LARRY AKERY, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
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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 10/2/2023

Regular Session

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:44 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: Dan Johnson, Interim City Manager
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Rosa Donaire, Finance Manager
Chad Dumont, HR Manager
Robbie Hall, Public Works Director
Joe Murray, Fire Marshal
Adewale Taiwo, Capital Projects Manager
Brooke Cyphers, Public Information Officer

Invocation

Inspirational Reading - Councilmember Lands

Pledge

October 2, 2023 MANVEL CITY COUNCIL MEETING MINUTES

Presentations

Proclamations

World Teachers' Day - October 5, 2023

Fire Prevention Week - October 8-12, 2023

Breast Cancer Awareness Month - October 2023

Public Hearing

CANCELLED

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 77 "ZONING", ARTICLE I.- IN GENERAL; ARTICLE II.- DISTRICT REGULATIONS; AND ARTICLE III.- ADMINISTRATION; BY AMENDING REQUIREMENTS AND PROVISIONS RELATED TO FENCES; NONCONFORMING LANDUSES AND STRUCTURES; AND BUILDING FAÇADE.

THIS PUBLIC HEARING HAS BEEN CANCELLED

Public Comments: "Comment Card" Required

Alex Camcar - Pearland Council Member, Candidate for State Representative District 29

Chris Day, MPA President - Complimented the council for the budget process and the involvement of the staff. Complimented Dan Johnson for the job he has been doing as the Interim City Manager. The MPA stands with the decision of Dan Johnson as the City Manager.

Christy Simmons, 23 year resident of Manvel - Lives on Mississippi and struggles with flooding, trash and debris. Looking for who to contact in the event we have heavy rain. Doesn't want to be forgotten due to new developments.

Written comments -

Eddie Johnson - Against utility rates increasing

Ms. Williams - Complaints against the city code enforcement officer

Noemi Feuntes - Wants to see more city events and a decrease in utility rates.

City Manager Update

*Update on the System Water Availability Agreement with the Brazos River Authority and Existing Temporary Water Supply Agreements.

*Update on the process of receiving work order requests from the public

*Update on the burn ban being lifted

*National Night Out

Secured 100% of our BRA water under resale contracts out through 2029. This saves the city \$2.1 million.

New report a concern feature for citizens up on the website.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve the second and final reading of Ordinance 2023-O-34;
AN ORDINANCE AMENDING CHAPTER 71 "UTILITIES" ADOPTING NEW RATES FOR WATER AND SEWER.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 71. "UTILITIES" BY ADOPTING NEW RATES FOR WATER AND SEWER; MAKING OTHER CHANGES TO THE ORDINANCE GOVERNING THE PROVISION OF UTILITIES WITHIN THE CITY OF MANVEL; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

3. Approve the second and final reading of Ordinance 2023-O-35;
AN ORDINANCE REPEALING CHAPTER 44 – OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE V. JUVENILE CURFEW, IN RESPONSE TO H.B. 1819; PROVIDING PENALTIES FOR VIOLATION.
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, REPEALING CHAPTER 44 – OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE V. JUVENILE CURFEW, IN RESPONSE TO H.B. 1819; PROVIDING PENALTIES FOR VIOLATION; AND PROVIDING FOR SEVERABILITY.
4. Acceptance of infrastructure improvements for Meridiana Elementary School Site No. 2 to begin the Two-Year Maintenance Period.

Mayor Davis made the motion to add Regular Agenda items #2, #3, and #4 to 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

Councilmember Hudson made the motion to approve the consent agenda with the addition of regular agenda items #2, #3, and #4. Councilmember Akery 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

1. Consideration and possible action to approve the Interim Guaranteed Maximum Price (IGMP) as required in Section 2.2.5.1 of the Construction Manager-At-Risk agreement with CORE Construction.

Adewale Taiwo - presented interim GMP.
Plans aren't 100% approved.

No action taken.

2. Consideration and possible action to approve Resolution 2023-R-23;
RESOLUTION OF THE CITY OF MANVEL, TEXAS GIVING CONSENT TO THE SALE AND ISSUANCE OF BONDS BY SEDONA LAKES MUNICIPAL UTILITY DISTRICT NO. 1 OF BRAZORIA COUNTY.

Moved to Consent.

3. Consideration and possible action to approve Resolution 2023-R-25;
A RESOLUTION OF THE CITY OF MANVEL, TEXAS, CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING, DEVELOPMENT AND ZONING COMMISSION IN REGARD TO SEVERAL REGULATORY CHANGES TO THE ZONING ORDINANCE; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Moved to Consent

4. Consideration and possible action to approve Resolution 2023-R-26;
A RESOLUTION DESIGNATING A REPRESENTATIVE AND ALTERNATE HOUSTON-GALVESTON AREA COUNCIL 2024 GENERAL ASSEMBLY

Moved to Consent.

5. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-37;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO REVISE THE REGULATIONS PERTAINING TO MOBILE FOOD UNITS (MFUs);
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 REVISE THE REGULATIONS PERTAINING TO MOBILE FOOD UNITS (MFUs); 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.

Staff and Council discuss changes that need to be made before the second and final reading. The final reading needs to be placed on the Regular Agenda, not Consent, so that they can discuss.

Councilmember David Lands made the motion to approve. Mayor Dan Davis 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

6. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-38;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE XII "SPECIAL EVENTS" PERTAINING TO THE REGULATION OF SPECIAL EVENTS WITHIN THE CITY; 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.

Staff and Council discuss changes that need to be made before the second and final reading. The final reading needs to be placed on the Regular Agenda, not Consent, so that they can discuss.

October 2, 2023 MANVEL CITY COUNCIL MEETING MINUTES

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, City Councilmember Place 5 Crystal Sarmiento, Mayor Dan Davis, City Councilmember Place 2 David Lands

No: None

Absent: None

Abstained: None

7. Consideration and possible action to direct staff on amending the City's Financial Management Policies.

No action.

8. Discussion and direction to staff on creating a Commemorative Naming Policy for City Facilities and Parks.

No action.

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 8:30 p.m.

Mayor Davis reconvened the meeting out of Executive Session at 9:46 p.m.

No action taken during Executive Session.

Regular Agenda

9. Consideration and possible action on the selection of a City Manager.

HR Manager addressed the council

Started the process 3 months ago, updated the job description, posted a notice for 1 month, had 28 applicants, used a sub-committee of staff and council to go over the applicants. The subcommittee narrowed the applications down to 7, of which 5 were chosen to move forward to the next phase. The council then narrowed the applications down to 4. A group of staff then interviewed the 4 applicants, of which 3 were recommended to the council to interview. Staff completed the task they were charged with.

Mayor Davis made the motion to negotiate a contract with Dan Johnson. 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

October 2, 2023 MANVEL CITY COUNCIL MEETING MINUTES

Mayor and Council Comments

None

Adjourn

Councilmember Akery made the motion to adjourn the meeting at 9:54 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

**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 10/2/2023

Call To Order

Mayor Davis called the Joint Meeting of the Manvel City Council and Planning Development and Zoning Commission to order at 5:47 p.m.

Roll Call - City Council

Mayor Dan Davis - PRESENT
Councilmember Larry Akery - PRESENT
Councilmember David Lands - PRESENT
Councilmember Harry Opliger - PRESENT
Councilmember Ed Perry - PRESENT
Councilmember Crystal Sarmiento - PRESENT
Mayor Pro-Tem Jerome Hudson - PRESENT

Roll Call - Planning Development and Zoning Commission

Ryan Miller, Chair - PRESENT
Kyle Marasckin, Vice-Chair - PRESENT
Mary Ann Atkinson - PRESENT
Kenneth Haynes - ABSENT
Christy Kennard - PRESENT
Dorothy Wynne - PRESENT
Muhammed Alam - ABSENT

Pledge

Public Comments: "Comment Card" Required

Workshop Session

Discussion for permissible commercial land uses in the Del Bello Lakes PUD for 30± acre site located at the southeast corner of Del Bello Boulevard and SH 288.

David Minceberg, Management Partner for the land in discussion

One dealership has proposed developing 16 of the acres

A second purchaser, also a dealership, is interested in all 30 of the acres

Chris Wall, General Counsel for Keating Auto Group

Proposing two smaller facilities on the 30 acres

Dan Johnson - the rationale behind the workshop is to get everyone on the same page to see if this is worth moving forward with

Mary Ann - asks if dealerships are the only thing proposed or if there is room for businesses to come in. Would like to see a doctors office. Does not want multifamily.

Mayor Davis - this land also is the entrance to the 160 acres. It's valuable land.

Harry Opliger - How many jobs would this bring? Chris - could be 60-75 employees.

Mayor Davis asks if there is a desire to open up the PUD to allow for this. Mayor Davis is not inclined to see the PUD opened up. Car dealership doesn't allow for a lot of sales tax. Concerned with what we could lose out on 5-10 years in the future.

Thinks it would be nearsighted to jump at the first thing with all the development and changes to roadways.

Dorothy Wynne - is interested in looking at opening the PUD up. Thinks it would be a good fit.

