

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, 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 1/16/2024

Workshop Session -5:00 p.m.

Mayor Davis called the workshop of the Manvel City Council to order at 5:02 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 6 Jerome Hudson
City Councilmember Place 5 Crystal Sarmiento (LATE)
City Councilmember Place 4 Ed Perry

Absent: None

Also Present: Dan Johnson, City Manager
Bobby Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Jessica Rodriguez, Director of Development Services
Rosa Donaire, Finance Director
Chad Dumont, Personnel Director

Executive Session

City Council will convene into ~~Executive~~ 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".

Discuss the performance review structure for the City Manager and City Attorney.

Mayor Dan Davis convened the meeting into Executive Session at 5:03 p.m.

Mayor Dan Davis reconvened the meeting out of Executive Session at 6:13 p.m.

No action was taken during Executive Session.

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

WORKSHOP SESSION - Continued

Discussion on any topic as listed on the current agenda.

Mayor Dan Davis adjourned the workshop at 6:13 p.m.

Regular Session - 6:00 p.m.

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:13 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 6 Jerome Hudson
City Councilmember Place 5 Crystal Sarmiento
City Councilmember Place 4 Ed Perry

Absent: None

Also Present: Dan Johnson, City Manager
Bobby Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Jessica Rodriguez, Director of Development Services
Rosa Donaire, Finance Director
Chad Dumont, Personnel Director

Invocation

Inspirational Reading - Councilmember Akery

Pledge

Presentations

Proclamation

National Human Trafficking Prevention Month, January 2024

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 0.7796 ACRES LOCATED AT 19201 MORRIS AVE, MANVEL, TEXAS (ABUTTING STARBUCKS LOCATED AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 441310 "AUTOMOTIVE PARTS AND ACCESSORIES STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Opened at 6:23 p.m.

First call for comments - Tammy Anderson, Bluewater Lakes Resident, has concerns with entrance, noise, and drainage.

Mayor read comment submitted online by Nadia Trevino Luna, Bluewater Terrace Drive, who is concerned with entrance, drainage, and noise.

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Second call for comments - None

Third call for comments - None

Closed at 6:26 p.m.

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF CITY RIGHT-OF-WAY CONSISTING OF A 2.713 ACRE TRACT OF LAND IN THE H. T. & R.R. CO. SURVEY, SECTION 62, ABSTRACT NO. 484, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF BISSELL ROAD (50 FOOT WIDE) LOCATED WEST OF MERIDIANA PARKWAY AND EAST OF THE GCWA CANAL; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Opened at 6:26 p.m.

First call for comments - None

Second call for comments - None

Third call for comments - None

Closed at 6:27 p.m.

Public Comments: "Comment Card" Required

Jarod Jennings - 17 Supiro Drive (Online comment read aloud by Mayor Davis)

Dan Davis Sr – Expressed appreciation of the council and achievements made since the 2023 election.

City Manager Update

Artic Weather - Commended staff and the PW department for work done on streets to keep them safe to travel on.

Pre-bid meeting today for PW and Police Department Buildings - there is a lot of interest.

Waste Management Contract - New heavy trash schedule will start on February 13th, 2024

Sept 17, 2018 the city hired the Director of Development Services, Jessica Rodriguez. This will be her last Council meeting as she will be going on to a new venture.

Consent Agenda

1. Approve the second and final reading of Ordinance 2024-O-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 56, *SOLID WASTE*, BY AMENDING THE PROVISIONS PERTAINING TO ROLL-OFF SERVICES AND THE COLLECTION OF SOLID WASTE; PROVIDING FOR REGISTRATION, TERMS AND CONDITIONS, AND FEE FOR NON-FRANCHISED ENTITIES PROVIDING ROLL-OFF SERVICES; 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 OR CITY POLICIES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

2. Approve the second and final reading of Ordinance 2024-O-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 53. "SIGNS" BY REVISING THE REGULATIONS PERTAINING TO SIGNS WITHIN THE CITY OF MANVEL AND EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

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. Acceptance of infrastructure improvements for Valencia Lake C to begin the Two-Year Maintenance Period.
4. Acceptance of the meeting minutes to date.

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

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

Items Removed from Consent Agenda - None

Regular Agenda

1. Consideration and possible action to approve Ordinance 2024-O-06;
AN ORDINANCE AUTHORIZING ISSUANCE OF \$50,000,000 CITY OF MANVEL, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024; PRESCRIBING THE TERMS AND CONDITIONS THEREOF; AND PROVIDING FOR THE PAYMENT THEREOF; MAKING OTHER PROVISIONS REGARDING SUCH CERTIFICATES AND MATTERS INCIDENT THERETO; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT REGISTRAR AGREEMENT.

Joe Morrow of Hilltop Securities addressed the Council. Shares that there were 8 bids submitted.

Mayor Dan Davis made the motion to approve Ordinance 2024-O-06 and award the bid to Robert W. Baird and Co., Inc. Councilmember Ed Perry seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

2. Consideration and possible action to approve Master Plan for Avellino;
BEING A SUBDIVISION OF 50.75 ACRES OUT OF THE H.T. & B.R.R. CO. SURVEY, SECTION 71, A-291, BRAZORIA COUNTY, TEXAS, BEING OUT OF THE EMIGRATION LAND COMPANY SUBDIVISION AS RECORDED IN VOL. 2, PG. 81-82, B.C.P.R. (Forwarded with favorable recommendation by PD&Z on 1/8/2024 - 6-0).

