

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

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
May 6, 2024**

**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

Presentation on Riverway Creek Development

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney", to discuss the following:

Pending or contemplated litigation; a settlement offer; of a matter in which the duty of the attorney requires it.

Danielle Bryan v City of Manvel, CAUSE NO. 126070-CV)

Carol S. Temperton v Texas Department of Transportation and City of Manvel, CAUSE NO. CSC23-0077

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.072: "Deliberation regarding real property", to discuss the following:

Deliberate the purchase, exchange, lease, or value of real property

Workshop Session - Continued

Discussion on any topic as listed on the agenda.

Regular Session

Call To Order

Invocation

Inspirational Reading - Councilmember Sarmiento

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

Proclamations

National Nurses Week - May 6-12, 2024

National Public Works Week - May 19-25, 2024

National Police Week - May 12-18, 2024

Staff Recognition

Evelyn Abundis - Officer of the Year

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. Approve the second and final reading of Ordinance 2024-O-17;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 13.08 ACRE TRACT OF LAND LOCATED AT 21708 HIGHWAY 288, MANVEL, TEXAS (DESCRIBED AS RESERVE "A" OF MANVEL TOWN CENTER PHASE ONE B), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 "AMBULATORY HEALTH CARE SERVICES" TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; 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 7/0).

2. Acceptance of the meeting minutes to date.
3. Acceptance of a Utility Easement from VDB Partners, LTD., being 0.7010 acres and 0.1975 acres situated in the A.C.H.& B.R.R. Co. Survey, Section 90 Abstract No. 459 Brazoria County, Texas.
4. Acceptance of a Temporary Road Access Easement from VDB Partners, LTD., being 50 feet in width running along and inside the north line of a certain Drainage Easement in favor of Brazoria DD4 recorded in the Real Property Records of Brazoria County, under Clerk's File No. 2023052122 (the "Drainage Easement"), such that the north line of the Easement Area is a line parallel to and 50 feet north of the north line of the Drainage Easement.
5. Acceptance of infrastructure improvements for Valencia Section 4 to begin the Two-Year Maintenance Period.
6. Acceptance of infrastructure improvements for County Road 58 Waterline and Sanitary Sewer Extension to Serve Brazoria County MUD 40 to begin the Two-Year Maintenance Period.
7. Acceptance of infrastructure improvements for Meridiana Inspiration Way Phase 2 to begin the Two-Year Maintenance Period.
8. Acceptance of infrastructure improvements for Pomona Parkway Phase 5 and release of associated maintenance bonds.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to approve an Interlocal Cooperation Agreement with Brazoria County for Collection of Taxes and PID Assessments for City of Manvel.
2. Consideration and possible action to approve Resolution 2024-R-13;
A RESOLUTION OF THE CITY OF MANVEL, TEXAS ADOPTING A REVISED DESIGN CRITERIA MANUAL CONTAINING SUBDIVISION IMPROVEMENT STANDARDS FOR ALL DEVELOPMENT WITHIN THE CITY OR ITS EXTRATERRITORIAL JURISDICTION, PURSUANT TO AUTHORITY CONTAINED IN CHAPTER 62, SUBDIVISION ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE, AND OTHER PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, AS AMENDED OR TO BE AMENDED; AND CONTAINING OTHER MATTERS ON THE SUBJECT.

3. Consideration and possible action to approve Resolution 2024-R-14;
A RESOLUTION OF THE CITY OF MANVEL ADOPTING A MISSION STATEMENT AND CORE VALUES.
4. Consideration and possible action to approve Resolution 2024-R-15;
A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MAY 6, 2024 FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.
5. Consideration and possible action to direct staff on a Facility Use Policy.
6. Consideration and possible action to direct staff on a Homestead Exemption.
7. Update on Emergency Management protocol in the event of a hurricane.
8. Update by the City Secretary on open city board positions.
9. Consideration and possible action to direct staff to add new full-time positions.

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.

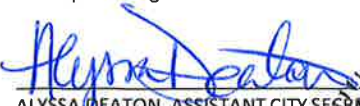
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory 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 salutory 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, Alyssa Deaton, Assistant 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 05/03/2024 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.


ALYSSA DEATON, ASSISTANT CITY SECRETARY
CITY OF MANVEL, TEXAS



Riverway Creek Manvel, Texas

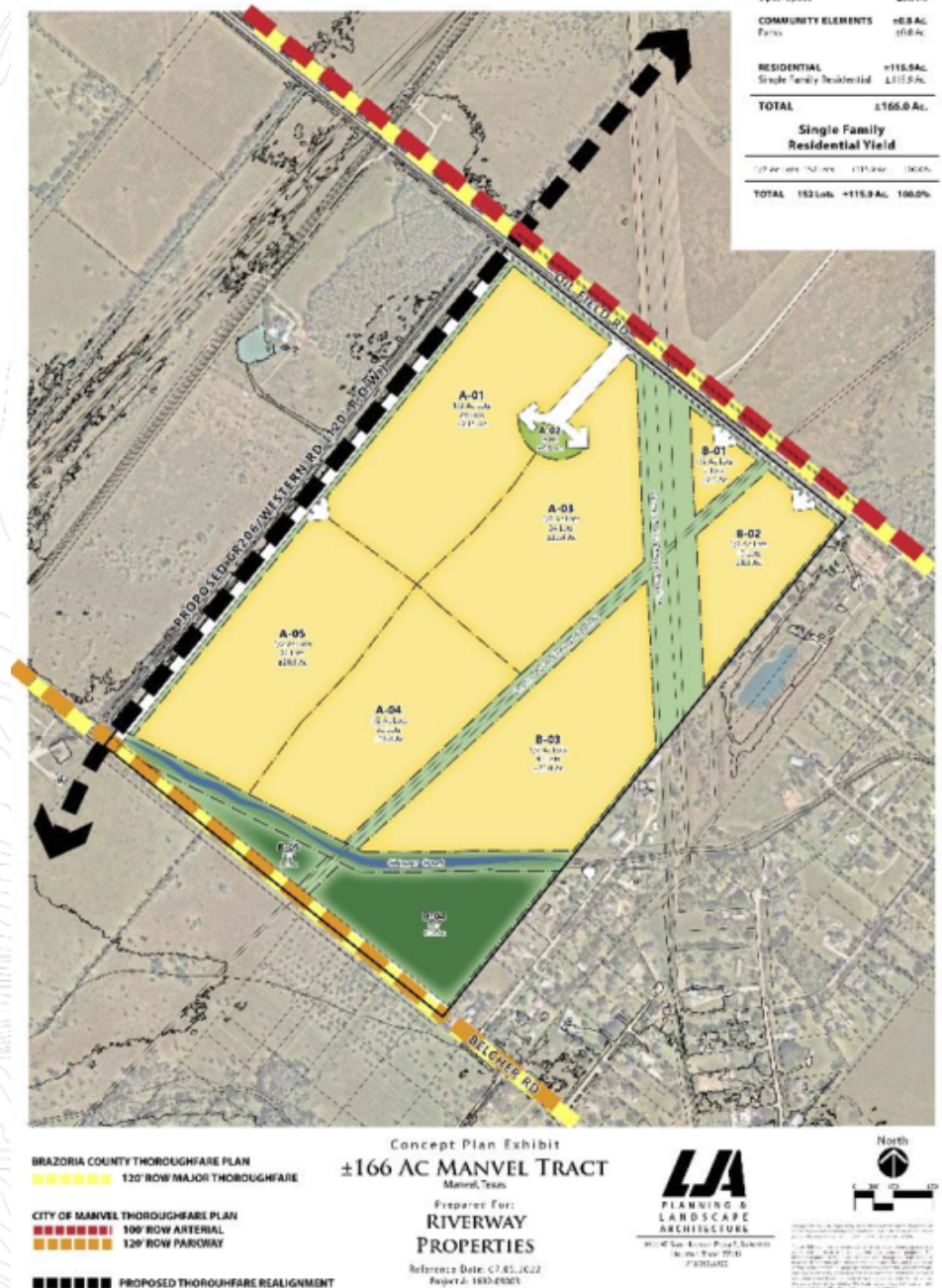
**Proposed Estate Lot
Subdivision**

MAY 2024



Development Concept

- Large Lots (minimum 1/2 acre)
- Room for detached or swing-in garages, shops, and toy storage
- Open Ditch, Rural Feel
- Generous Open Space/Park Areas
- Shared Water Plant
- Individual Septic Systems



Potential Product Types



The background of the slide is a light gray topographic map with intricate contour lines. The lines are more densely packed in some areas, indicating steeper slopes, and more spread out in others, indicating flatter terrain. The overall shape of the map is irregular, with several peaks and valleys.

How Can We Accomplish This?

ECONOMIC DEVELOPMENT TOOLS

TAX INCREMENT FINANCING & PUBLIC IMPROVEMENT DISTRICTS

MAY 2024

OUTLINE

- Public Private Partnerships
- Economic Development Tools
- Tax Increment Financing
- Public Improvement Districts
- PID/TIRZ Overlay Concept
- Questions

PUBLIC PRIVATE PARTNERSHIPS

- Forward the City's vision and goals
- Achieve development that “but for” a partnership would not be possible or would be delayed
- Establish higher development standards that “but for” a partnership may not be financially achievable
- Extend public infrastructure without burdening existing taxpayers
- Grow the City's tax base and increase business and commercial activity within the City

PUBLIC PRIVATE PARTNERSHIPS

Essentials of Public Private Partnerships (P3s)

- Require six (6) critical elements:
 1. Political Leadership
 2. Public Sector Involvement
 3. A Well-Thought-out Plan
 4. A Dedicated Income Stream
 5. Communications with Stakeholders
 6. Selecting the Right Partner

PUBLIC/PRIVATE PARTNERSHIPS

Business Creation/Retention

Use of economic development tools to encourage the relocation or retention *of targeted businesses or community needs*

Gap Financing

Use of economic development tools to facilitate a fair “rate of return” for *private investment that otherwise would not occur*

Infrastructure Improvements

Use of economic development tools in conjunction with planning to foster development, *typically focusing on infrastructure needs*

PUBLIC PRIVATE PARTNERSHIPS

“Chicken or Egg Dilemma”

- For the most part speculative building is over so developers need hard contracts to get financing for infrastructure **but** end-users typically need to see “dirt moving” (i.e. the project is real) to sign a contract = “chicken or egg dilemma”
- Developers and private lenders are very skeptical of horizontal development financing, for good reason, and that typically requires a premium of equity and rate on return for the risk.

Reimbursement Financing

- The City cannot “monetize” a potential revenue stream in the future but rather must see or have the revenue “in hand” to pledge it towards debt repayment.

Bottom line: City cannot issue debt on a promise that future revenue will be there.

ECONOMIC DEVELOPMENT TOOLS

Tax Increment Reinvestment Zones

- Taxes on increased taxable value are put into a fund to be used for public improvements within the zone
- Can be non-contiguous

Public Improvement Districts

- Through petition of the property owners, the PID Act enables any city to levy and collect special assessments on property;
- PID's allocate costs according to the benefits received;
- PID's must be a contiguous area

Tax Increment Reinvestment Zones (TIRZ)

- Tax Increment Financing (TIF) is a tool that funds economic development within a Tax Increment Reinvestment Zone (TIRZ)
- Governed by Tax Code, Chapter 311
- Hundreds of TIRZs have been created in the state of Texas
- Cities, *alone or in partnership with other taxing units*, can use this tool to pay for improvements in a zone as to attract new development, facilitate investment, and bring excitement and energy to a designated area