Mayor Davis to Chris and David - There is an openness, as well as some hesitancy so with that, if you want to initiate the amendment of the PUD you can, or spend some time doing the studies then come back to hear Council and PD&Z's thoughts.

Mayor and Council Comments

Adjourn

Mayor Dan Davis made the motion to adjourn the meeting at 6:36 p.m. PD&Z Chair Ryan Miller seconded the motion.

The motion carried with an all-in-favor vote.

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
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LARRY AKERY, COUNCIL PLACE 1
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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 10/2/2023

Regular Session

Call To Order

Mayor Davis called the Special Meeting of the Manvel City Council to order at 4:00 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 - LATE
City Councilmember Place 6 Jerome Hudson - LATE

Absent: None

Also Present: Daniel Johnson, Interim City Manager
Robert Gervais, City Secretary
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chad Dumont, HR Manager
Brooke Cyphers, Public Information Officer

Pledge

Public Comments: "Comment Card" Required

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 - Interviews

Mayor Dan Davis convened the meeting into Executive Session at 4:01 p.m.

Mayor Dan Davis reconvened the meeting out of Executive Session at 5:46 p.m.

No action taken.

Mayor and Council Comments

Adjourn

Mayor Dan Davis made the motion to adjourn the meeting at 5:46 p.m. Councilmember David Lands 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

ORDINANCE NO. 2023-O-39

AN ORDINANCE AMENDING ORDINANCE NO. 2023-O-32 AMENDING THE CITY FISCAL YEAR 2024 BUDGET ENDING SEPTEMBER 30, 2024, BY AMENDING THE GENERAL FUND BUDGET AND CAPITAL PROJECTS FUND BUDGET TO ACCOUNT FOR THE REALIGNMENT OF THE CLARK ROAD BRIDGE. 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.

WHEREAS, by Ordinance No. 2023-O-32, the City Council of the City of Manvel, Texas, adopted its original budget for Fiscal Year ending September 2024; and

WHEREAS, Texas Local Government Code §102.010 provides that a municipality may make changes in the budget for municipal purposes; and

WHEREAS, the General Fund budget and the Capital Project Fund budget amendment is needed to account for the realignment of the Clark Road Bridge; and

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

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct. The City Council deems the purpose for this budget amendment is a municipal purpose.

SECTION 2: That the budget for the Fiscal Year ending September 30, 2024, of the City of Manvel, Texas, is hereby amended as;

GENERAL FUND

Line Item	Description	Current	Increase	Decrease	Amended
10.09.4999	Fund Balance	\$7,231,475		\$410,000	\$6,821,475
10.50.6035	Transfer out Capital Proj	\$0	\$410,000		\$ 410,000

CAPITAL PROJECTS FUND

Revenues

Line Item	Description	Current	Increase	Decrease	Amended
50.09.4950	Transfer in from General Fund	\$0	\$410,000		\$ 410,000

Expenses

Line Item	Description	Current	Increase	Decrease	Amended
50.91.7557	Clark Road Proj CSJ0912.31.317	\$0	\$410,000		\$ 410,000

SECTION 3: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2023.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

TxDOT:				Federal Highway Administration:	
CCSJ #	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
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STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT
For
Locally Funded Project
Off-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of Manvel**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116292**, dated **August 30, 2022** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **the replacement of bridge and approaches on Clark Road at Brazos River Authority Canal**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Gulf Coast Water Authority (GCWA) owns the bridge located at Clark Road at Brazos River Authority Canal, and the bridge is included in the currently approved off-system federal-aid Highway Bridge Replacement and Rehabilitation Program (HBRRP), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment C,

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Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), which is attached to and made a part of this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	N/A	Utilities	Article 8
2.	N/A	Environmental Assessment and Mitigation	Article 9
3.	State	Architectural and Engineering Services	Article 11
4.	State	Construction Responsibilities	Article 12
5.	N/A	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of the design and construction of the realignment of Clark Road on both sides of the Clark Road Bridge at Brazos River Authority Canal, as shown on Attachment A.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The

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State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.
- F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.

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- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment B. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
- K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
- L. The State will not pay interest on any funds provided by the Local Government.
- M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
- N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
- O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
- Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

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- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that

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the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the

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State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

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15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of Manvel ATTN: {Enter Position Title} 20031 Highway 6 Manvel, Texas 77578	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a

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monthly basis or as required by the State. The originals shall remain the property of the Local Government. .

20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.

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- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

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26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).

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- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

TxDOT:				Federal Highway Administration:	
CCSJ#	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
AFA CSJs	0912-31-317			CFDA Title	Highway Planning and Construction
District #	12	Code Chart 64#	26520		
Project Name	Clark Rd: At Brazos River Auth Canal			AFA Not Used For Research & Development	

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

TxDOT:				Federal Highway Administration:	
CCSJ#	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
AFA CSJs	0912-31-317			CFDA Title	Highway Planning and Construction
District #	12	Code Chart 64#	26520		
Project Name	Clark Rd: At Brazos River Auth Canal			AFA Not Used For Research & Development	

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

TxDOT:				Federal Highway Administration:	
CCSJ #	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
AFA CSJs	0912-31-317			CFDA Title	Highway Planning and Construction
District #	12	Code Chart 64#	26520		
Project Name	Clark Rd: At Brazos River Auth Canal			<i>AFA Not Used For Research & Development</i>	

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

Signature

Kenneth Stewart

Typed or Printed Name

Director of Contract Services

Typed or Printed Title

Date

THE LOCAL GOVERNMENT

Signature

Dan Davis

Typed or Printed Name

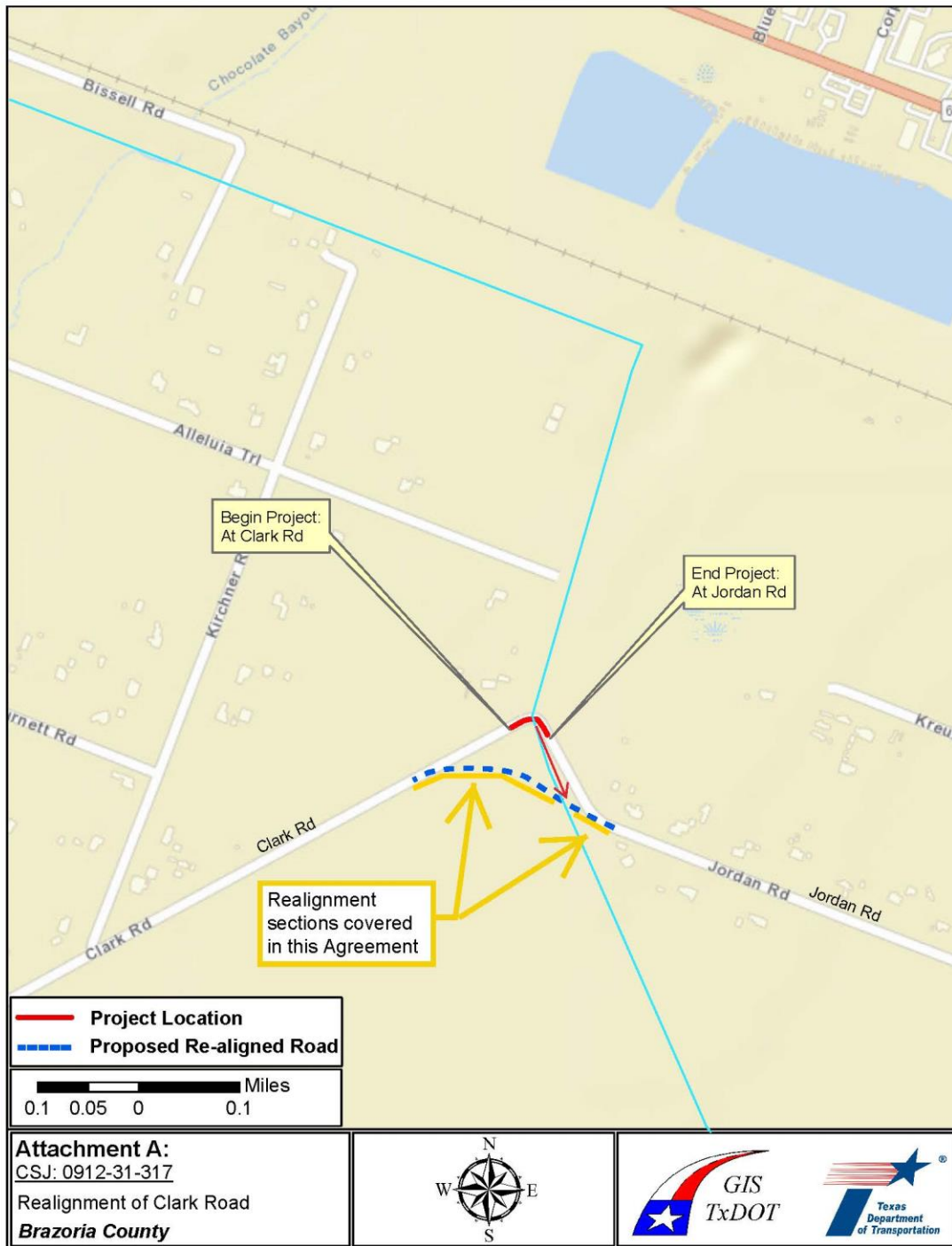
Mayor

Typed or Printed Title

Date

TxDOT:				Federal Highway Administration:	
CCSJ #	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
AFA CSJs	0912-31-317			CFDA Title	Highway Planning and Construction
District #	12	Code Chart 64#	26520		
Project Name	Clark Rd: At Brazos River Auth Canal			AFA Not Used For Research & Development	