Jessica Rodriguez - Staff recommends approval with three conditions, being;

1. A portion of Rodeo Palms Parkway Street dedication has already been made part of Foxtail Palms Subdivision. Remove this acreage and revise to reflect the accurate acreage on the plat.

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

(Section 62-38 (6)).

2. Considering the proposed lift station is no longer needed, please revise the reserve table to remove lift station from Reserve D (Section 62-38 (8)).
3. Provide a paper copy and board mounted copy of the revised plan for signatures.

Councilmember Larry Akery made the motion to approve. Councilmember Harry Opliger seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

3. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

Mayor Dan Davis made the motion to approve. Councilmember Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

4. Consideration and possible action to approve the first of two readings of Ordinance 2024-O-01;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 0.7796 ACRES LOCATED AT 19201 MORRIS AVE, MANVEL, TEXAS (ABUTTING STARBUCKS LOCATED AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 441310 "AUTOMOTIVE PARTS AND ACCESSORIES STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with favorable recommendation by PD&Z 1/8/2024 - 6/0)

Jessica Rodriguez - The access off of Hwy 6 is under TXDOT's purview. There is anticipated access to the commercial sites as more develops with time. For drainage, the commercial was accounted for in Bluewater's plans.

Staff recommends approval with the following conditions:

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to developing the subject site for the proposed AutoZone;
2. The site development shall follow the attached site plan. However, changes necessary to conform to any adopted City of Manvel codes and ordinances shall be made as part of the

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

construction plan and building permit review process;

3. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture;
4. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally;
5. Buildings shall be designed in conformance with all adopted technical codes, including Building and Fire Codes.

Wesley Berlin, designated representative for the applicant - access is along the front and rear.

Mayor Dan Davis asks Jessica Rodriguez to reach out to TXDOT to ensure that an access will be provided with the next commercial development since that should fall within their 425 feet minimum.

Councilmember Harry Opliger made the motion to approve Ordinance 2024-O-01 with the conditions listed in the ordinance. Councilmember Larry Akery seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

5. Consideration and possible action on a subdivision variance request seeking to vary Chapter 62, Section 62-42. (b)(4), Minor Plat, for a 5.0-acre tract of land located along the south side of Del Bello Boulevard, generally bounded by an unnamed/unimproved right-of-way (south), Pollard Drive (east), and Manvel Parkway (west) and authorize the Mayor to execute the Development Agreement.

Jessica Rodriguez - Variance request is so that they do not have to dedicate the 60-foot ROW that is required for the ultimate 120-foot ROW that is required for Del Bello Blvd which is identified as a parkway on the city's thoroughfare plan.

Staff recommends approval with the following conditions:

1. A minimum 30 feet ROW dedication shall be shown on the proposed plat for the subject site;
2. A plat shall establish a minimum building setback of 55 feet measured from the southern extent of the 30 feet ROW dedication.
3. This subdivision variance will expire upon further subdivision of the subject site to create more than two lots; and
4. The subdivision variance will expire if the single-family residential use or zoning designation changes.

Travis Clark, applicant - does not want to give up any of his land. Wants to be compensated for it when the time comes for eminent domain.

Councilmember Lands and Councilmember Sarmiento don't feel it's fair to impose a minimum ROW.

Mayor Dan Davis made the motion to amend the development agreement to change the minimum 30-foot ROW dedication to 20-feet. Councilmember David Lands seconded the motion.

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

The motion carried with a vote: 4/3

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

Mayor Dan Davis made the motion to approve the variance request and development agreement as amended. Councilmember David Lands seconded the motion.

The motion carried with a vote: 4/3

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

6. Consideration and possible action to approve a Sponsorship Agreement between the City of Manvel and Waste Connections of Texas LLC.

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

The motion carried with a vote: 7/0

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

7. Consideration and possible action to approve Resolution 2024-R-01;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND REPEALING ALL RESOLUTIONS IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS.

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

The motion carried with a vote: 7/0

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

8. Consideration and possible action to approve Ordinance 2024-O-07;
AN ORDINANCE AMENDING ORDINANCE NO. 2023-O-32 AMENDING THE CITY FISCAL YEAR 2024 BUDGET ENDING SEPTEMBER 30, 2024, BY AMENDING THE

January 16, 2024 MANVEL CITY COUNCIL MEETING MINUTES

UTILITY FUND BUDGET TO ACCOUNT FOR THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT RENEWAL APPLICATION FOR THE EXISTING WASTEWATER TREATMENT PLANT LOCATED 0.44 MILES NW OF THE INTERSECTION OF SH 6 AND SH 288 (MANVEL TOWN CENTER). 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.

9. Consideration and possible action to approve an INTERLOCAL AGREEMENT BETWEEN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 42 and THE CITY OF MANVEL for the reimbursement of costs associated with the Texas Pollutant Discharge Elimination System permit renewal application for the existing wastewater treatment plant located 0.44 miles northwest of the intersection of State Highway 6 and State Highway 288 in Brazoria County, Texas

Councilmember Jerome Hudson made the motion to approve agenda items 8 and 9.
Councilmember Ed Perry seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

10. Consideration and possible action to concur with the Chief of Police on the need for a Multi-Way Stop Intersection at Rodeo Palms & CR 58 (Croix Road).

No action taken.

Mayor and Council Comments

Adjourn

Mayor Dan Davis made the motion to adjourn the meeting at 8:23 p.m. Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 7/0

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

No: None

Absent: None

Abstained: None

CERTIFICATION



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS