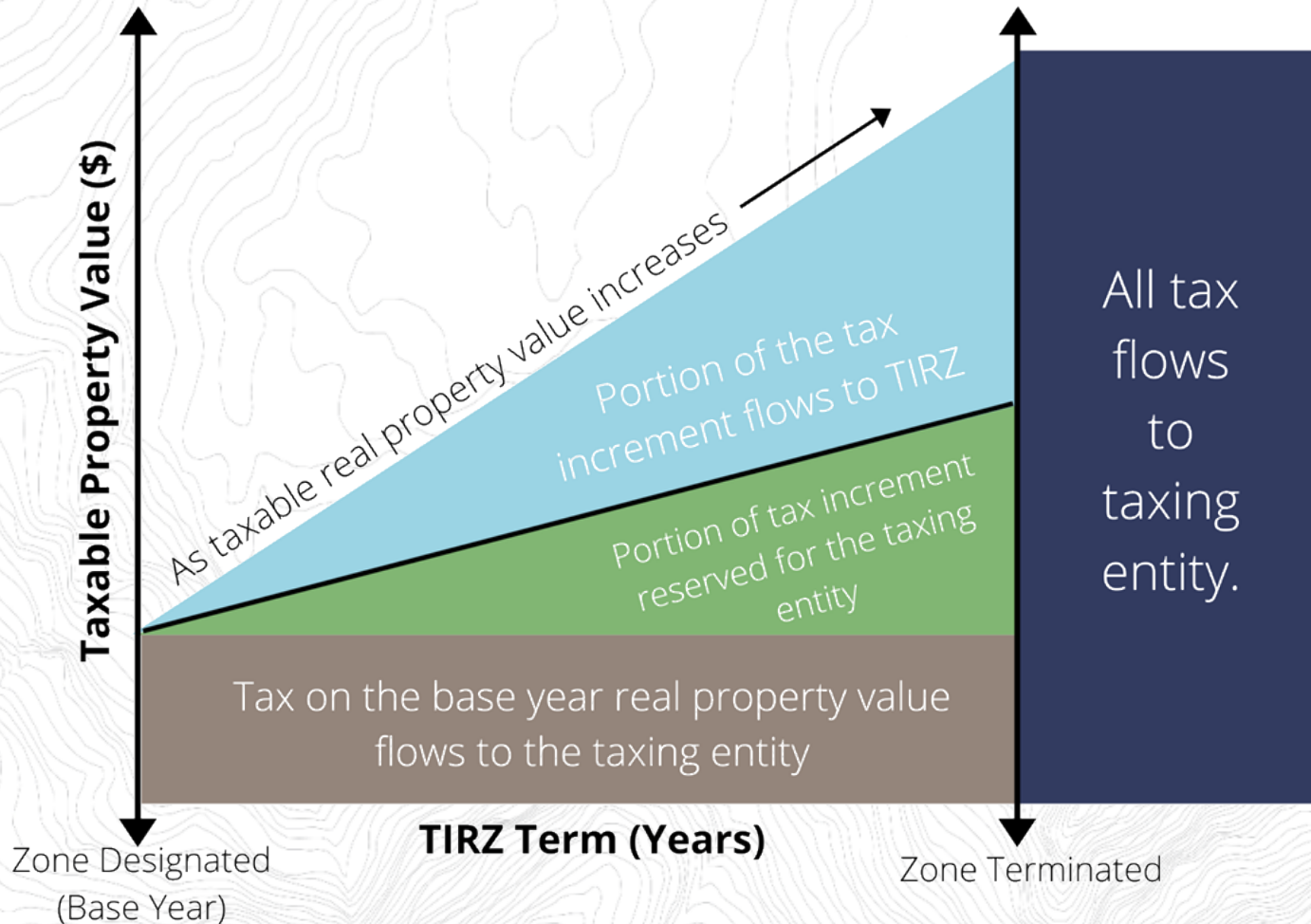
Tax Increment Reinvestment Zones (TIRZ)

- Governed by 311 Texas Tax Code
- Incremental ad valorem taxes utilized as financing source
- Taxing entities contribute ad valorem taxes received from incremental value increases on property within the TIRZ.
- A TIRZ can pay for:
 - infrastructure;
 - public improvements;
 - economic development programs; or
 - other projects benefiting the zone

Tax Increment Reinvestment Zones (TIRZ)

15

- **Not a new tax on development**
 - Redirects a portion of tax generated from new development within TIRZ



TIRZ REVENUES

Two ways to create new tax increment:

1. New construction/investment; and/or
2. Annual appreciation of real property (i.e. “organic growth”)

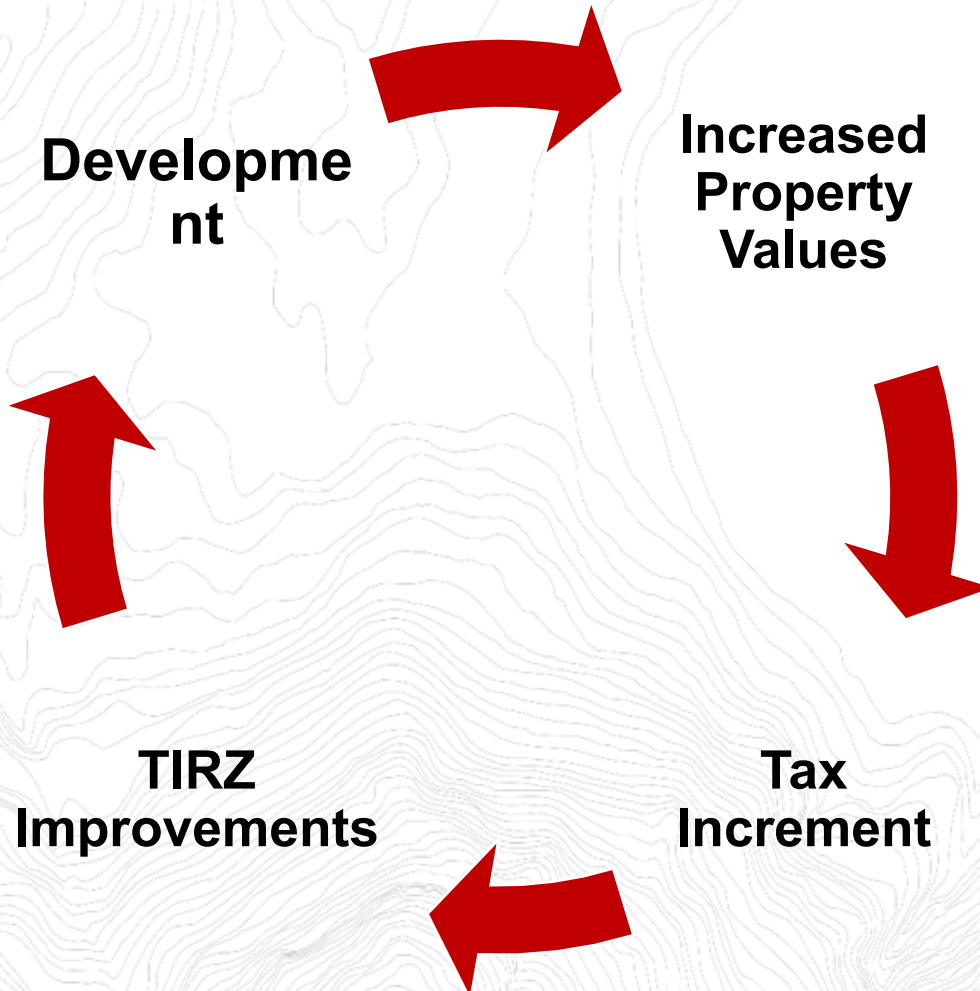
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TIRZ REVENUES



WHY CREATE A TIRZ?

- Private development activity expected to occur within a designated area
- Provides a funding source without impacting the current amount of general fund revenues
- Ability to leverage revenues from taxable property within the TIRZ to generate a larger increment
- Attracts potential developers and investment into area that may not otherwise occur
- Demonstrates a commitment to creating a sense of place and identity

PUBLIC IMPROVEMENT DISTRICTS

- A PID can provide funding for:
- 1) supplemental **services**; and/or
- 2) public **improvements** that convey a special benefit to those properties being assessed.
- Supplemental services overseen by PIDs can include security, common-area maintenance (e.g. sidewalk cleaning), beautification efforts, promotional efforts including events and marketing
- Public Improvements include (but not limited to):
 - Water, wastewater, health, and sanitation, or drainage improvements (including acquisition, construction, or improvements of water, wastewater or drainage improvements);
 - Street and sidewalk improvements (acquiring, constructing, improving, widening, narrowing, closing or rerouting sidewalks, streets or any other roadways or their rights-of-way);

PID CREATION PROCESS

- Created by a City or County under the authority of Chapter 372 of the Texas Local Government Code
- A **petition** is a prerequisite for the establishment of a public improvement district
- State statute provides that the municipality or county may initiate or receive a petition
- The designation of a PID and levy of assessments are discretionary, legislative functions.

PID CREATION PROCESS

A petition for the establishment of a public improvement district must state:

- the general nature of the proposed improvement;
- the estimated cost of the improvement;
- the boundaries of the proposed district;
- the proposed method of assessment, which may specify included or excluded classes of assessable property;
- the proposed apportionment of cost between the public improvement district and the municipality or county as a whole;
- whether the management of the district is to be by the municipality or county, the private sector, or a partnership between the municipality or county and the private sector;
- that the persons signing the petition request or concur with the establishment of the district;
- and that an advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality or county.

PID CREATION PROCESS

How many property owners must sign a petition for the creation of a public improvement district?

- >50% of the appraised value of taxable real property liable for assessment, **and**
- 50% or more of all the record owners of property liable for the assessment. **OR**
- >50% of the appraised value of taxable real property liable for assessment, **and**
- Record owners of real property who own 50% or more of the area that is liable for assessment

FREQUENTLY ASKED QUESTIONS

Is the PID a Property Tax?

- A PID is not a tax on property owners. PIDs represent a special assessment.
- PIDs can work similar to a property tax because the assessment may be based on a rate per \$100 of value of property.
- PIDs may also structure the assessment to be based on a flat rate based on the size of the property within the district.
- PID assessments are:
 - *a first and prior lien against the property;*
 - *superior to all other liens and claims, except ad valorem taxes; and*
 - *a personal liability of and charge against the owner of the property.*

FREQUENTLY ASKED QUESTIONS

How are the costs for improvements assessed?

Costs for improvements may be assessed either by:

- 1) Equally per front foot or square foot;
- 2) According to the value of the property as determined by the city or county, with or without regard to improvements on the property; or
- 3) In any other manner that results in imposing equal shares of the cost on similarly benefitted properties within the PID.

FREQUENTLY ASKED QUESTIONS

How Are PID Assessments Paid?

Paying PID assessments vary according to the respective PID.

- Collected by the County Tax Assessor/Collector with other property taxes.
- May designate a trustee to collect the PID payments.
- Mortgage companies may include PID assessments within the property owner's escrow payment and pay the assessment when ad valorem taxes are paid.

Assessments may be adjusted annually upon review of the service plan

FREQUENTLY ASKED QUESTIONS

How Are PID Assessments Paid?

- PIDs generally have a defined life span that is set at the time the PID is approved by the City Council.
- PID assessments can be paid in full at any time, or in annual installments.
- Special assessment remains on the property regardless of subsequent ownership.
- Just like unpaid taxes, if PID assessments are not paid, the City initiates legal action include tax liens or eventual foreclosure on the property.
- The foreclosure is just for the annual assessment outstanding, not the future assessments.

PID FINANCING

- A City may create a PID in which the assessments are assigned to reimburse the developer for eligible public improvements as the assessments are collected. **OR**
- A City may create a PID in which the City issues “up-front” non-recourse debt to pay for eligible public improvements
 - PID debt is non-recourse to the City. The bonds are backed only by the assessments on property within the PID
 - The issuance of PID debt by the City does not reduce the City’s bonding capacity

PID FINANCING

- All City costs incurred as a result of creating the PID (staff, legal, consultants, engineers, etc.) are paid by the developer via a cash escrow deposit with the City and are ultimately reimbursable from bond proceeds when the bonds sell.
- Ongoing administrative requirements are contracted to a third party, with a fiduciary responsibility to the City, which is paid for by PID assessments.
- The City retains the services of Bond Counsel, Financial Advisor, City Attorney, City PID Consultant, Professional Appraisal Firm and PID Administrator.
- All costs are reimbursed from PID bond proceeds or developer agreement.

PID FINANCING

Process

- Submit PID Petition to City
- Resolution accepting the petition, call a public hearing and directing notices be given
- Public Hearing on PID advisability and Adoption of PID Creation Resolution
- Publish PID Resolution - Construction cost are eligible for PID reimbursement 20 days after
- Service and Assessment Plan (SAP) is drafted
- Public Hearing on Proposed Levy and Assessment Ordinance
- Adopt Levy and Assessment Ordinance and Final SAP
- Close Bond Issue and Record PID levy assessment

PID/TIRZ Concept

You can use both PID/TIRZ together to provide upfront or reimbursement financing for public infrastructure for a private development

- PID – creates a new revenue source
- TIRZ – captures future value to reduce PID assessment
- Issue bonds backed by assessments on property owner

PID/TIRZ Concept

- PID assessments are capable of paying 100% of the annual debt service on the bonds.
- Incremental property taxes generated within the TIRZ would be used to reduce the annual PID assessment obligation.
- Property owners are responsible for remaining annual debt service net of any TIRZ revenue.
 - $A - B = C$
 - A = Annual Debt Service of Bonds
 - B = TIRZ Revenue
 - C = PID Assessment Net of TIRZ Revenue

PID/TIRZ Concept

- An overlapping PID and TIRZ formed over the entire Project.
- Bond issuance for public infrastructure;
- Public infrastructure has a dedicated and binding (tax lien) revenue stream for 100% repayment (PID); and
- Infrastructure generates immediate economic impact through new taxable value (new constructions).