ATTACHMENT A LOCATION MAP SHOWING PROJECT



TxDOT:				Federal Highway Administration:	
CCSJ #	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
AFA CSJs	0912-31-317			CFDA Title	Highway Planning and Construction
District #	12	Code Chart 64#	26520		
Project Name	Clark Rd: At Brazos River Auth Canal			AFA Not Used For Research & Development	

ATTACHMENT B PROJECT BUDGET

Costs will be allocated based on 100% Local Government funding. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering (by the State)	\$73,763.94	0%	\$0	0%	\$0	100%	\$73,763.94
Construction (by the State)	\$334,225.60	0%	\$0	0%	\$0	100%	\$334,225.60
Subtotal	\$407,989.54		\$0		\$0		\$407,989.54
Engineering Direct State Costs	\$500.00	0%	\$0	0%	\$0	100%	\$500.00
Construction Direct State Costs	\$1,000.00	0%	\$0	0%	\$0	100%	\$1,000.00
Indirect State Costs	\$19,368.86	0%	\$0	100%	\$19,368.86	0%	\$0
TOTAL	\$428,858.40		\$0		\$19,368.86		\$409,489.54

Initial payment by the Local Government to the State: \$74,263.94

Payment by the Local Government to the State before construction: \$335,225.60

Estimated total payment by the Local Government to the State \$409,489.54. This is an estimate. The final amount of Local Government participation will be based on actual costs.

TxDOT:				Federal Highway Administration:	
CCSJ #	0912-31-323	AFA ID	Z00005845	CFDA No.	20.205
AFA CSJs	0912-31-317			CFDA Title	Highway Planning and Construction
District #	12	Code Chart 64#	26520		
Project Name	Clark Rd: At Brazos River Auth Canal			<i>AFA Not Used For Research & Development</i>	

ATTACHMENT C
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT
BETWEEN BRAZORIA COUNTY AND THE CITY OF MANVEL
IS24-0001

This Agreement is made between BRAZORIA COUNTY and the CITY OF MANVEL hereinafter referred to as the COUNTY and CITY respectively.

RECITALS

WHEREAS, the CITY wishes to repair all roads as listed on Exhibit “B”; and

WHEREAS, the CITY has requested the COUNTY’S assistance to providing labor and equipment to repair all roads as listed on Exhibit “B”; and

WHEREAS, the COUNTY has agreed to utilize Brazoria County Road & Bridge equipment and employees to perform this work pursuant to the authority of Tex. Transp. Code §251.012, and the Interlocal Cooperation Act, Tex. Gov. Code Sec. 791.001 et. Seq., subject to the conditions and limitations of this Agreement;

NOW THEREFORE, the CITY and COUNTY agree as follows:

- 1.01 COUNTY agrees to supply such equipment as may be necessary together with operators to repair all roads listed on Exhibit “B”.
- 1.02 The CITY agrees to pay for material needed in the project directly to supplier, and in the event COUNTY costs in performing above-described work exceed \$10,000.00, the CITY shall pay, from the point in time that COUNTY’S costs equal the sum \$10,000.00, the labor costs and the hourly value of equipment used, plus any other costs associated with the use of the equipment. Though it is contemplated by this agreement that CITY will obtained the necessary design and engineering studies required by the project prior to the commencement of the work, CITY agrees to pay the reasonable cost of any design or engineering work obtained by COUNTY if it exceeds the sum of \$10,000.00. The value of equipment shall be those hourly rates which have been previously established by the COUNTY for each item of its equipment, multiplying the same by the number of hours, such equipment has been utilized in excess of the point in time when COUNTY’s costs equaled the sum of \$10,000.00. COUNTY equipment utilized on site for the project shall be charged to CITY on a daily rate for each day it is on-site.

- 1.03 The parties intend that COUNTY, in performing such services, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. COUNTY is not considered an agent or employee of CITY.
- 1.04 Each party agrees that payments for the performance of governmental functions or services shall be from current revenues available to the paying party and further that such payments shall fairly compensate the performing party for the service it supplies provides for the other party's benefit.
- 1.05 COUNTY does not warrant the suitability for this project of any material purchased by CITY from a third party which maintains a continuing contract with COUNTY. Any cost estimate made connection with this project is only an estimate and is not warranty of the final cost of the project.
- 1.06 To the extent permitted by law, CITY agrees to assume the risk of, fully indemnify, hold harmless and defend COUNTY, its agent, officers and employees from any and all loss, damage, cost demands and causes of action of any manner from the performance of the above referenced work.
- 1.07 COUNTY executes this Agreement by and through the County Judge acting pursuant to Order of the Commissioners Court so authorizing, and the CITY executes this Agreement by and through the President acting pursuant to authorizations of its Board of Trustees.
- 1.08 Nothing herein shall be constructed to make either party purchaser or consumer of goods or services from the other.
- 1.09 Nothing herein shall be constructed to create any rights in third parties.
- 1.10 Misspelling of one or more words in this agreement shall not void this agreement. Such misspelled words shall be read so as to have the meaning apparently intended by the parties.

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

By: _____

CITY OF MANVEL
MAYOR

By: _____

BRAZORIA COUNTY
COUNTY JUDGE

Date signed: _____

Date signed: _____

City of Manvel
Interlocal Agreement Project Request Summary FY-24

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects and/or Ditch Digging ONLY)	FOR OFFICE USE ONLY
Wilson	From: State Highway 6 (Morris) To: Lewis Lane	1,700	26	Emulsion injected paving	93,748.00
Dogwood	From: McCoy To: Masters (FM1128)	2,700	26	Emulsion injected paving	151,380.00
Tankersley	From: McCoy To: Masters (FM1128)	2,300	26	Emulsion injected paving	128,954.00
Charlotte	From: McCoy To: Masters (FM1128)	2,300	26	Emulsion injected paving	128,954.00

Note: Must have Mayoral approval

Return to: County Engineer's Office

Engineer-interlocals@brazoriacountytx.gov


Approved By: Mayor
9/10/2023
Date

Exhibit 'B'

Materials Cost Estimate for Project: wilson

<i>Limits</i>	<i>Len</i>	<i>Pct</i>	<i>Ctr</i>	<i>Area</i>	<i>Priority</i>	<i>Type</i>	<i>FY</i>
<i>Entire</i>	0.32	2	<i>Alv</i>	<i>Nor</i>	3	<i>IM</i>	2023

Item Description	Len_Mi	Wid_Ft	Thk_In	Rate	Rate Unit	Qty	Unit	Price	ItemCost
ABS-65	0.32	24		1.4	Gal/SqYd	6,347	Gal	2.96	18,786
Base - crushed concr.	0.32	26	6			1,613	Ton	22.00	35,493
CSS1 for prime	0.32	22		0.1	Gal/SqYd	416	Gal	2.90	1,205
Asphalt - HMAC Type D	0.32	20	2.5			517	Ton	74.00	38,264

Project Cost:	93,748
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Materials Cost Estimate for Project: dogwood

<i>Limits</i>	<i>Len</i>	<i>Pct</i>	<i>Ctr</i>	<i>Area</i>	<i>Priority</i>	<i>Type</i>	<i>FY</i>
<i>Entire</i>	0.51	2	Alv	Nor	3	IM	2023

Item Description	Len_Mi	Wid_Ft	Thk_In	Rate	Rate Unit	Qty	Unit	Price	ItemCost
ABS-65	0.51	26		1.4	Gal/SqYd	10,920	Gal	2.96	32,323
Base - crushed concr.	0.51	26	6			2,562	Ton	22.00	56,371
CSS1 for prime	0.51	22		0.1	Gal/SqYd	660	Gal	2.90	1,914
Asphalt - HMAC Type D	0.51	20	2.5			821	Ton	74.00	60,772

Project Cost:	151,380
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Materials Cost Estimate for Project: tankersley-1

<i>Limits</i>	<i>Len</i>	<i>Pct</i>	<i>Ctr</i>	<i>Area</i>	<i>Priority</i>	<i>Type</i>	<i>FY</i>
<i>Entire</i>	0.44	2	Alv	Nor	3	A	2023

Item Description	Len_Mi	Wid_Ft	Thk_In	Rate	Rate Unit	Qty	Unit	Price	ItemCost
ABS-65	0.44	26		1.4	Gal/SqYd	9,302	Gal	2.96	27,535
Base - crushed concr.	0.44	26	6			2,183	Ton	22.00	48,019
CSS1 for prime	0.44	22		0.1	Gal/SqYd	562	Gal	2.90	1,630
Asphalt - HMAC Type D	0.44	20	2.5			700	Ton	74.00	51,769