PID/TIRZ Concept – Example Scenario

- Developer owns approximately 50 acres
- Developer petitions City to create a PID to fund up to \$5.0 million in public improvements (all bond issuances require separate City Council approval)
- Issuances can be done in multiple phases
- Timing of the phases would be dependent upon the amount of revenue generated from initial development and revenue from the TIRZ

PID/TIRZ Concept – Example Scenario

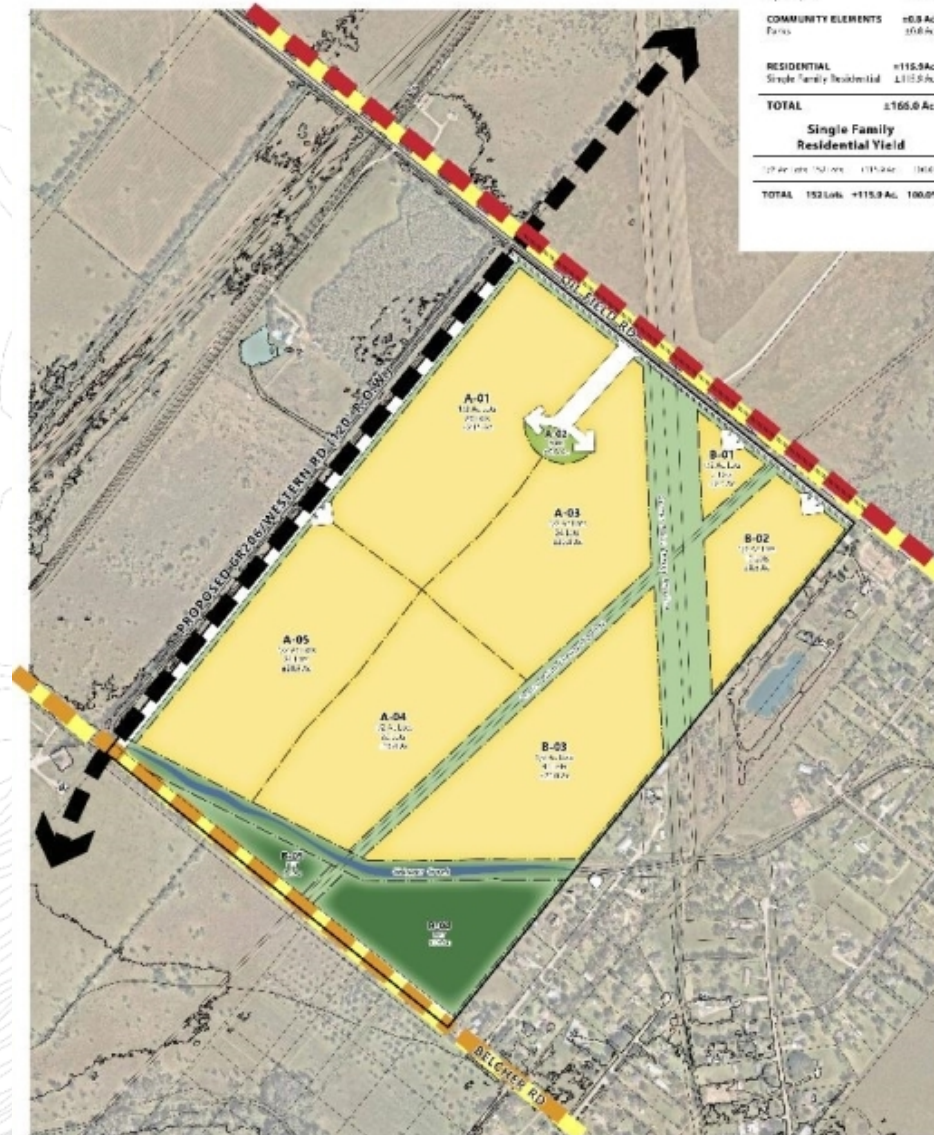
- 50 acres = 2,178,000 total square feet
- Debt Service for \$5.0m starts in 2024
- Annual Debt Service is \$577,727
- If no TIRZ increment occurred the annual PID assessment due by the property owner would be:
 - \$577,727 divided by 2,178,000
 - Annually: \$0.27 per square foot or \$577,727
 - Any TIRZ increment would reduce assessment rate
- IF property is sold, the new owner assumes the prorata share of the assessment.

Riverway Creek



Riverway Creek Conceptual Plan & Major Thoroughfare Plan Amendment

36



Land Use Analysis	
CONSTRAINTS	
Roadways	±40.5 Ac.
Right-of-Way	±11.8 Ac.
Utilities	±12.8 Ac.
Drainage	±13.2 Ac.
Open Space	±15.6 Ac.
COMMUNITY ELEMENTS	
Parks	±0.8 Ac.
RESIDENTIAL	
Single Family Residential	±115.9 Ac.
TOTAL	±165.8 Ac.
Single Family Residential Yield	
17.4 ac/lot (12.5 ac/lot) (17.4 ac/lot) (17.4 ac/lot)	
TOTAL	152 Lots ±115.9 Ac. 100.0%

BRAZORIA COUNTY THOROUGHFARE PLAN
120' ROW MAJOR THOROUGHFARE

CITY OF MANVEL THOROUGHFARE PLAN
100' ROW ARTERIAL
120' ROW PARKWAY

PROPOSED THOROUGHFARE REALIGNMENT

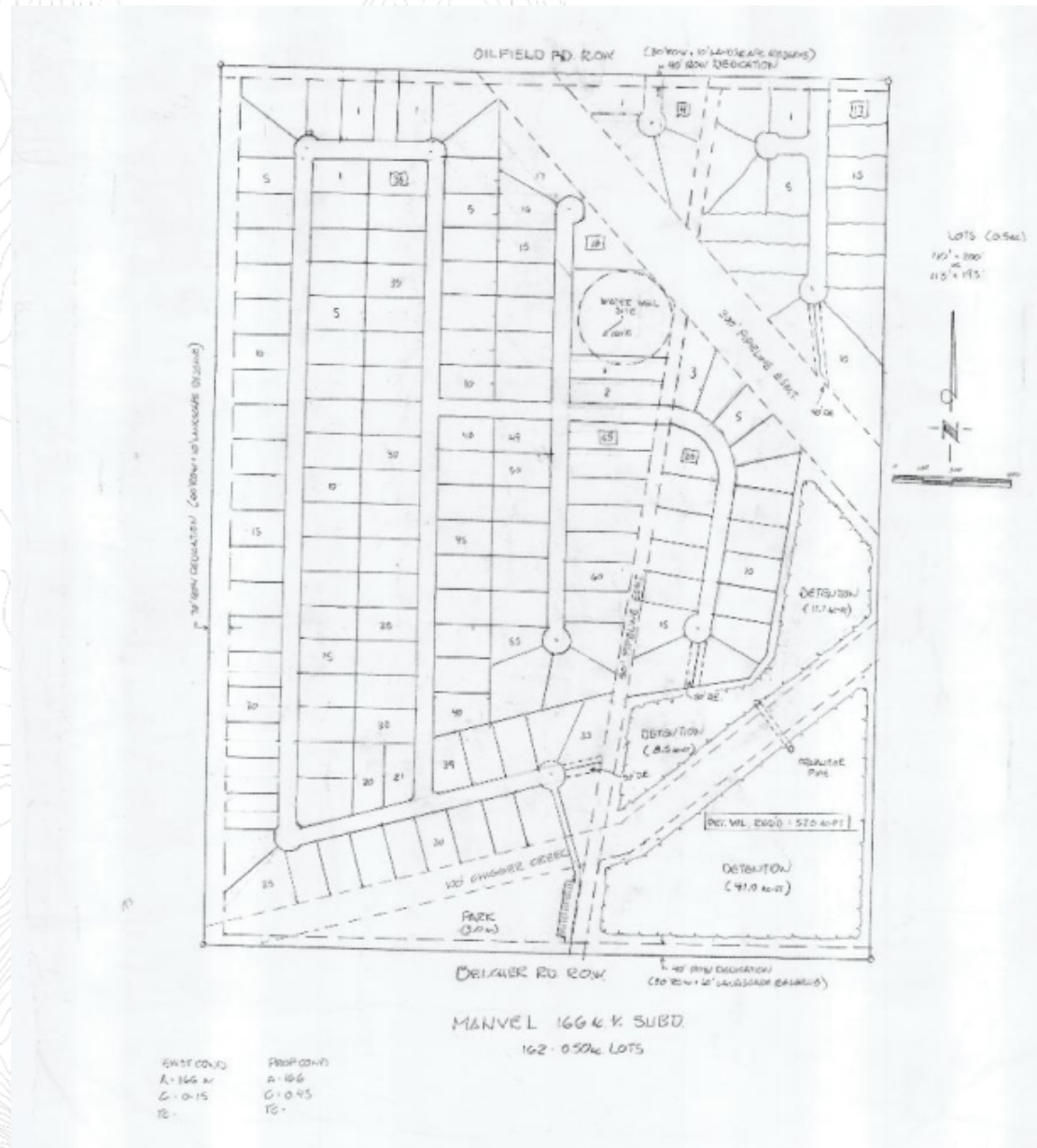
Concept Plan Exhibit
±166 AC MANVEL TRACT
Manvel, Texas

Prepared For:
**RIVERWAY
PROPERTIES**

Reference Date: 07.21.2022
Project #: 1600-00000



THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT AGREES TO HOLD THE ARCHITECT HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY THE ARCHITECT'S AGREEMENT WITH THE CLIENT.



Riverway Creek – Impact

- Projected Land Use:
 - 152 Single-family Lots (minimum ½ acre)
 - Approximately 40 acres of parks, detention and open space (including pipeline easements)
 - 11 acres of roadway dedication
- Projected Additional Assessed Value Creation:
 - Approximately \$83,600,000
- Additional Property Tax
 - City of Manvel: ~~\$468,160.00~~ annually (at 2023 tax rate)

Taxable Value: \$83,600,000 (at 2020 tax rates)		
Tax Rates (per \$100 valuation)		Total
City of Manvel	0.56	\$468,160.00
BCC&RD 3	0.15	\$125,400.00
BC ESD3	0.077385	\$64,693.86
Brazoria County	0.270664	\$226,275.10
Alvin Community College	0.151264	\$126,456.70
Road and Bridge	0.043284	\$36,185.42
Alvin ISD	1.1923	\$996,762.80
Total	2.444897	\$2,043,933.89

Riverway Creek – Impacts (continued)

- ~600 new residents
- ~300 new students
- Added local business support and increased sales tax revenue
- New city water supply & Water Customers
- New Park along Chigger Creek
- Rural feel and larger homesites

Proposed Development Agreement Overview

- PID and TIRZ creation with City participation
- Variances/PUD appropriate for this development, i.e.:
 - 1/2 acre lot size minimum
 - Open ditch drainage system
 - MTPA and phasing of roadway improvements
- Developer will construct water plant sized to serve the development. City will own and operate.
- All lots will be served by private septic systems
- No impact Fees

Questions

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

NATIONAL PUBLIC WORKS WEEK
MAY 19–25, 2024
“ADVANCING QUALITY OF LIFE FOR ALL”

Whereas, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of Manvel; and

Whereas, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

Whereas, it is in the public interest for the citizens, civic leaders, and children in Manvel to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

Whereas, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim May 19-25, 2024 as



“National Public Works Week”

in the City of Manvel, Texas. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
May 6, 2024

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Manvel Police Department; and

Whereas, since the first recorded death in 1786, there are currently 24,067 law enforcement officers in the United States that have made the ultimate sacrifice and been killed in the line of duty; and

Whereas, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

Whereas, 282 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 118 officers killed in 2023 and 164 officers killed in previous years; and

Whereas, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 36th Candlelight Vigil, on the evening of May 13, 2024; and

Whereas, the Candlelight Vigil is part of National Police Week, which will be *observed* this year May 12th-18th; and

Whereas, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim May 12-18, 2024 as



“National Police Week”

in the City of Manvel, Texas and publicly salute the service of law enforcement officers in our community and in communities across the nation.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
May 6, 2024



CITY COUNCIL DATA SHEET

MEETING DATE: April 15, 2024

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 13.08 acre tract of land located at 21708 Highway 288, Manvel, TX from Planned Unit Development District and State Highway 288 Overlay District (PUD/SH6) to Planned Unit Development District, State Highway 288 Overlay District and Specific Use Permit (PUD/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of property for NAICS use 621493 "Ambulatory Health Care Services" within the Town Center Planned Unit Development.

BACKGROUND: The subject site is located at 21708 Highway 288, within the Town Center Planned Unit Development. The subject site, with approximately 13.08 acres, is located within the Planned Unit Development District and State Highway 288 Overlay District (PUD-HW6). The applicant, Permit Advisors, is requesting a Specific Use Permit (SUP) to open a Memorial Hermann Go Health Urgent Care facility. An Urgent Care Facility is classified as NAICS Use No. 621493, "Ambulatory Health Care Services," which is allowed in the Town Center Planned Unit Development with approval of a Specific Use Permit.

The SUP application with a proposed floor plan and site plan was submitted with the application for this Specific Use Permit. This Urgent Care Facility will have a typical plan for these types of uses with a waiting lobby, front desk area and four (4) exam rooms. The subject site has access from Highway 288 and Highway 6 for an under construction commercial strip center. This proposal does not intend to make any exterior improvements to the property. If this Specific Use Permit is approved, Memorial Hermann Go Health Urgent Care can be located within 21708 Highway 288 Suite 103 and tenant improvements can be approved for this use.

The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

On April 8, 2024, the Planning Development and Zoning Commission had a public hearing regarding the proposed Urgent Care Center. At this meeting, no members of the public spoke for or in opposition of this request.

PD&Z RECOMMENDATION: The Planning Development and Zoning Commission unanimously (7-0) to recommend conditional approval with four (4) conditions as proposed by staff and listed in the Staff Report.

Recommended Conditions of Approval.

1. Specific Use Permit for NAICS Use No. 621493 is only for 21708 Highway 288, Suite 103, for a total of approximately 2,650 square feet.
2. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day.
3. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
4. All doors shall remain unlocked and accessible during normal business hours.

ATTACHMENTS: Staff Report and Ordinance No. 2024-O-17**FUNDING ISSUES**

- ☒ **Not applicable**
☐ **Not budgeted**
☐ **Full amount already budgeted**
☐ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER
Evan DuVall



FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



City Council

Specific Use Permit Request

Agenda of:	April 15, 2024	Initiated By:	Evan DuVall SAFEbuilt
Department:	Development Services	Presented By:	Evan DuVall SAFEbuilt

Subject/Proceeding

Specific Use Permit (SUP) request to establish an Urgent Care Center within an under construction 10,667 square-foot commercial strip center on an approximate 13.08-acre tract of land located at 21708 Highway 288, Manvel, TX within the Planned Unit Development and State Highway 6 Overlay District.

Recommended Action

A Public Hearing followed by consideration and action by City Council to approve or deny this request for the proposed Urgent Care Center.

Executive Summary

The subject site is located at 21708 Highway 288 suite #103, within the Town Center Planned Unit Development and the Highway 6 Overlay District. This request is for an urgent care service for most non-life-threatening illnesses and injuries, as well as x-ray and diagnostic tests. This urgent care center will be part of the Memorial Hermann Go Health system. An urgent care is classified as NAICS Use No. 621493, "Ambulatory Health Care Services" which is allowed in Planned Unit Development and Highway 6 Overlay District with the approval of a Specific Use Permit.

Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states "certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development, and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. However, because of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required."

In Section 77-50 (b) of the Zoning Ordinance it further states, “the City Council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Planned Unit Development (Town Center) South: Light Commercial District (LC) & Highway 6 Overlay District East: Highway 288 West: Planned Unit Development (Town Center) & Highway 6 Overlay District
Surrounding Land Use	North: Town Center Commercial Development South: Vacant East: Highway 288 West: General Retail and commercial within the Town-Center Planned Unit Development.

Overview

The applicant intends to develop a roughly 2,601 square-foot portion of a commercial strip center that is currently under construction and close to being finalized. This development will utilize the existing driveways established for the town center development. This urgent care center is planned to be open from 8:00 AM to 8:00 PM Monday through Friday, and 9:00 AM to 5:00 PM Saturday and Sunday. The City has specific recommended conditions found within the Zoning Ordinance under Sec. 77-50(g)(4). Staff has included these recommended conditions along with one other condition of approval.

Sec. 77-50(g)(4) *Ambulatory health care services*. Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:

- a. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day;
- b. All waiting and/or lobby areas shall maintain an unobstructed view from the outside;
and
- c. All doors shall remained unlocked and accessible during normal business hours.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

Parking Analysis

This location is part of an existing commercial strip center of approximately two buildings. This proposal is to locate in Suite 103 in the larger building of approximately 10,667 square feet and share parking with another 5,732 square feet commercial building. The Town Center development shares parking between multiple parcels and development at a minimum parking standard of five (5) per 1,000 square feet. There will be plenty of parking spaces for the proposed use and other uses proposed in this commercial development.

Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, the staff has received no informational inquiry and is not aware of any opposition to the request.

Staff Recommendation

Based on the above discussion, staff recommend conditional approval of this SUP request for the subject site to allow NAICS Use No. 621493, " Ambulatory Health Care Services," as it will not cause any adverse impacts, and will provide necessary services to the City of Manvel. Staff recommends four (4) conditions of approval for the proposed urgent care facility. The first recommended condition is to limit this approval for this proposed urgent care facility, and the other three conditions are found under Sec. 77-50(g)(4) for NAICS codes 621. The applicant is not proposing any hours outside of the recommended conditions found within the Zoning Ordinance.

Recommended Conditions.

1. Specific Use Permit for NAICS Use No. 621493 is only for 21708 Highway 288, Suite 103, for a total of approximately 2,650 square feet.
2. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day.
3. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
4. All doors shall remain unlocked and accessible during normal business hours.

PD&Z Recommendation

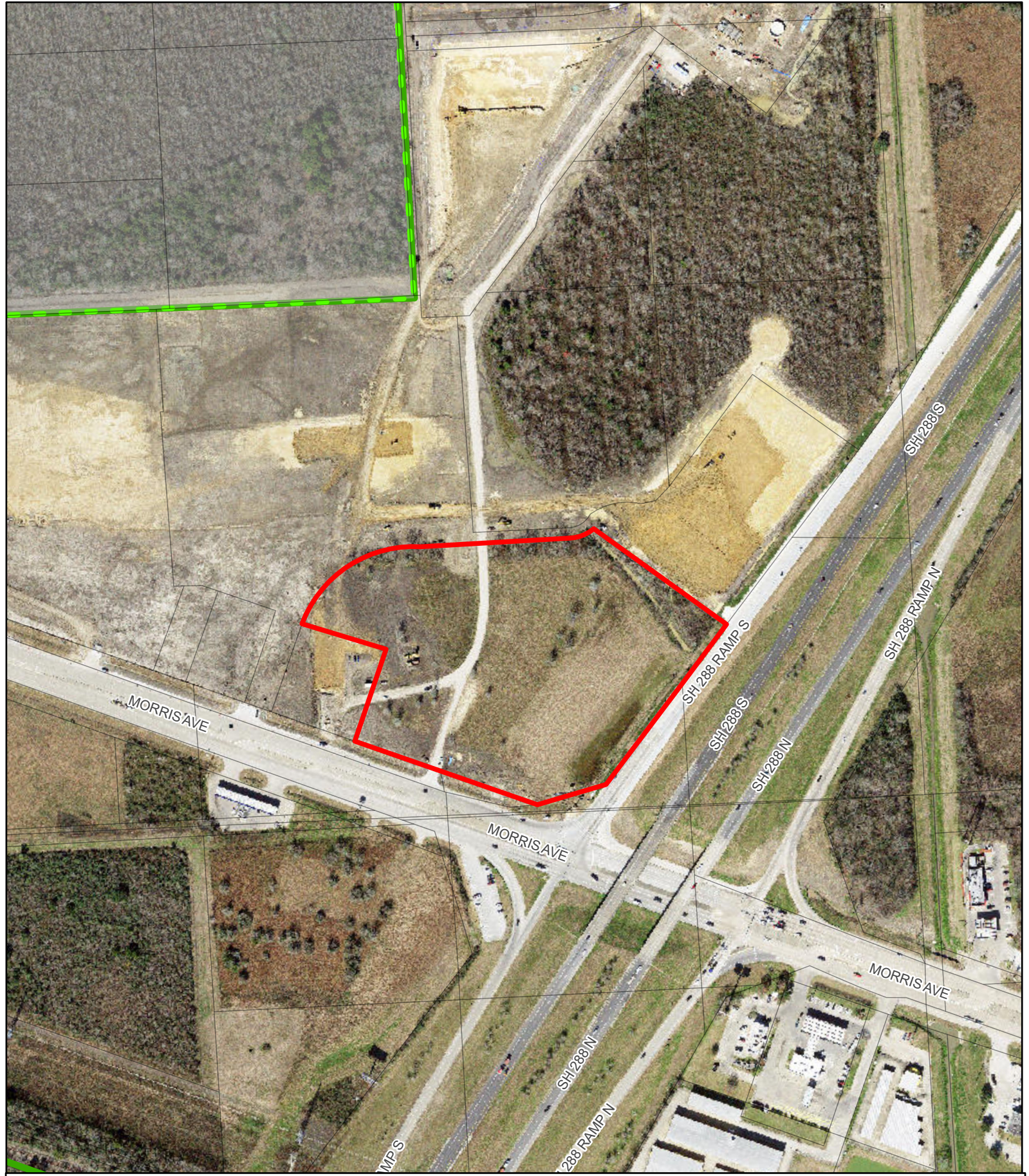
The Planning Development and Zoning Commission recommended conditional approval at the April 8, 2024, Meeting. At this meeting no members of the public spoke at the public hearing, and a presentation by the applicant and then staff occurred. Most of the questions were about the operation of the business, and the staff recommended conditions.

Recommended Conditions of Approval

1. Specific Use Permit for NAICS Use No. 621493 is only for 21708 Highway 288, Suite 103, for a total of approximately 2,650 square feet.
2. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day.
3. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
4. All doors shall remain unlocked and accessible during normal business hours.

Attached Exhibits

1. Aerial Vicinity Map,
2. Zoning Vicinity Map,
3. Major Thoroughfare Plan Map,
4. Application
5. Letter of Request
6. Applicate Presentation
7. Site Plan
8. Proposed Floor Plan.



Manvel Town Center Phase 1B



Manvel Town Center Ph 1B



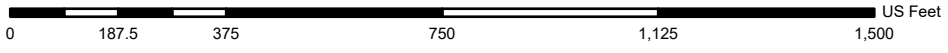
City of Manvel ETJ



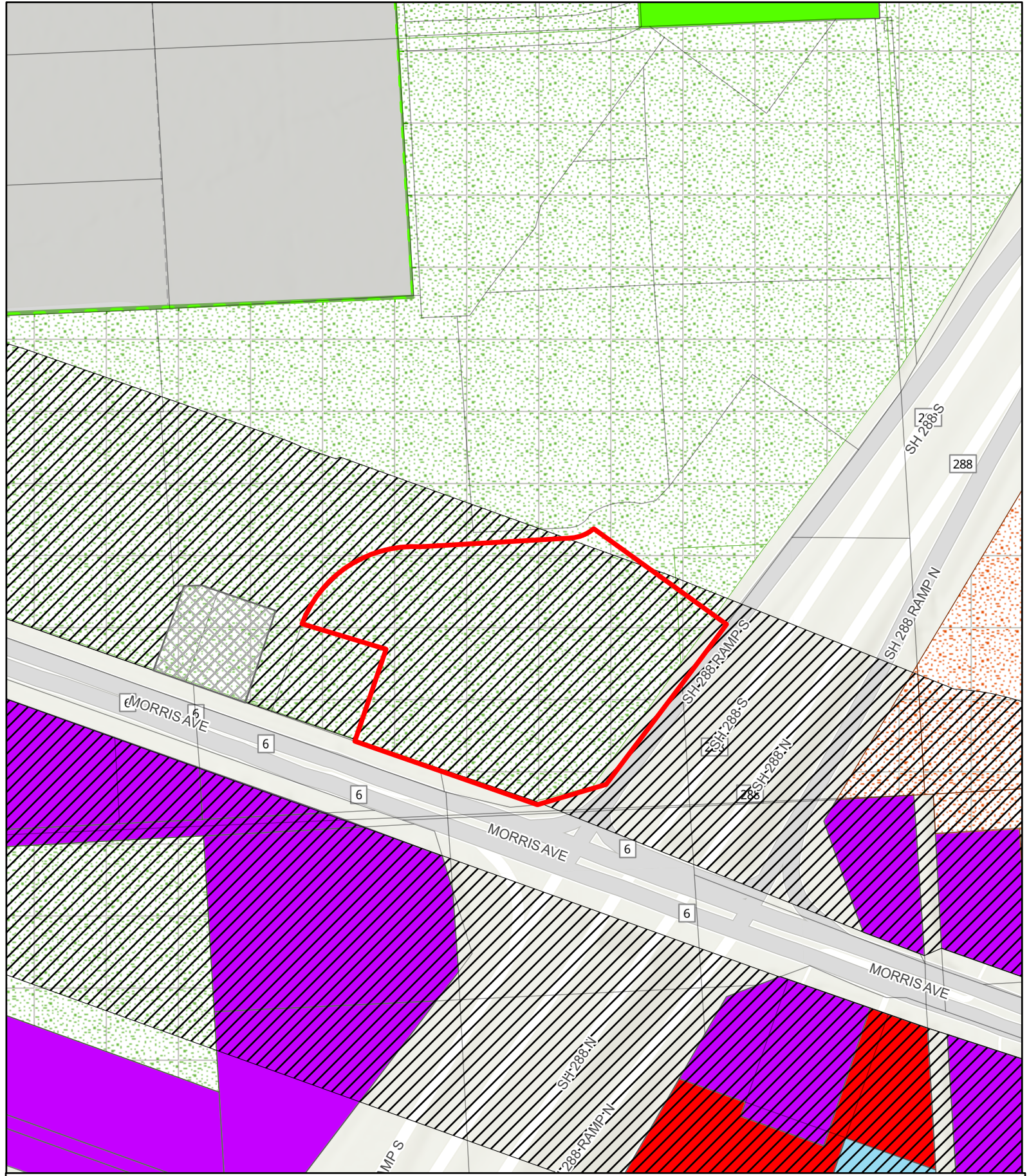
City of Manvel City Limits



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: March 2024
Reference: 2024018
Data Source: City of Manvel,
Brazoria County Open Data