Project Cost:	128,954
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Materials Cost Estimate for Project: charlotte-1

<i>Limits</i>	<i>Len</i>	<i>Pct</i>	<i>Ctr</i>	<i>Area</i>	<i>Priority</i>	<i>Type</i>	<i>FY</i>
<i>Entire</i>	0.44	2	Alv	Nor	3	IM	2023

Item Description	Len_Mi	Wid_Ft	Thk_In	Rate	Rate Unit	Qty	Unit	Price	ItemCost
ABS-65	0.44	26		1.4	Gal/SqYd	9,302	Gal	2.96	27,535
Base - crushed concr.	0.44	26	6			2,183	Ton	22.00	48,019
CSS1 for prime	0.44	22		0.1	Gal/SqYd	562	Gal	2.90	1,630
Asphalt - HMAC Type D	0.44	20	2.5			700	Ton	74.00	51,769

Project Cost:	128,954
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Applicant Summary for Business Advisory Task Force

Name	Submission Date
Thag Adhikari	9/10/2023
Jason Hoelscher	9/28/2023
Paresh Motiwala	10/07/2023
Jason Black	9/19/2023
Becky Whatley	09/18/2023
Richard S Drake II	09/21/2023

Alternate

Name	Submission Date
Venkataratnam Ramachandran	10/04/2023
Dan Davis	10/09/2023

Total number of vacancies: 7 (5 members + 2 alternates)

Total number of applicants: 6 member applications, 2 alternate applications

Business Advisory Task Force

Applicant Package - Place 1

Business Advisory Task Force - Place 1

Term: 15 Oct 2023 - 14 Oct 2025

Positions Available: 1

Number of applicants in this package: 3

- Adhikari, Thag

- Hoelscher, Jason

- MOTIWALA, PARESH

Name: Adhikari, Thag

Address: 9810 Chapman Trail, manvel, tx, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- Thag Adhikari Drivers license.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

Yes

How many years have you lived in Manvel?:

1 year

Occupation:

IT Director

Employer:

KNITTECH INC / Business

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

If Yes, Explain:

N/A

Are you an existing board member desiring to remain on the same board?:

No

Have you ever served on a City Board?:

No

If Yes, name board and time frame. :

N/A

List all board meetings you have you attended in the last 6 months? :

Did not attend. However will be attending the upcoming City Of Manvel meeting/workshop

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

I am passionate and excited in supporting government initiatives and would be available to take up additional responsibilities and contribute towards building the City Of Manvel.

- I have spent 4 years in Houston,TX, networking locally with government entities and SBDC events (small business development center) on a monthly basis and can provide true value to business and entrepreneurs in areas of overall growth including new procurement/business opportunities, Skill-Boosting , funding and how to prepare and participate in government solicitations
- I also strongly believe that encouraging & supporting small businesses will contribute towards faster growth of the city and hence i want to share the knowlege i have gathered and supporty my city.

Are you related to any City Employee or Council Member?:

No

If so, Who? :

N/A

Are you involved in any community activities? (Civic or Hobbies):

NOT YET. Setup meeting with Business adversor from Texas Workforce Commission government orgnization to be able to provide contribution to the community. I have enquired with the Brazoria County Library System and currently they do not have any community/volunteer opportunities . In search of a suitable opportunity

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

If yes, explain:

N/A

What area of expertise can you bring to the board you are applying for?:

- Information Technology: I am an Information Technology director with 20 years of experience in areas of healthcare and manufacturing and can contribute to areas of technology.
- Employment / Staffing Agency in Manvel: Sadly, Manvel doesn't have any employment placement services or staffing agency. In social media platforms like Facebook LinkedIn & platforms like Nextdoor, I see many residents who are helpless and clueless in securing jobs. I can provide insight on current employment job market and how existing/new business can support increasing employment opportunities for the residents within the city.
- Business Owner & Alliances: I am a part owner of Houston based/veteran owned IT Staffing & consulting services as well as partnered with several non-profit organizations which help groom / build small business. I can connect business to organizations like Score.org, PTAC, SBDC and provide networking opportunities with alliances/partners.
- SBA.gov: I am well aware of SBA initiatives and can provide guidance on setting up new business and support new or existing business on how to launch, manage or grow existing business.
- Small Business Development Center (SBDC): I actively participate in SBDC events on a monthly basis and can provide valuable insight to all Entrepreneurs in areas of Skill-Boosting and other Workshops arranged by SBDC.
- Procurement Opportunities & Solicitations: I am well aware of various government solicitations / procurement opportunities at a county/state/federal level and can recommend businesses to open up for expansion by bidding on available opportunities.
- Certifications & Fundings: One of the fastest ways a small business can expand its services is by securing relevant certifications & fundings to be eligible for bidding of multiple opportunities with the government agencies. I can recommend certifications for minorities, veterans, women owned & small business.

- PMI.org: I am a member of project management institute (pmi.org) and can provide my expertise in execution of a project in any domain.
- PASSION: I am also -passionate and excited in supporting government initiatives and would be available to take up additional responsibilities and contribute towards building the City Of Manvel

Disclaimer

By providing my signature below, I understand that should I not be appointed to a City of Manvel board or commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Manvel's document retention schedule.

I certify that my answers above are true and complete. I understand that the information contained in this application may be considered among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Manvel board or commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Manvel board or commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Manvel board or commission, I understand that false or misleading information in my application may result in my removal from my position.

I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Acknowledged & confirmed

Time of Submission: 09/10/23 1:40:50 PM

Attachments:

- Thag Cover Letter_Business Advisory Board Member.pdf

COVER LETTER – Business Board Member

My name is Thag Adhikari and I am a resident of **Meridiana community in Manvel.**

Address: 9810 Chapman Trl, Manvel,Tx

- **Information Technology:** I am an Information Technology director with 20 years of experience in areas of healthcare and manufacturing and can contribute to areas of technology
- **Employment / Staffing Agency in Manvel:** Sadly, Manvel does't have any employment placement services or staffing agency. In social media platforms like facebook LinkedIn & platforms like Nextdoor, I see many residents who are helpless and clueless in securing jobs. I can provide insight on current employment job market and how existing/new business can support increasing employment opportunities for the residents within the city.
- **Business Owner & Alliances:** I am a part owner of Houston based/veteran owned IT Staffing & consulting services as well as partnered with several non-profit organizations which help groom / build small business. I can connect business to organizations like Score.org, PTAC , SBDC and provide networking opportunities with alliances/partners.
- **SBA.gov:** I am well aware of SBA initiatives and can provide guidance on setting up new business and support new or existing business on how to launch, manage or grow existing business.
- **Small Business Development Center (SBDC):** I actively participate in SBDC events on a monthly basis and can provide valuable insight to all Entrepreneurs in areas of Skill-Boosting and other Workshops arranged by SBDC.
- **Procurement Opportunities & Solicitations:** I am well aware of various government solicitations / procurement opportunities at a county/state/federal level and can recommend businesses to open up for expansion by bidding on available opportunities.
- **Certifications & Fundings:** One of the fastest way a small business can expand its services is by securing relevant certifications & fundings to be eligible for bidding of multiple opportunities with the government agencies. I can recommend certifications for minorities, veterans, women owned & small business.
- **PMI.org:** I am a member of project management institute (pmi.org) and can provide my expertise in execution or a project in any domain.
- **PASSION:** I am also -passionate and excited in supporting government initiatives and would be available to take up additional responsibilities and contribute towards building the City Of Manvel

Appreciatively,

Thag Adhikari

Cell: [REDACTED] 9

Email: [REDACTED]

[Linkedin:](#) [REDACTED]

Name: Hoelscher, Jason

Address: 7438 Lewis Ln., Manvel, TX, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- JHID.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

Yes

How many years have you lived in Manvel?:

7

Occupation:

Home Builder

Employer:

Newmark Homes

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

No

Have you ever served on a City Board?:

No

List all board meetings you have you attended in the last 6 months? :

Council meetings online - No board meetings

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

I would like the opportunity to be involved in growing our city. I believe this board helps make sure we get the right businesses in and policy does not keep the right business from coming here (or wanting to come here).

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

4-H volunteer

Shadow Creek Little League coach

Life Group coach at New Hope Church for the high school group

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

I deal with building codes daily.

I also live here and can see our main road (Hwy 6) turning into fast food and Dollar Generals, and that's how towns die.

Disclaimer

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I certify that my answers above are true and complete. I understand that the information contained in this application may be considered among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Manvel board or commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Manvel board or commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Manvel board or commission, I understand that false or misleading information in my application may result in my removal from my position.

I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Jason Hoelscher

Time of Submission: 09/28/23 7:11:59 AM

Attachments:

Name: MOTIWALA, PARESH

Address: 4619 cooper ln, Manve, TX, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- Paresh Motiwaa License.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

Yes

How many years have you lived in Manvel?:

1

Occupation:

Database Specialist

Employer:

Hinshaw & Culbertson

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

No

Have you ever served on a City Board?:

No

List all board meetings you have you attended in the last 6 months? :

n/a

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

We have recently moved from Boston, MA. We were there for 25 years.