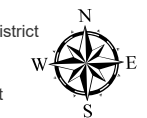
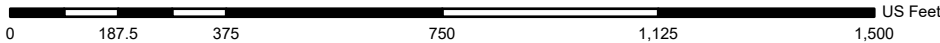


Manvel Town Center Phase 1B

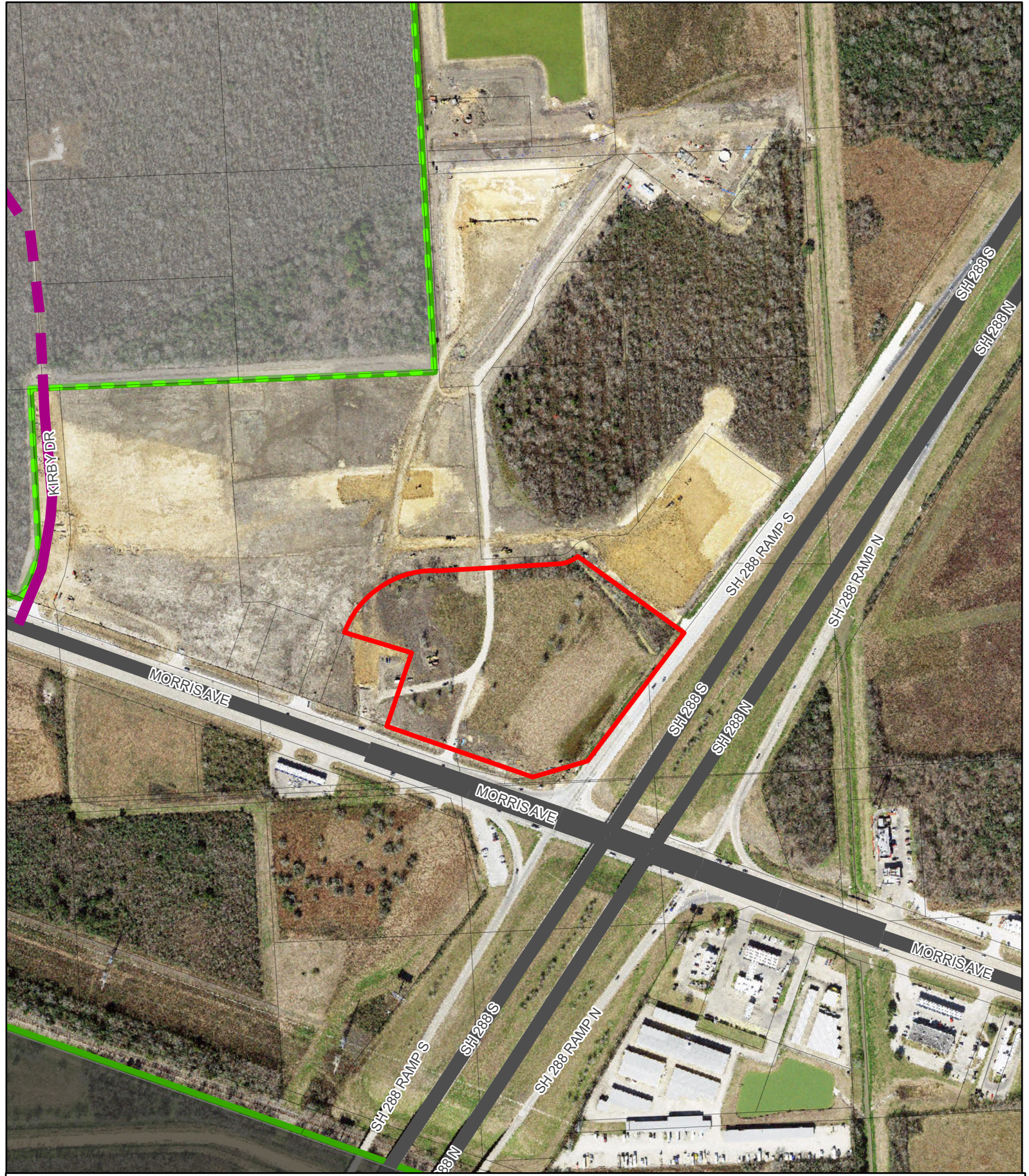


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|----------------------------|----------------------------------|---------------------------|---|
| Manvel Town Center Ph 1B | Specific Use Permits-current | Light Commercial District | Open Single-Family Residential District |
| City of Manvel ETJ | State Highway 6 Overlay District | Multi-Family District | Single-Family Residential District |
| City of Manvel City Limits | Heavy Commercial District | Planned Unit Development | Open - Planned Unit Development |

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: March 2024
Reference: 2024018
Data Source: City of Manvel,
Brazoria County Open Data



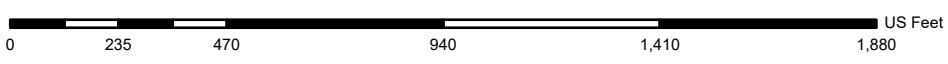
Manvel Town Center Phase 1B



- Manvel Town Center Ph 1B
- City of Manvel City Limits
- Proposed Parkway (120' ROW)
- City of Manvel ETJ
- Parkway (120' ROW)
- Major Thoroughfare (120' ROW)



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: March 2024
Reference: 2024018
Data Source: City of Manvel,
Brazoria County Open Data



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: Memorial Herman Go Health
Project Location/Address: 21708 Highway 288, Suite 103
Legal Description: Manvel Town Center, LTD. ABST-291 SUBD-Emigration Land Co S/D, A-291 Lot 50
Current Zoning: Planned Unit Development Proposed Land Use: Commercial Retail NAICS No.:
Parcel/Tax ID# (s): 167683 Total Acreage: 13.08

APPLICANT INFORMATION

Applicant Name: Rosie Felix
Company Name: Permit Advisors
Address: City: State: Zip:
Phone #: 424-437-6231 Email: rosie@permitadvisors.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Rosie Felix 1-24-2024
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: Manvel Town Center, LTD.
Address: 1800 Bering, Suite 550 City: Houston State: TX Zip: 77057
Phone #: 713-781-7111 Email: bbloomfield@weitzmangroup.com

PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

APM 1/24/2024
Owner's Signature (REQUIRED) Date



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	x
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	x
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	N/A
Two (2) Copies of Recorded Plat (if platted)	N/A
Two (2) Applicant Letters of Request	x
Traffic Impact Analysis, (if applicable)	N/A
Paid Application Fee	x

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

Rosie Felix

1-24-24

Applicant Signature

Date

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Manvel Town Center, LTD.

Owner Name

1800 Bering Drive, Suite 550

Owner Address

Houston, TX 77057

Owner City, State

Zip

1/24/2024

Date

Building and Inspections

20025 Highway 6

Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Steve Chandler, certify that I am the owner of the project property located at 21708 Highway 288 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Rosie Felix with the company Permit Advisors (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 713-781-7111 if you have any questions.

Sincerely,

Owner Name Steve Chandler

Owner Signature



Architecture Engineering Planning Interiors

235 Montgomery Street, Suite 350
San Francisco, CA 94104

03/14/2024

City of Manvel

Byron Belle, on Behalf of DLR Group

GoHealth Urgent Care Tenant Improvement – Manvel
21708 Highway 288, Suite 103
Manvel, TX 77578

To Whom It May Concern:

GoHealth is a joint venture with Memorial Hermann and Access Clinical Partners, LLC. GoHealth's centers offer (and the proposed center will offer) urgent care services for most non-life-threatening illnesses and injuries, as well as x-ray and rapid diagnostic test.

GoHealth's centers are open 365 days a year (8AM – 8PM Monday – Friday & 9AM – 5PM Saturday, Sunday & Holidays), providing convenient same-day, evening, weekend and holiday care. GoHealth's centers provide care for allergies, asthma, cold & flu, and offer Covid 19 testing, ear infections, flu shots, comprehensive care for every illness (such as sore throat), sinus infections, injuries, on-site testing services, sports and camp physicals, skin rashes urinary tract infections, telemedicine and imaging.

GoHealth will be a great addition to the community to provide immediate care for their families, children and aging members of the population, and it is one well suited to their mission and corporate values.

If there are any questions/concerns, please do not hesitate to reach out to us.

Best Regards,

Maribel Pasillas, Jeffrey Milla



MEMORIAL
HERMANN |  GoHealth.
URGENT CARE

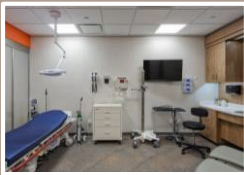
Award winning, patient-centric clinic design

**GoHealth centers won
2015 ICSC U.S. Design &
Development Award**

for outstanding achievement
in retail store design – the
premier design award for the
retail industry



**U.S. DESIGN &
DEVELOPMENT
AWARDS**



**MEMORIAL
HERMANN** |  **GoHealth**
URGENT CARE

GoHealth: The Basics

Who you'll find staffing our centers:

- 1 -2 EM/FP Physicians or ED Experience PAs/NPs
- 1 Rad Tech
- 1 Medical Assistant

Ancillary services we offer:

- X-rays for joint and bone injuries
- Point of care testing for rapid Covid - 19, strep, flu, mono, glucometry and urinalysis
- Work area for blood testing and cultures and phlebotomy services.

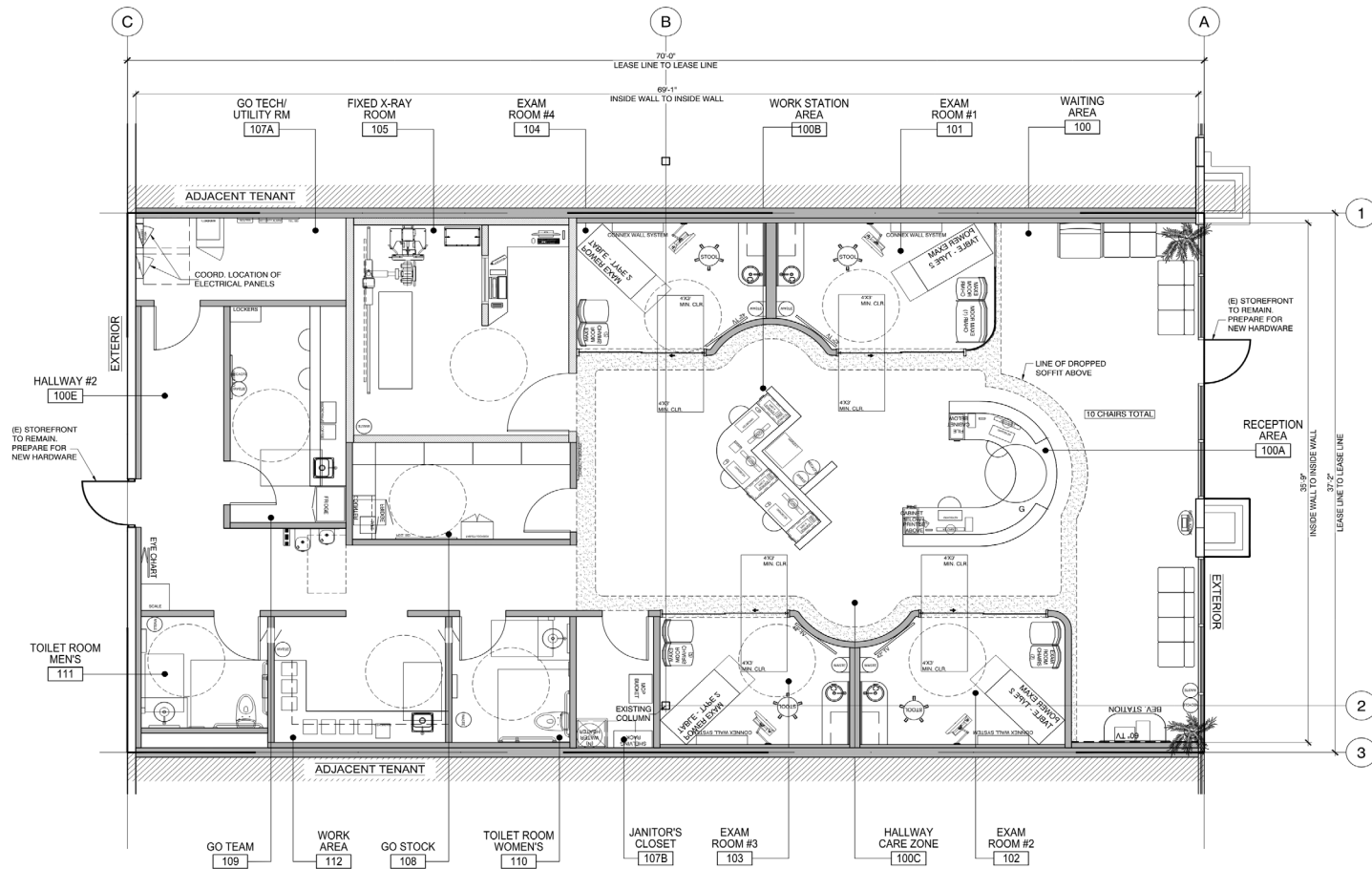
Hours that we operate our centers:

- 8 AM to 8 PM (Monday – Friday)
- 8 AM to 8 PM (Saturday, Sunday and Holidays)

Volume we typically see our centers:

- We expect to see anywhere from 3 to 5 patients an hour at our centers

Manvel Floor Plan and Design



GoHealth: The Basics

Design Elements:

- 4 exam rooms
- 5 work-stations
- 2 bathrooms
- Work Area, break room & medical storage
- Mobile x-ray
- Medical waste is secured within our center and carted by private contracted service
- No Narcotics on-site

Clockwise Queuing:

- Regulates the flow of patients by offering appointments and visibility to neighboring centers wait times
- Allows people who walk-in to be given notifications on when to come back to be seen
- Ability to manage our wait times and door to door times

Patients now have a convenient way to check in online and avoid the wait

[Services](#)[Find a Center](#)[Virtual Visit](#)[Bill Pay](#)[Health Library](#)[Log in](#)[Save my spot](#)**Location** ▾

Choose a location near you

**Reason for visit** ▾

How can we help you?

**Date & time** ▾

Choose timeslot



Virtual Visits offer face-to-face exams from home

Virtual Visits are a convenient and increasingly popular alternative for patients and their providers today. In fact, our virtual platform can be used to diagnose and treat a wide range of conditions, from allergies and rashes to sprains and bug bites, UTIs, pink eye, coughs, colds, flu and much more. Booking a virtual visit is fast, easy and can be done where and when you need it.

[Learn more](#) →

We measure our patient experience through Net Promoter Score that is delivered via text message

Net Promoter Score: 82

Reporting period: **2021 YTD**

10! Beautiful state of the art facility and everyone was professional & courteous. I was taken care of right away.

Definitely a 10! I have already suggested GoHealth to a friend. I really appreciated the follow up call. Other experiences elsewhere did not do that, they just suggest you to follow up with your PCP.

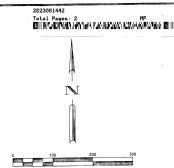
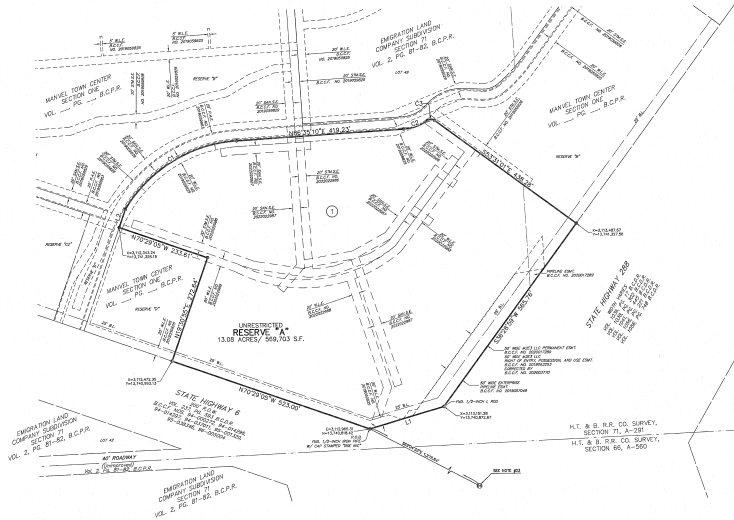
10!!!! Thank you for referring me because you probably helped save my life!

The staff were very warm, friendly and inviting. There was no wait and the center was very clean. The front desk was professional. I will be coming back in the future!



MEMORIAL®
HERMANN |  GoHealth.
URGENT CARE

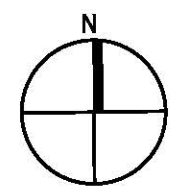
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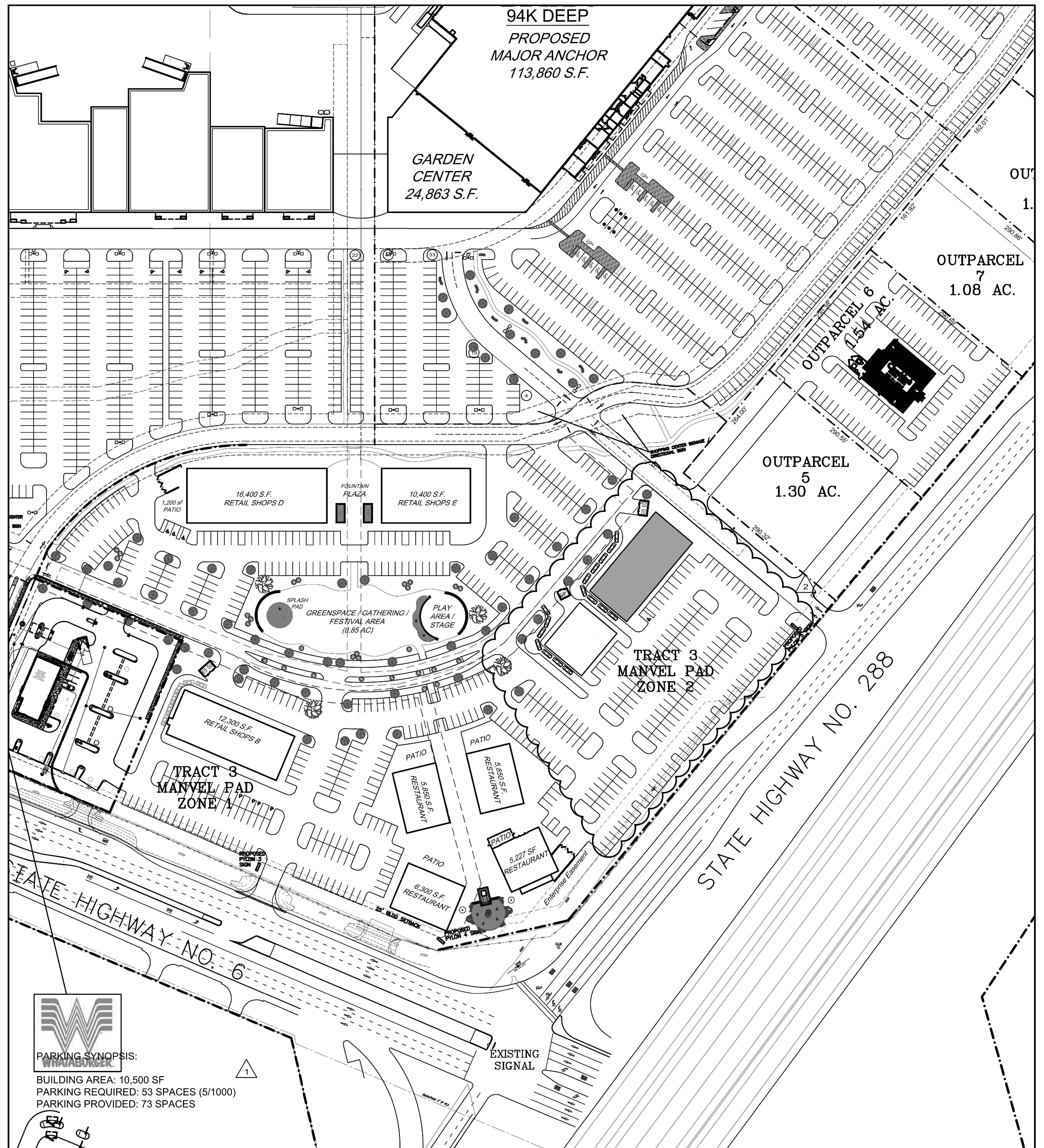
LINE DATA			CURVE DATA					
NUMBER	BEARING	DISTANCE	NUMBER	RADIUS	DELTA ANGLE	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
L1	S73°44'17"W	193.73'	C1	352.50'	597°17'48"	340.20'	N 58°56'15" E	327.15'
L2	N18°32'55"E	47.73'	C2	115.50'	326°08'18"	64.82'	N 70°30'32" E	63.97'
			C3	14.50'	72°03'00"	18.23'	S 69°32'33" E	17.09'

DETENTION PONDS - SERVICE AREA TABLE					
DETENTION REQUIRED					
MANVEL TOWN CENTER PHASE 1A					
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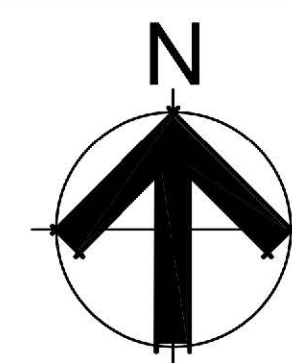
SITE PLAN (FOR REFERENCE ONLY)
SCALE: N.T.S.



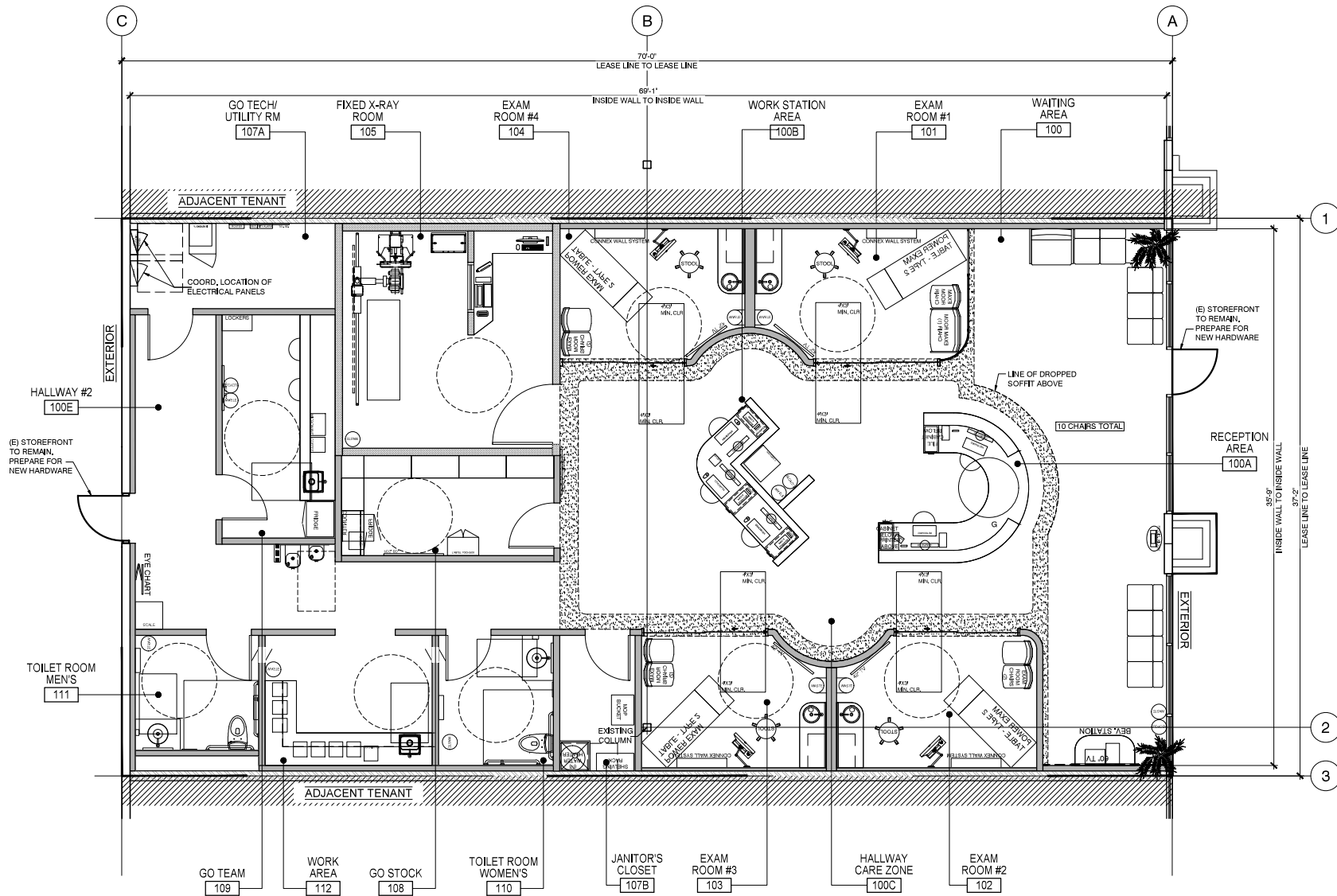
PARKING SYNOPSIS:

BUILDING AREA: 10,500 SF
PARKING REQUIRED: 53 SPACES (5/1000)
PARKING PROVIDED: 73 SPACES

SHADED AREA INDICATES SCOPE OF
WORK INCLUDED IN THESE DOCUMENTS



PARTIAL ENLARGED VICINITY MAP



GoHealth Floor Plan
SCALE 1/4" = 1'-0"

URGENT CARE CENTER - MANVEL

PRELIM FLOOR PLAN TOTAL SQ.FT. ± 2,612 SF

NOTE: THIS INFORMATION IS CONCEPTUAL IN NATURE AND IS SUBJECT TO ADJUSTMENT PENDING FURTHER VERIFICATION AND CLIENT, TENANT, AND GOVERNMENT AGENCY APPROVALS. NO WARRANTIES OR GUARANTEES OF ANY KIND ARE GIVEN OR IMPLIED OF THE ARCHITECT.