While there I have led many non-profit organizations like Indian Culture School. I have volunteered at many organizations, including Hindi Manch, Gujarati Association(Gurjar), Sharon Interfaith, Sharon Pluralism Network, co-chaired Couple of PTOs.

I have also helped most of these organizations by doing event coverage for them through my singing and cameras.

My wife and I ran "Circles of Growth" a center for early childhood education and personality development for young adults and grownups.(something we can do here).

I have also been instrumental in automation of communications and marketing for non-profits like local temples.

Basically there's never been a year, when we haven't volunteered for at least one organization, sometimes many at the same time.

My basic skillset is automation, communications and getting people together for a cause. I wish I can bring those skills to this town, that we now call home. Looking forward to serving with the rest of the team.

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

Currently I only help some Boston based organizations by working on their social media based marketing, using Facebook, Twitter, LinkedIn and Instagram.

I am also running User Groups pertaining to my profession of Database Specialist.

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

I am a database specialist. I organize and speak at many conferences.

I have also won the global excellence in photography.

Getting people together, automating stuff for organizations and organizing events and covering them with my lens.

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Paresh Motiwala

Time of Submission: 10/07/23 7:11:52 PM

Attachments:

Business Advisory Task Force

Applicant Package - Place 2

Business Advisory Task Force - Place 2

Term: 15 Oct 2023 - 14 Oct 2025

Positions Available: 1

Number of applicants in this package: 1

- Black, Jason

Name: Black, Jason

Address: 20939 Morris Ave., Manvel TX, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- Cameron Recycling_Logo_Black.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

No

How many years have you lived in Manvel?:

30

Occupation:

recycling

Employer:

Cameron Recycling

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

Yes

Have you ever served on a City Board?:

Yes

If Yes, name board and time frame. :

MEDC- current

List all board meetings you have you attended in the last 6 months? :

all MEDC meetings

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

I am a local business owner and very involved in the community

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

many

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

I am a local business owner for over 17 years and have been in Manvel for over 30 years.

Disclaimer

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Jason Black

Time of Submission: 09/19/23 12:11:59 PM

Attachments:

Business Advisory Task Force

Applicant Package - Place 3

Business Advisory Task Force - Place 3

Term: 15 Oct 2023 - 14 Oct 2025

Positions Available: 1

Number of applicants in this package: 1

- Whatley, Becky

Name: Whatley, Becky

Address: 7006 Iowa Lane, Manvel/TX, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- 2023-09-18 18-11.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

Yes

How many years have you lived in Manvel?:

30

Occupation:

Business Owner

Employer:

Lone Star Smokehouse

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

No

Have you ever served on a City Board?:

No

List all board meetings you have you attended in the last 6 months? :

I have attended and was apart of the audience for several general board Monday meetings for the past few months.

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

I believe that it will be a great opportunity to be more involved with the community and help facilitate the needs of different businesses.

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

Yes I sctively volunteer with several city programs such as the Manvel Police Department Fundraiser and Masters Church Pantry.

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

I offer a unique insight into a owning a business and how to succesfully maintain it.

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Becky Whatley

Time of Submission: 09/18/23 7:23:48 PM

Attachments:

- Becky Whatley Final Resume.pdf

BECKY WHATLEY

Manvel, TX 77578 | _____

Professional Summary

Eager and ready to utilize my years of experience as a team leader and business owner. To excel in a new chapter of seeing the city that I have lived in for the last 30 years thrive and develop through a position that will continue its success. I believe that I will be a great addition to the team as I bring to the table skills from my professional career as a business owner but also a unique perspective as a long-term resident who has seen the city grow and climb towards its potential.

Skills

- Organization
- Time management
- Relationship development
- Dispute resolution
- Business operations
- Detailed Oriented
- Supervision

Work History

Founder/Owner

Current

Lone Star Smokehouse – Manvel, TX

- Developed and built the business from start up to a thriving business which is now a part of the community.
- Managed all aspects of business including accounting, marketing, budgeting, and hiring.
- Hired and trained all staff according to Texas Department of State Health Services policies and procedures.
- Established business relationships with clients as well as building a relationship with the local community for fundraising opportunities.

Traffic Manager

07/2014 to 2021

Estrella Media – Houston, TX

- Provide stations and networks with schedules and instructions for running advertisements.
- Handle transaction paperwork and maintain transaction records.
- Estimate costs for shipping and running advertisements and reconcile billing with station/network.
- Oversee ordering and shipping of broadcast materials and ensure deliveries are made on time.
- Increased revenue by organizing clients detailed material
- Perform task on a strict daily deadline
- In charge of handling day to day broadcasting traffic tasks and delegating responsibilities to broadcasting specialists.

Traffic Coordinator

05/2001 to 07/2014

KHOU 11 News – Houston, TX

Work with various departments and individuals in an organization to ensure materials and resources flow through company in timely manner. Communicate with individuals at different levels in within organization to prepare budget and progress reports for upper management. Work with outside customers or internal departments to develop a schedule for delivery of products or resources. Monitor flow of materials on daily basis to ensure on time delivery. Troubleshoot problems to make sure project or process remains on schedule.

Education

High School Diploma - **Ross S Sterling** - Baytown, TX

Business Advisory Task Force

Applicant Package - Place 5

Business Advisory Task Force - Place 5

Term: 15 Oct 2023 - 14 Oct 2025

Positions Available: 1

Number of applicants in this package: 1

- Drake II, Richard S

Name: Drake II, Richard S

Address: 3023 Mandale Rd, Friendswood, TX, 77546

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- Drake tdl (1) (1) (1).pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

No

How many years have you lived in Manvel?:

N/A

Occupation:

Real Estate Investor

Employer:

Renters Warehouse and Bayou City Homebuyers

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

No

Have you ever served on a City Board?:

No

List all board meetings you have you attended in the last 6 months? :

Manvel City Council several times in 2023.

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

I am enthusiastic about the opportunity to serve on the Business Advisory Task Force for the City of Manvel. As a successful small business owner, I have gained valuable experience and insights that I am eager to apply for the betterment of the community.

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

Not as of now.

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

Having been a small business owner for over 25 years, I have had the privilege of witnessing firsthand the vital role that local businesses play in a community. My experience in entrepreneurship has not only given me a comprehensive understanding of the challenges faced by small business owners but has also allowed me to cultivate the skills and insights necessary to navigate these challenges successfully. I firmly believe that this knowledge can be of immense value in an advisory capacity to support and promote local businesses within Manvel.

My background as a small business owner equips me with the skills and knowledge needed to make a meaningful contribution to the City of Manvel. I look forward to the opportunity to serve and help Manvel prosper.

Thank you for considering my application.

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Richard S Drake II

Time of Submission: 09/21/23 5:24:28 PM

Attachments:

Business Advisory Task Force

Applicant Package - Alternate

Business Advisory Task Force - Alternate

Term: 15 Oct 2023 - 14 Oct 2025

Positions Available: 2

Number of applicants in this package: 2

- Davis, Dan

- Ramachandran, Venkataratnam

Name: Davis, Dan

Address: 6818, Powell Lane, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- 2023 membership levels english.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

Yes

How many years have you lived in Manvel?:

7

Occupation:

Realtor

Employer:

Test

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

Yes

Have you ever served on a City Board?:

No

List all board meetings you have you attended in the last 6 months? :

This is a new board

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

Yes

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

Yes

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

Test

Disclaimer

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

Yes

Time of Submission: 10/09/23 10:12:09 PM

Attachments:

Name: Ramachandran, Venkataratnam

Address: 9819 Chapman Trail, Manvel, TX, 77578

Email: [REDACTED]

Board Name: Business Advisory Task Force

COPY OF DRIVERS LICENSE REQUIRED:

- Ramachandran DL.pdf

Primary Phone Number:

[REDACTED]

Are you a Manvel Resident?:

Yes

How many years have you lived in Manvel?:

Since Feb. 2023

Occupation:

Engineer

Employer:

Self Employed

Have you been convicted of, received probation, or deferred adjudication for any offense that was not a felony within the last 10 years? :

No

Are you an existing board member desiring to remain on the same board?:

No

Have you ever served on a City Board?:

No

List all board meetings you have you attended in the last 6 months? :

March 6, August 28, September 18

Why are you interested in serving on this board? (Please answer separately for each board you are applying to.):

Lifelong interest in community service.

40+ years of work experience.

As a newcomer to Manvel, I'd like to learn more about Manvel and serve local community using my background experience & interest.

Are you related to any City Employee or Council Member?:

No

Are you involved in any community activities? (Civic or Hobbies):

Previously, I have served local communities in Beaumont, TX and in Dalton, GA.

Do you have any outstanding taxes or other debt owed to the city?:

No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances:

No

What area of expertise can you bring to the board you are applying for?:

40+ years of work experience.