NOT FOR CONSTRUCTION

12/18/2023

PROJECT NO.: 39-24122-00



SK-1

ORDINANCE NO. 2024-O-17

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 13.08 ACRE TRACT OF LAND LOCATED AT 21708 HIGHWAY 288, MANVEL, TEXAS (DESCRIBED AS RESERVE “A” OF MANVEL TOWN CENTER PHASE ONE B), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 “AMBULATORY HEALTH CARE SERVICES” TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; 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.

* * * * *

WHEREAS, Manvel Town Center, LTD., is the owner (the “Owner”) of a certain 13.08-acre tract of land located at 21708 Highway 288, Manvel, Texas, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, being a partial replat of lots 42, 49, 50, 58 an abandoned 40-foot road of the emigration land company subdivision, section 71 recorded in Volume 2, Page 81-82 of the Plat Records of Brazoria County Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 13.08-acre tract is currently zoned Planned Unit Development District and Highway 6 Overlay District (PUD-SH6); and

WHEREAS, the applicant, Permit Advisors, has filed an application to change the zoning classification of the 13.08-acre tract to Planned Unit Development District and Highway 6 Overlay District with a Specific Use Permit (PUD-SH6-SUP) allowing the proposed use of the property for NAICS use 621493 “Ambulatory health Care Services”; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; 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. The zoning classification of a certain 13.08-acre tract of land located at 21708 Highway 288, Manvel, Texas, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, being a partial replat of lots 42, 49, 50, 58 an abandoned 40-foot road of the emigration land company subdivision, section 71 recorded in Volume 2, Page 81-82 of the Plat Records of Brazoria County

Texas, a map and description of which is attached hereto as Exhibit “A” attached hereto, shall be changed from Planned Unit Development and State Highway 6 Overlay District (PUD-SH6) to Planned Unit Development and State Highway 6 Overlay District (PUD-SH6), with one Specific Use Permit (PUD-SH6-SUP), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Ambulatory Health Care Services– (NAICS 621493)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions for the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. This proposed use of a “Ambulatory Health Care Services” and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. 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 in zoning classification of said tract(s) as described above.

Section 8. 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 9. 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.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit B

Conditions of Approval:

1. Specific Use Permit is only for 21708 Highway 288, Suite 103, for a total of approximately 2,600 square feet.
2. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day.
3. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
4. All doors shall remain unlocked and accessible during normal business hours.

ORDINANCE NO. 2024-O-17

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 13.08 ACRE TRACT OF LAND LOCATED AT 21708 HIGHWAY 288, MANVEL, TEXAS (DESCRIBED AS RESERVE “A” OF MANVEL TOWN CENTER PHASE ONE B), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 “AMBULATORY HEALTH CARE SERVICES” TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; 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.

* * * * *

WHEREAS, Manvel Town Center, LTD., is the owner (the “Owner”) of a certain 13.08-acre tract of land located at 21708 Highway 288, Manvel, Texas, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, being a partial replat of lots 42, 49, 50, 58 an abandoned 40-foot road of the emigration land company subdivision, section 71 recorded in Volume 2, Page 81-82 of the Plat Records of Brazoria County Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 13.08-acre tract is currently zoned Planned Unit Development District and Highway 6 Overlay District (PUD-SH6); and

WHEREAS, the applicant, Permit Advisors, has filed an application to change the zoning classification of the 13.08-acre tract to Planned Unit Development District and Highway 6 Overlay District with a Specific Use Permit (PUD-SH6-SUP) allowing the proposed use of the property for NAICS use 621493 “Ambulatory health Care Services”; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; 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. The zoning classification of a certain 13.08-acre tract of land located at 21708 Highway 288, Manvel, Texas, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, being a partial replat of lots 42, 49, 50, 58 an abandoned 40-foot road of the emigration land company subdivision, section 71 recorded in Volume 2, Page 81-82 of the Plat Records of Brazoria County

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1. Ambulatory Health Care Services– (NAICS 621493)

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Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. 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 in zoning classification of said tract(s) as described above.

Section 8. 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 9. 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.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Certain 13.08-acre tract of land located at 21708 Highway 288, Manvel, Texas, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, being a partial replat of lots 42, 49, 50, 58 an abandoned 40-foot road of the emigration land company subdivision, section 71 recorded in Volume 2, Page 81-82 of the Plat Records of Brazoria County Texas.



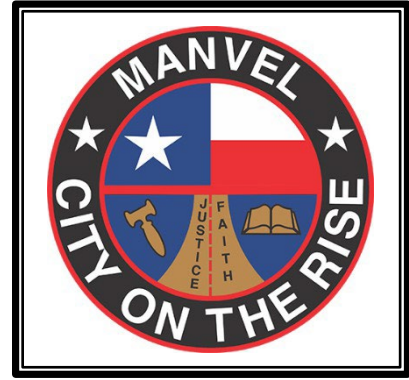
Exhibit B

Conditions of Approval:

1. Specific Use Permit is only for 21708 Highway 288, Suite 103, for a total of approximately 2,600 square feet.
2. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day.
3. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
4. All doors shall remain unlocked and accessible during normal business hours.

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 4/15/2024

Workshop Session

Mayor Davis called the workshop of the Manvel City Council to order at 5:00 p.m.
Those in attendance were:

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

Absent: None

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Rosa Donaire, Finance Director
Robbie Hall, Public Works Director
Evan Duvall, Zoning Official
Elaheh Roohbakhsh, Associate Planner
Chris Day, Patrol Captain
Brooke Cyphers, Public Information Officer

Update on debt issuance for the Wastewater Regional Facilities, Streets, and Sidewalk Improvements.

Joe Morrow provided the update.

April 15, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Presentation on WeBUILT (We Build Unique Independent Lives Together) Development.

Anne Wilkinson, Director of WeBUILT
Eric Clement, President of Living Hope
Sherrie Clement, Executive Director of Living Hope
Scott Sheritan, Daniel Scott Engineering
Becky Dawson, B&D Community Design Studio

Discussion on any topic as listed on the current agenda.

Regular Session

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:17 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
Robert Gervais, City Attorney
Keith Traylor, Chief of Police
Tammy Bell, City Secretary
Rosa Donaire, Finance Director
Robbie Hall, Public Works Director
Evan Duvall, Zoning Official
Elaheh Roohbakhsh, Associate Planner
Chris Day, Patrol Captain
Brooke Cyphers, Public Information Officer

Invocation

Inspirational Reading - Councilmember Perry

Pledge

Presentations

Proclamations

Mountain on Masters Road Fun Run - April 27, 2024
Professional Municipal Clerks Week - May 5-11, 2024
Military Appreciation Month - May 2024
Motorcycle Safety Awareness Month - May 2024

Staff Recognition

Scott Karpowicz - 15 years of dedicated service to the City of Manvel
Tammy Bell - 20 years of dedicated service to the City of Manvel

Public Hearing Presentation

Overview of proposed Ordinance 2024-O-12

Public Hearing

TO HEAR INPUT FROM THE PUBLIC ON AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 13.08 ACRE TRACT OF LAND LOCATED AT 21708 HIGHWAY 288, MANVEL, TEXAS (DESCRIBED AS RESERVE "A" OF MANVEL TOWN CENTER PHASE ONE B), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 "AMBULATORY HEALTH CARE SERVICES" TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davis opened the Public Hearing at 6:51 p.m.
1st call for comments - Mary Ann Atkinson, in favor
2nd call for comments - None
3rd call for comments - None
Mayor Davis closed the Public Hearing at 6:52 p.m.

Public Comments: "Comment Card" Required

Kathryn Ducomus - Not in favor of WeBuilt being in a residential area.
Jan Weede - 6703 Crestridge - Not in favor of Webuilt being in a residential area.
Waylon Sheffield - 6225 Louisiana St - Not in favor of WeBuilt being on Louisiana Street.
Warron Savoy - Not in favor of WeBuilt being in a residential area. Will tear up the roads and bring down property values.
Janelle Hart - 6830 Louisiana Street - Not in favor of the WeBuilt project in a residential area. Supports the concept just not the proposed location.
Jamie Sohrt - 6625 Louisiana Street - Not in favor of the WeBuilt project due to drainage issues in the proposed area.
Chang - 6628 Louisiana Street - Not in favor of the WeBuilt project being built in her backyard.
Garrett Knox - Trees - Currently writing a book "Big Trees in Manvel". Has concerns over trees taken down on the property where the public works building is going up. We need a good strong ordinance protecting the trees.
Brian Wilmer - Speaking in favor of a Tree Preservation Ordinance.
Mary Ann Atkinson - In favor of a Tree Preservation Ordinance not only in commercial areas, but also in residential areas.
Saleem Madka - Owner of the Little Rascals - Prop 2 that was approved in the last election to offer tax relief to daycare owners. Unable to raise rates, this exemption would help current daycare to stay in business.
Debra Tate - No longer at the meeting

City Manager Update

Akery Lake Update - Slope paving started this week.
Rodeo Drive - Staff has done some painting of crosswalks
Public Works and Police Station both had NTP issued last week. Projects are getting off to a great start.
Compliments last week to Tristian in the Utility Billing Department for outstanding service.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve the second and final reading of Ordinance 2024-O-12;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 457.0 ACRES OF LAND GENERALLY LOCATED EAST OF STATE HIGHWAY 288, NORTH OF HIGHWAY 6, GENERALLY SOUTH OF DEL BELLO BOULEVARD, AND WEST OF FARM TO MARKET 1128, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT AND PLANNED UNIT DEVELOPMENT (PUD) TO PLANNED UNIT DEVELOPMENT (PUD) AND AMENDMENTS TO THE VALENCIA PLANNED UNIT DEVELOPMENT; 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 4/1)
3. Consideration and possible action to approve Resolution 2024-R-12;
A RESOLUTION BY THE CITY OF MANVEL, TEXAS SUSPENDING THE WATER AND WASTEWATER RATE INCREASES PROPOSED BY UNDINE, LLC. FOR THEIR CUSTOMERS IN THE BRANDI ESTATES SUBDIVISION FOR NINETY (90) DAYS, THE MAXIMUM PERIOD ALLOWED BY LAW; REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
4. Consideration and possible action to approve Resolution 2024-R-13;
A RESOLUTION BY THE CITY OF MANVEL, TEXAS SUSPENDING THE MAY 11, 2024 EFFECTIVE DATE OF THE PROPOSAL BY UNIVERSAL NATURAL GAS, LLC D/B/A UNIVERSAL NATURAL GAS, INC. TO IMPLEMENT GRIP INTERIM RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2023 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
5. Acceptance of infrastructure improvements for Manvel East Retail Center to begin the Two-Year Maintenance Period.
6. Acceptance of infrastructure improvements for Meridiana 24A to begin the Two-Year Maintenance Period.
7. Acceptance of infrastructure improvements for Meridiana Section 24B to begin the Two-Year Maintenance Period.
8. Acceptance of infrastructure improvements for Meridiana Section 5 East to begin the Two-Year Maintenance Period.