4 years serving as a trusted advisor to small & medium-sized businesses.

Disclaimer

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.:

V. ("Ramji") Ramachandran

Time of Submission: 10/04/23 6:02:09 PM

Attachments:

Board & Commission Application

INSTRUCTIONS: Please complete the entire form and sign at the bottom of the second page. A copy of your Driver's License or other state issued ID will need to be attached to the application in order for it to be processed. Please return your completed application to the City Secretary's Office at 20025 HWY 6, Manvel Tx 77578. Please note, knowingly making a false entry in, or false alteration of, a governmental record is an offense under section 37.10 of the Texas Penal Code and, upon conviction, may subject a violator to criminal penalties.

QUALIFICATIONS: In addition to the qualifications for service on a board required by city ordinances or state law, a person appointed to a board must not be delinquent in the payment of taxes, water service charge or other obligation to the city.

Name: Jacob William DuBois

Please indicate your preference below.

☒ Yes, I would be interested in serving on the Animal Advisory Board.

Personal Information

O Occupational Information

Home Address: 10123 Napier dr.

Telephone: [REDACTED]

E-mail: [REDACTED]

I have been a Manvel Resident for _____ years

Registered voter? ☒ Yes ☐ No

Business Owner? ☐ Yes ☒ No

Business Name: _____

Occupation: _____

Business Address: _____

Telephone: _____ Fax: _____

Are you a Citizen of the United States?

☒ Yes ☐ No

Do you have a current Driver's License?

☒ Yes ☐ No

List Driver's License Number _____ Exp Date _____ DOB _____

Have you ever been convicted of a felony?

☐ Yes ☒ No

If yes, explain _____

Have you been convicted of, received probation or deferred?

☐ Yes ☒ No

adjudication for any offense that was not a felony with in the last 10 year?

If yes, explain _____

Are you, or have you ever been an adversary party to pending litigation against?
the City of Manvel?

☐ Yes ☒ No

If yes, explain _____

Have you ever or do you currently serve on any city boards?

☐ Yes ☒ No

If so, what board/city and dates? _____

Are you involved in any community activities? (Civic or Hobbies)

☐ Yes ☒ No

Are you related to any City Employee or Council Member?

☐ Yes ☒ No

If so, please state who: _____

Do you have any outstanding taxes or other debt owed to the city?

☐ Yes ☒ No

Have you been cited in the past year for non-compliance of any City Codes/Ordinances
If yes, explain

☐ Yes ☒ No

Please indicate briefly why you would like to be appointed to a Board or Commission:

I have worked with animal rescue in some capacity for the last ten years. I have mostly worked as a foster to animals that need a home until they are adopted. I have worked with three different rescue groups in the Houston area and am currently helping with Jennie rescue ranch in Alvin. I think my knowledge and experience with rescue groups will be helpful to the Manvel Animal Advisory Board.

PROVIDE ALL INFORMATION REQUESTED: INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD/COMMISSION OPPORTUNITIES. Your complete application form will be maintained in our active files for one year from the date of the application. I understand that should I not be appointed to a City of Manvel board or commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Manvel's document retention schedule.

DISCLAIMER AND SIGNATURE

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I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understand the above statement.


Signature

9/22/23
Date

FOR OFFICE USE ONLY

Date Application Received _____ New Applicant? ☐ Yes ☐ No

If no, applicant previously served on _____ Board _____

Via: ☐ website ☐ mail ☐ in person ☐ referral ☐ newspaper

Appointment made to _____ Term _____

Expires _____

☐ Statement & Oath Completed

☐ No appointment made at this time, retain application for one year

ORDINANCE NO. 2023-O-37

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 REVISE THE REGULATIONS PERTAINING TO MOBILE FOOD UNITS (MFUs); REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35, *Licenses and Special Business Regulations* of the City Code by amending Article X regulating mobile food vendors; and

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

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

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

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

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

. . . .

ARTICLE X. – MOBILE AND TEMPORARY FOOD VENDORS

Sec. 35-310. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central Preparation Facility means a facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped; and **where** the Mobile Food Unit is supplied with fresh water and ice; and emptied of wastewater into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the Mobile Food Unit utensil-washing sink. A private residence used as a Central Preparation Facility is prohibited.

Commissary means a licensed and approved location that contains a servicing area and may contain a central preparation facility. Services may include, but are not limited to, disposal of waste water, filling of water tank(s), and cleaning equipment.

Food hand cart means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

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

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

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

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

Restaurant shall mean a business establishment whose primary function is the ability for the general public to obtain dining or take-out food service, where the services rendered are for the consumption of food that is cooked, held, stored, prepared, or served on the premises. The term restaurant excludes: grocery stores, convenience stores, day cares, public and private schools, governmental entities, churches, non-profit entities, and businesses not generally open for public access.

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

Temporary food establishment means a food establishment that operates for a period of no more than ~~ten (10)~~ fourteen (14) consecutive days ~~in conjunction with a single event or celebration~~. This may include a stand or a booth.

Sec. 35-311. General prohibition.

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

Sec. 35-312. Sidewalk stand.

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

Sec. 35-313. Food hand cart.

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events [~~where admission is not open to the general public~~] on private property.

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

(a) [~~Mobile food unit~~] MFUs (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved special events; [~~and~~]
- (3) Private events [~~where admission is not open to the general public~~] on private property; [~~and~~]
- (4) City approved type C recurring special event;
- (5) Alvin ISD-related functions on Alvin ISD property; and
- (6) Church-related functions on church property.

(b) *The following requirements shall apply to all [~~stationary mobile food unit~~] MFUs that are specifically permitted under this article:*

- (1) [~~Mobile food unit~~] MFUs must have a current, valid health license and inspections with the city.
- (2) MFUs must be equipped with the following:
 - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA 10, International Fire Code (IFC) Section 906, and as adopted and amended by the city, as amended from time to time. A minimum of one class ABC fire extinguisher shall be provided for all mobile food preparation vehicles [~~in~~] as well as a class K

extinguisher that is sized as per IFC Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.

- b. A type 1 hood installed where cooking appliances produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats). Type I hood and automatic fire-extinguishing system shall be selected and installed in accordance with NFPA 17/17A, IFC Section 609, IFC Section 904 and as adopted and amended by the city, as amended from time to time.
- (3) *Inspection of ~~[Mobile food unit]~~ MFUs.* At the time of the inspection, the ~~[Mobile food unit]~~ MFU shall be completely operable and in full working order.
- (4) *Miscellaneous offenses.* In addition to the regulations contained above, the following actions are prohibited ~~[Mobile food unit]~~ MFU operators:
- a. Operating without a valid servicing record or commissary receipt which must be kept within the ~~[Mobile food unit]~~ MFU at all times;
 - b. Selling or offering for sale non-food items from the ~~[Mobile food unit]~~ MFU;
 - c. Storing or preparing food outside of the ~~[Mobile food unit]~~ MFU (except in a licensed central preparation facility);
 - d. Displaying, selling, or serving food outside of the ~~[Mobile food unit]~~ MFU;
 - e. Altering the ~~[Mobile food unit]~~ MFU is such a matter that would prevent or otherwise reduce ready mobility;
 - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
 - g. Creating/operating a drive-thru in conjunction with the ~~[Mobile food unit]~~ MFU;
 - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the ~~[Mobile food unit]~~ MFU;
 - i. Providing or allowing signs or banners not attached to and solely supported by the ~~[Mobile food unit]~~ MFU to be set up at the serving area;
 - j. Allowing trash or debris at the site of the ~~[Mobile food unit]~~ MFU during operation, and leaving the site with trash or debris following operation;
 - k. Allowing any audio speakers or amplification devices to be heard outside of the ~~[Mobile food unit]~~ MFU; or
 - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the ~~[Mobile food unit]~~ MFU.

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

In addition to the regulations contained within this Article, and the 2015 Texas Food Establishment Rules, the following actions are conditions and regulations of a ~~[mobile food unit]~~ MFU operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) ~~[Mobile food units]~~ MFUs must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) ~~[Mobile food units]~~ MFUs must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) ~~[Mobile food units]~~ MFUs may only operate from ~~[sunrise until sunset]~~ 7:00 a.m. to 9:00 p.m., except for events with extended hours approved by the City with a special event permit.
- (4) ~~[Mobile food units]~~ MFUs may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. ~~[Mobile food units]~~ MFUs must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- ~~(7) [Mobile food units] MFUs shall [only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may] not operate on grass during a city or county burn ban.~~
- ~~(8) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event.~~

Sec. 35-316. Temporary food establishment.

- (a) *Temporary food establishments are prohibited.* There shall be an exception for the following:
 - (1) City events;
 - (2) City approved or sponsored events; ~~[and]~~
 - (3) Private events ~~[(where admission is not open to the general public)]~~ on private property;
 - (4) Alvin ISD-related functions on Alvin ISD property;
 - (5) Church-related functions on church property; and
- (b) The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:
 - (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.
 - (2) Except where only ~~[prepackage]~~ prepackaged food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in ~~[used]~~ use, before food preparation begins.
 - (3) Except where only prepackaged food is offered, every temporary food establishment must have a three-compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.

- (4) ~~[Every]~~ Each temporary food establishment utilizing electricity and/or any type of fire element must have their own dedicated appropriate fire extinguisher. Vendors are not allowed to share fire extinguishers to satisfy this requirement.

Sec. 35-317. Basic requirements.

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

- (1) Permitted ~~[mobile food unit]~~ MFU vendors shall operate only on a temporary basis. Temporary shall mean between the hours of 6am to 10pm [for eight hours or as long as the city event or city approved event is ongoing].
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight [parking or] operation.
- (4) Vehicles and booths must be marked with the vendor's name. No detachable signage shall be permitted for ~~[mobile food unit]~~ MFUs, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All ~~[stationary mobile food unit]~~ MFU vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 300 yards (measured from the vendor's service location to restaurant's front entrance) of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including ~~[by]~~ but not limited to children under the age of 18.
- ~~[(8) All food preparation, processing, and service shall [be located in/on an approved surface (concrete, asphalt, or crushed gravel). Food vendors may] not operate on grass during a city or county burn ban.]~~
- (8) [9] All vendors must meet minimum food safety standards, including
 - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
 - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six (6) inches off the ground.
 - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
 1. Cold food holding shall not exceed 41 degrees Fahrenheit.
 2. Hot food holding shall not be less than 135 degrees Fahrenheit.

- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
- e. Only single use articles may be provided for use by the consumer.
- f. All vendors ~~[in service for longer than two hours]~~ must have access to a toilet facility. Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

~~[(10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:~~

- ~~a. The nature of the event, which must be open to the general public;~~
- ~~b. Whether the organizers are in compliance with all city, county and state laws and regulations;~~
- ~~c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;~~
- ~~d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and~~
- ~~e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.]~~

Sec. 35-318. Permits and health requirements.

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

(1) Health permit.

- a. ~~[All mobile food units, mobile and stationary,]~~ MFUs and temporary food establishment vendors must obtain a permit from the city, or provide proof of a current Health Inspection from another recognized Health Department within Brazoria County. If another Health Inspection is provided as proof of compliance, the Health Department who is recognized as completing the inspection, must follow the same guidelines and codes as established by the state and adopted by the city. Approval of the use of a health certificate will be on a case-by-case basis and does not preclude the Health Officer from conducting spot inspections for compliance with the adopted TFER Code 2015 and the current ordinances of the city. ~~If the operator of the MFU does not provide proof of a current health Inspection, the city will issue a permit [Each permit will be issued unit by unit] only after an inspection reveals satisfactory compliance with state law and this article, as applicable.~~ ~~[Mobile food unit] MFU permits are non-transferable. A [charge] change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a [mobile food unit] MFU health permit and inspections. A [mobile food unit] MFU health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.~~

- ~~[b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor by vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.]~~
- [e] b. No person shall operate or cause to be operated any ~~[mobile food unit]~~ MFU ~~[(mobile or stationary)]~~ or temporary food establishment which does not possess a valid health permit issued by the city or other recognized health department in Brazoria County. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
- c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a ~~[mobile food unit]~~ MFU shall be affixed to the truck ~~[by the code enforcement officer/health officer]~~. A permit shall set forth the business name, license plate number, ~~[mobile food unit]~~ MFU license number, and expiration date for said license.
- d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three inches in height.
- e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
- (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
- (4) *Fire Marshal's ~~[marshal's]~~ ~~[office and vehicle]~~ inspections.*
- a. All mobile vendors must have a City of Manvel Fire Marshal's ~~[city fire marshal's office]~~ current, passed fire inspection that complies with the Code of Ordinances for the City of Manvel, Texas, chapter 17, buildings and building regulations, division 8, fire code, section 17-243, mobile food units, of the adopted Code, as amended from time to time.
- b. All mobile vendors must provide proof of a current inspection report or certification when requested to show proof by a recognized authority of the City of Manvel ~~[pass a vehicle inspection from the fire marshal's office as part of the city permit process]~~. All vendors must obey and be in compliance with fire code and all other city codes.
- c. A current, valid inspection from a recognized Fire Marshal's office within Brazoria County may be considered on a case-by-case basis by the City of Manvel Fire Marshal.
This does not preclude the Fire Marshal's office from conducting spot inspections for compliance with the adopted Fire Code and the ordinances of the city.

- ~~[(5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.]~~
- (6) *Violation.* Anyone who intentionally, knowingly ~~[willfully]~~, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
- (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. ~~[If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final.]~~ The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

Secs. 35-319—35-329. Reserved.”

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

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

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

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon

conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

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

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

Dan Davis, Mayor

Attest:

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

ORDINANCE NO. 2023-O-38

AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE XII “SPECIAL EVENTS” PERTAINING TO THE REGULATION OF SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35 of the City Code by amending Article XII pertaining to the regulation of special events; and

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

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

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

Section 2. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by amending Article XII “Special Events” to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

...

ARTICLE XII. – SPECIAL EVENTS.

Sec. 35-338. Purpose.

The purpose of this Article shall be to provide rules, regulations, requirements, and standards for the development of special events in the City of Manvel, Texas, ensuring that public health, safety,

and general welfare are protected; that orderly growth with the conservation of pre-existing food establishments are insured; the development provisions are upheld to prevent an urban blight adverse to the maintenance and continuing development of the municipality; and that the City of Manvel is given appropriate control over the location of events and mobile food units.

Sec. 35-339. Definitions.

Applicant. Applicant shall mean the person, or other entity applying for the special event permit. Application shall include, but not be limited to, the event's sponsor, organizer, or promoter.

City means the City of Manvel, Texas.

First Amendment activity means all expressive and associative activity on public streets that is protected by the United States and Texas Constitutions, including speech, press, assembly and the right to petition, but does not include commercial advertising.

Parade means any assembly, march, demonstration or procession upon public streets within the City including persons, animals, or vehicles that is reasonably likely to interfere with the normal flow or regulation of traffic.

Restaurant shall mean a business establishment whose primary function is the ability for the general public to obtain dining or take-out food service, where the services rendered are for the consumption of food that is cooked, held, stored, prepared, or served on the premises. The term restaurant excludes: grocery stores, convenience stores, day cares, public and private schools, governmental entities, churches, non-profit entities, and businesses not generally open for public access.

“Special Event” means an event, approved by the City of Manvel, which includes but is not limited to, the following:

- (1) Type A Special Event [~~Special Event Type A~~]: Any event that is large in nature (more than 1,000 participants) that impacts city streets or adjacent facilities, involves off-premises alcohol sales, food sales (temporary food establishments and/or mobile food units) and/or is expected to have:
 - (a) Circus, carnival or fair;
 - (b) Convention or exhibit;
 - (c) Temporary outdoor concert, jazz, or music festival;
 - (d) Outdoor cooking contest or public exhibition;
 - (e) Parades or processions;
 - (f) Community events or celebrations
 - (g) Outdoor public festivals
 - (h) Street dances; and
 - (i) Fun runs or other events in which City streets are closed.

- (2) Type B Special Event [~~Special Event Type B~~]: Any event that is [~~small~~] medium in nature (fewer than 1,000 participants), or any event that requires the use of public or private facility or property. [~~Special Event Type B events shall~~] Type B Special Event may include, but are not limited to the following:
- (a) Team sports clinic;
 - (b) Social group gathering; and
 - (c) Farmer's market.
- (3) Type C Recurring Special Event [~~Special Event Type C (Recurring Activity)~~]: Any event that is small in nature (fewer than 500 participants), will have a temporary fixture outside, does not involve onsite special event staff, and takes place on private or public property (such as a parking lot) that [~~can~~] may recur periodically throughout a calendar year [~~six-month period~~]. [~~A Special Event Type C (recurring activity) events shall~~] Type C Recurring Special Events may include, but are not limited to the following:
- (a) Mobile Food Units (Food Trucks) [with current valid Mobile Food Unit Health License from the City of Manvel]
 - (b) Pop-up tents; and
 - (c) Portable displays.

Sec. 35-340 Permit required.

- (a) Special Event Permit Required. It shall be unlawful for any person, or other entity, to conduct, hold or sponsor a special event on private property or public property owned, managed, or controlled by the city, including city rights-of-way without having first obtained from the city a special event permit pursuant to the provisions of this article and the special event permit application provisions.
- (b) Special Event Permit Not Required. A Special Event Permit is not required for:
- (1) An event conducted entirely on AISD property or the property of a church where City streets are not closed.
 - (2) Property owned and controlled by the City subject to a contract, lease or management/operating agreement with a private party where the agreement addresses events on the property or the event is included within the permitted uses in the agreement;
 - (3) Processions of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks, public parks, or private property;
 - (4) Events held for National Night Out;
 - (5) First Amendment activity conducted entirely on sidewalks, in public parks, or on private property; or

- (6) Events conducted under the supervision of or with the permission of a governmental entity on property owned, leased, or operated by a governmental entity other than the City, if the event does not require the closing or rerouting of a public street, the entity employs certified peace officers to provide security for the event, and the entity adopts and provides to the City, a written plan addressing emergency services, crowd, traffic and parking control.
- (7) Supplementary city permits and inspections may be required for other amenities or auxiliary structures at a special event, notwithstanding an exemption from the special event permit.

- (c) Unique Displays. If a Special Event Permit is not required per Subsection 35-340. (b), above, an inspection by the Fire Marshal's Office and/or the Building Official may be required for a unique display at a special event. Unique displays can include but are not limited to fire displays, a display supported temporarily by a crane(s), drone show, and air show. The event organizer, applicant, or property owner shall provide written proof to the City, during the application process, that the Manvel Volunteer Fire Department and Brazoria County Emergency Services District No. 3 have been notified prior to the event.

~~[It shall be unlawful for any person, or other entity, to conduct, hold or sponsor a special event on private property or public property owned, managed, or controlled by the city, including city rights-of-way without having first obtained from the city a special event permit pursuant to the provisions of this Article and the Special Event Permit Application provisions. These provisions shall apply to both profit and nonprofit events or organizations.]~~

Sec. 35-341 Requirements for Type A, Type B, and Type C Recurring Special Events [type C special event].

- (a) General Requirements. The following are requirements for properties that want to obtain a Special Event [type C recurring special event] permit:
 - (1) The location must be at least ~~[400]~~ 300 yards ~~[distance separating]~~ from a restaurant's front entrance ~~(except with express written consent from the restaurant owner)~~[the nearest licensed food establishment];
 - (2) The location must have ample parking and traffic control with enough designated spaces to meet or exceed the expected number of participants;
 - (3) The location must have ~~[ample]~~ ample sanitation services ~~[serves]~~, including but not limited to trash services and hygiene facilities, to meet or exceed expected number of participants; and
 - (4) The event times must be between 6AM and 10PM ~~[started after sunrise and concluded before sunset]~~.
 - (5) Alternate hours ~~[shall]~~ may be considered, if approved on the Special Event [type C special event] permit.

- (b) *Mobile Food Units.* In addition to the requirements listed in the Subsection above, mobile food units shall comply with Chapter 35, Licenses and Special Business Regulations, Article X. Mobile and Temporary Food Vendors, for a Special Event Permit [~~Type C Special Event Permit~~].
- (c) *Emergency Services.* The event organizer, applicant, or property owner shall provide written proof to the City, during the application process, that the Manvel Volunteer Fire Department and Brazoria County Emergency Services District No. 3 have been notified prior to the event.

Sec. 35-342. Reserved.

Sec. 35-343. Application.

- (a) Each applicant must complete in full the City of Manvel “Special Event Permit Application.” The applicant shall submit the completed written application and permit fee to the Permits Department.
- (b) Special Event Permit Applications must be submitted [~~shall be due~~] no later than the following:
 - (1) Type A Special Event [~~Special Event Type A~~]: minimum 60 calendar days prior to the event.
 - (2) Type B Special Event [~~Special Event Type B~~]: minimum 15 [~~30~~] calendar days prior to the event.
 - (3) Type C Recurring Special Event [~~Special Event Type C~~]: minimum seven [~~10~~] calendar days prior to the event.
 - (4) Special Event Permit Applications may be due earlier than the prescribed time periods mentioned above if determined by the City Manager.
- (c) Failure to submit completed applications within the required time may result in denial of the applicant's request.
- (d) In addition to the information furnished on the application form, the applicant shall:
 - (1) Submit authorized proof that the applicant has full authority from the property owner to use or occupy the premises for the purpose stated in the application.
 - (2) Submit a statement signed by the sponsor of the event, if any, that such sponsor has engaged the applicant to conduct the event.
- (e) Details of the event are required as stated in the Special Event Permit Application. The organizer may provide on alternate date and time of the event if the event is weather-dependent. The alternate date and time event cannot occur before the event’s originally scheduled date and time. All other revisions to dates and times will require a new application for a different date or time; however, an additional permit fee will not be charged. [Requests for dates or times that conflict with previously approved events will not

| be considered; however, the organizer may revise the request to apply for a different date or time.]

Sec. 35-344. Conditions for granting application; approval or denial of application.

- (a) Public interest. The city shall not grant the permit required in this Article if the city finds that granting the permit will be contrary to the public interest. The city reserves the right to deny any application that may be inconsistent with the city's goals of promoting family activities.
- (b) Payment of all required city services and all permit fees are due and payable at the time application is submitted.
- (c) The city reserves the right to approve or disapprove one or more elements of the proposed special event.
- (d) The city's decision is final and not appealable.

Sec. 35-345 to 35-346. Reserved.

Sec. 35-347. Miscellaneous provisions.

- (a) Cleaning. All costs for clean-up during and after the special event are the responsibility of the applicant. If the applicant fails to clean, the City shall invoice the applicant the cost incurred by the City to clean and remove any debris as a result of the special event.
- (b) Sanitation. The applicant is responsible for sanitation for the event as provided for in the application.
- (c) Other fees and permits.
 - (1) Applicants' organizers must secure and maintain at their cost, all licenses, permits or other authorizations necessary to conduct the special event and the city must be provided a copy of all such required licenses, permits or authorizations no later than fifteen (15) days prior to the beginning of the special event. Additional fees may include, but not be limited to, temporary licenses to use city right-of ways; payment of parking meter fees, or costs of bagging parking meters; payment for delivery or set-up of traffic barricades.
 - (2) Any use of the city rights-of-way will require a city-approved traffic control plan. Any costs involved in the development of this plan are the responsibility of the applicant.
 - (3) An applicant applying for a seller's permit to sell food or beverages must indicate Manvel as the origin of sales.
 - (4) The sale or furnishing of alcoholic beverages will require an additional permit from the Texas Alcohol and Beverage Commission, and is allowed only in areas where consumption is permitted by the City Code.

- (d) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.
- (e) Insurance and indemnification.
 - (1) Organizers must obtain and maintain at their own expense, insurance policies for an amount and coverage as established by the city and as provided for in the permit application.
 - (2) Such policies must name the city as an "additional insured." Any other entities that might be impacted by this event shall also be named as an additional insured.
 - (3) Applicant must provide the city with proof of the required insurance no less than ten (10) days before the first day of the event. All policies will require a waiver of subrogation. Such proof of policy must be in a form acceptable to the city's risk manager.
 - (4) Applicant must specifically agree to indemnify, defend and hold the city, its officers, directors, agents, representatives, and employees harmless from and against any and all claims, expenses, damages or other liabilities, including reasonable attorney's fees and court costs, arising out of bodily injury or property damages arising out of or in connection with the event.
 - (5) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization."

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

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

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

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

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

Dan Davis, Mayor

Attest:

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

City of Manvel, Texas, Resolution No. 2023-R-28

A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE SOUTH MANVEL DEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER THREE, CITY OF MANVEL, TEXAS; AND MAKING CERTAIN FINDINGS RELATING THERETO.

WHEREAS, the City of Manvel, Texas (the “City”), created Reinvestment Zone Number Three, City of Manvel, Texas (the “Zone”), for the purposes of redevelopment of the area of the City within the Zone; and

WHEREAS, the City created the South Manvel Development Authority (the “Authority”), a local government corporation established pursuant to Chapter 431, Texas Transportation Code, delegating to it the implementation of the Zone and its Project Plan and Reinvestment Zone Financing Plan adopted in connection with the creation of the Zone (the “Plans”); and

WHEREAS, it is necessary that the Authority be authorized to issue additional contract tax increment revenue bonds to implement the Plans, the financial terms of the bonds have been negotiated on behalf of the Authority with the underwriter of the bonds, and such terms have been presented to and reviewed by the City Council;

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

Section 1. The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct and are adopted as part of this Resolution for all purposes.

Section 2. The financial terms of the Authority’s proposed Tax Increment Contract Revenue Bonds, Series 2023, are hereby approved, and the issuance of such bonds in an amount not to exceed \$20,000,000 in principal amount for the purpose of implementing the Plans, as amended, is approved.

Section 3. The officers and employees of the City are hereby authorized and directed to execute such instruments and take such actions as are consistent with the provisions of this Resolution, and to assist the Authority in the issuance of the bonds above authorized.

Section 4. If any provision, section, subsection, sentence, clause or phrase of this Resolution, or the application of same to any person or set of circumstances is for any reason be held to be unconstitutional, void or invalid, the validity of the remaining

provisions of this Resolution shall not be affected thereby, it being the intent of the City Council in adopting this Resolution that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionally, voidness or invalidity of any other portion hereof, and all provisions of this Resolution are declared to be severable for that purpose.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall for the time required by law preceding this meeting, as required by the Open Meetings Law, TEX. GOV'T CODE ANN., Ch. 551; and that this meeting was open to the public as required by law at all times during which this Resolution and the subject matter thereof was discussed, considered and acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

APPROVED this _____ day of _____, 2023.

CITY OF MANVEL, TEXAS

Mayor

ATTEST:

City Secretary