Councilmember Crystal Sarmiento 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

Items Removed from Consent Agenda

None

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney," to discuss the following:

- *Certificate of Obligation Publication*
- *Legal advice on Public Improvement Districts (PID)*

Mayor Davis convened the meeting into Executive Session at 7:40 p.m.

Mayor Davis reconvened the meeting out of Executive Session at 8:19 p.m.

No action was taken during Executive Session.

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2024-O-17;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 13.08 ACRE TRACT OF LAND LOCATED AT 21708 HIGHWAY 288, MANVEL, TEXAS (DESCRIBED AS RESERVE "A" OF MANVEL TOWN CENTER PHASE ONE B), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 "AMBULATORY HEALTH CARE SERVICES" TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; 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 7/0).

*Moved to before the Executive Session.

Councilmember Opliger made the motion to approve. Councilmember 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

2. Consideration and possible action to approve Ordinance 2024-O-19;
AN ORDINANCE AUTHORIZING ISSUANCE OF UP TO \$50,000,000 CITY OF MANVEL, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024; PRESCRIBING THE TERMS AND CONDITIONS THEREOF; 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.

Mayor Davis made the motion to approve. Councilmember 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

April 15, 2024 MANVEL CITY COUNCIL MEETING MINUTES

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 approve Ordinance 2024-O-20;
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 TO TRANSFER FUNDS FROM COMMUNITY DEVELOPMENT SERVICES TO COURTS FOR A CLERK POSITION, TO TRANSFER FUNDS TO THE LIBRARY FOR REPAIRS FROM THE ADMINISTRATION DEPARTMENT, AND TO FUND THE ADDITIONAL COST ON THE ELEVATED WATER STORAGE TOWER FROM THE GENERAL FUND BALANCE. 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.

Mayor would like something on the next agenda to consider a mid-year budget amendment to hire the following positions:

Legal Assistant to focus on Open Records
HR Generalist for HR
Economic Development Coordinator, paid for by EDC
Executive Assistant for City Manager
PIO for Police
Parks person

Councilmember Sarmiento does not want to see the Permits position doesn't go unfilled either.

Councilmember Hudson made the motion to approve. Councilmember 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

4. Update by Waste Connections on the CPI Rate Adjustment (Authorized under the Franchise Agreement)

*Moved to before the Executive Session.

Zack with Waste Connections present. 95 cent increase. The CPI Rate Adjustment is dictated by the government.

5. Consideration and possible action to approve;
SECOND AMENDMENT TO INTERLOCAL AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANVEL, TEXAS AND BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43

April 15, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Councilmember Hudson made the motion to approve. Councilmember Lands 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

6. Consideration and possible action to approve a Funding Agreement between the City of Manvel, Texas, and Rodeo Palms Community Association, Inc to provide the terms between the CITY and ASSOCIATION with regards to the CITY painting certain lanes and street markings on the street by the entrance to the gate house in Rodeo Palms subdivision.

Changes the Mayor would like to see:

Amount not to exceed \$1,000

Scope of Services

Article 4.02 - invoice paid within 30 days of issuance

Mayor Davis made the motion to amend section 4.02 to say "Association shall pay invoice within 30 dates of invoice issue date" . Councilmember 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

Mayor Davis made an amendment motion for section 3.03 to say "The approximate cost for the work is not to exceed \$1,000". Councilmember 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

Mayor Davis made the motion to approve as amended. Councilmember 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

7. Consideration and possible action to approve a Signal and Crossing Surface License Agreement between The City of Manvel, and BNSF Railway Company.

Councilmember Sarmiento made the motion to approve. Councilmember 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

8. Consideration and possible action to decline the default increase in rates for the 2024 CPI Adjustment to Municipal Telecommunications Right-Of-Way Access Line Rates.

Mayor Davis made the motion to decline default increase in rates. Councilmember Lands 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

9. Consideration and possible action to direct staff on a Tree Preservation Ordinance as requested by Council Member Lands and Council Member Akery.

All councilmembers in agreeance about preserving trees and having a stronger and more detailed ordinance. Possibility for incentives to developers who preserve tree discussed.

Mayor wants to make sure that it's flexible for certain extenuating circumstances.

Mayor Davis directs staff to work with Councilmember Lands and Akery to draft something up to present to Council.

10. Consideration and possible action to direct staff on creating a checklist for new businesses. Create a how-to manual for businesses wanting to develop in the city.

Mayor directs Councilmember Sarmiento and Lands to get with City Manager and department heads to discuss ways we can make it easier to do business in Manvel.

11. Consideration and possible action to schedule a Planning Session Meeting of City Council on April 29, 2024.

Mayor Davis made the motion to approve. Councilmember 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

April 15, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Absent: None

Abstained: None

12. Consideration and possible action to approve a Special Called City Council Meeting on May 13, 2024, for the Canvass of the May 4, 2024, General Election.

Mayor Davis made the motion to approve. Councilmember 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

Mayor and Council Comments

Lone Star Pawz grand opening - 4/20 beginning at 10 a.m.

Adjourn

Mayor Davis made the motion to adjourn the meeting at 9:37 p.m. Councilmember 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

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS

UTILITY EASEMENT

THE STATE OF TEXAS
COUNTY OF BRAZORIA

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, VDB Partners, Ltd., a Texas limited partnership, and its successors and assigns, (hereinafter collectively called "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable cash consideration in hand paid by the City of Manvel, Texas, a body politic organized and existing under the laws of the State of Texas (hereinafter called "Grantee"), does hereby grant an easement upon, over, across and through the property situated in Brazoria County, Texas, as described by metes and bounds in Exhibit "A" which is attached hereto and by this reference is made a part hereof (the "Easement Area").

The easement rights and privileges herein granted shall be used only for the purposes of constructing, operating, maintaining, repairing, replacing and reconstructing of water lines, natural gas utility lines, electrical, telephone, internet and/or fiberoptic cables, and any and all related equipment and facilities together with any and all necessary incidentals and appurtenances thereto in, upon, over, across and through the Easement Area.

Subject to the foregoing and subsequent provisions hereof, Grantee, its successors, assigns, agents, employees, workmen and representatives shall, at all present and future times, have the right and privilege of ingress and egress in, upon, over, across and through the Easement Area for the purposes hereof.

This easement shall be subject to and governed by the following provisions:

(1) The easement rights and privileges granted herein are non-exclusive, and the Grantor reserves and retains the right to convey, plat and/or dedicate similar rights and easements, as well as other types of rights and easements, to such other persons or entities as Grantor may deem proper, providing such other conveyances do not materially affect the Grantee's use of the easement conveyed herein.

(2) The easement rights and privileges herein granted shall be for so long as Grantee or its assigns shall utilize the Easement Area for the purposes intended. The easement rights and privileges granted hereunder shall terminate when or at such time as the purposes hereof cease to exist, are abandoned by Grantee or become impossible to perform.

(3) The Easement, rights and privileges herein granted shall be subject to encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements of record, including building and zoning ordinances, all laws, regulations, and restrictions by municipal or other governmental authority applicable to and enforceable against the Easement hereby granted.

(4) The grant made hereunder is not a conveyance of the Easement Area nor of any interest in the oil, gas, and other minerals in, on, or under the land subject to easement herein granted, but is a grant solely of the easement as above described.

(5) Grantor and its successors and assigns may not place buildings, structures, or improvements including driveways, fences, landscaping, sidewalks, and any structure that in Grantee's sole opinion could impede the flow of storm water or interfere with Grantee's construction or maintenance activities, within the Easement Area.

(6) Grantee may permit Grantor or a third party to encroach upon the Easement Area with the construction of sidewalks, trails or other facilities. Any such encroachment must be approved by Grantee prior to construction and will be evidenced by a separate Consent to Encroachment instrument. Grantee shall not be responsible for maintenance or repair of any facilities constructed by Grantor or third parties and constructed within the Easement Area, and Grantee shall have no liability for damages to such facilities which may occur while Grantee exercises its rights granted in the Easement Area.

TO HAVE AND TO HOLD the above described easement for the said purposes, together with all and singular, the rights, privileges, and appurtenances thereto as described above in anywise belonging to the said Grantee, its successors and assigns forever, subject to the limitations, conditions and restrictions set forth hereinabove.

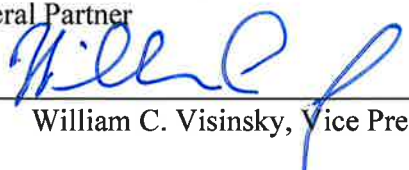
[SIGNATURE PAGES IMMEDIATELY FOLLOW]

ACCEPTED AND AGREED TO this 2ND day of MAY, 2024.

GRANTOR:

VDB Partners, Ltd.

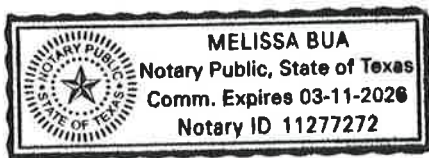
By: VDB Property Management, LLC, as its
General Partner

By: 
William C. Visinsky, Vice President

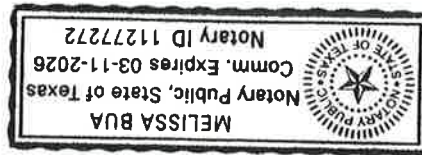
STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on May 2nd, 2024
by William C. Visinsky, as Vice President of VDB Property Management, LLC, General Partner
of VDB Partners, Ltd., for purposes intended.




Notary Public, State of Texas



ACCEPTED AND AGREED TO this _____ day of _____, 2024.

GRANTEE:

City of Manvel, Texas

By: _____

Name: _____

Title: _____

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on _____, 2024 by _____, the _____ of the City of Manvel, Texas, on behalf of said City.

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Exhibit A

Page 1 of 4

BCMUD 79
0.7010 OF ONE ACRE
PROPOSED VARIABLE WIDTH UTILITY EASEMENT

OCTOBER 25, 2023
JOB NO. 8443-00

DESCRIPTION OF A 0.7010 ACRE TRACT OF LAND SITUATED
IN THE A.C.H. & B. R.R. CO. SURVEY, SECTION 90 ABSTRACT NO.459
BRAZORIA COUNTY, TEXAS

BEING a 0.7010 acre (30,534 square foot) tract of land situated in the A.C.H. & B. R.R. Co. Survey, Section 90 Abstract No. 459 Brazoria County, Texas and being a portion of a called 46.8412 acre tract described as Tract D in an instrument to VDB Partners, LTD. recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 1999050834 and 1999050835, said 0.7010 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the North terminus line of Manvel Parkway as cited herein:

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA" found for the Southeast corner of the herein described tract, same being the Southwest corner of a called 3.615 acre tract of land described as Tract 2 in an instrument to Gulf Coast Water Authority recorded under B.C.C.F. No. 2021070570 and the East end of the North terminus line of Manvel Parkway (120 foot width) as shown on DEL BELLO BOULEVARD AND MANVEL PARKWAY STREET DEDICATION, a subdivision per plat recorded under Plat Number 2019062193 of the Brazoria County Map Records;

THENCE, S 86°42'47" W, along and with the South line of said 46.8412 acre tract and the North line of said terminus line at a distance of 120.00 feet passing a 5/8-inch iron rod with cap found for the West corner of said terminus line, continuing along and with the South line of said 46.8412 acre tract and the North line of a called 63.882 acre tract described in an instrument to Shea Homes Houston LLC recorded under B.C.C.F. No. 20200049110 for a total distance of 809.47 feet to found for the common Southwest corner of the herein described tract and said 46.8412 acre tract, lying on the East right-of-way line of County Road 82 also known as Iowa Lane (70 foot width as monumented), from which a 5/8-inch iron rod with cap stamped "LJA" bears S 22° 47' W, a distance of 0.31 feet;

THENCE, N 02°27'31" W, a distance of 31.55 feet along and with the common line of said 46.8412 acre tract and said County Road 82 to the Northwest corner of the herein described tract;

THENCE, N 85°50'14" E, a distance of 808.95 feet over and across said 46.8412 acre tract to the Northeast corner of the herein described tract and the beginning of a non-tangent curve to the right, from which its center bears S 85°58'33" W, 2,060.00 feet, lying on the West line of said 3.615 acre tract;

THENCE, in a Southeasterly direction, along and with the West line of said 3.615 acre tract and said curve to the right, an arc distance of 27.68 feet, having a radius of 2,060.00 feet, a central angle of 00°46'11" and chord which bears S 03°38'21" E, 27.68 feet to the point of tangency;

THENCE, S 03°15'16" E, a distance of 16.24 feet continuing along and with the West line of said 3.615 acre tract to the **POINT OF BEGINNING** and containing 0.7010 of one acre (30,534 square feet) of land.

The above description is not to be used for fee conveyance.




Chris Jordan RPLS No. 6750
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

Exhibit A (continued)

Page 2 of 4

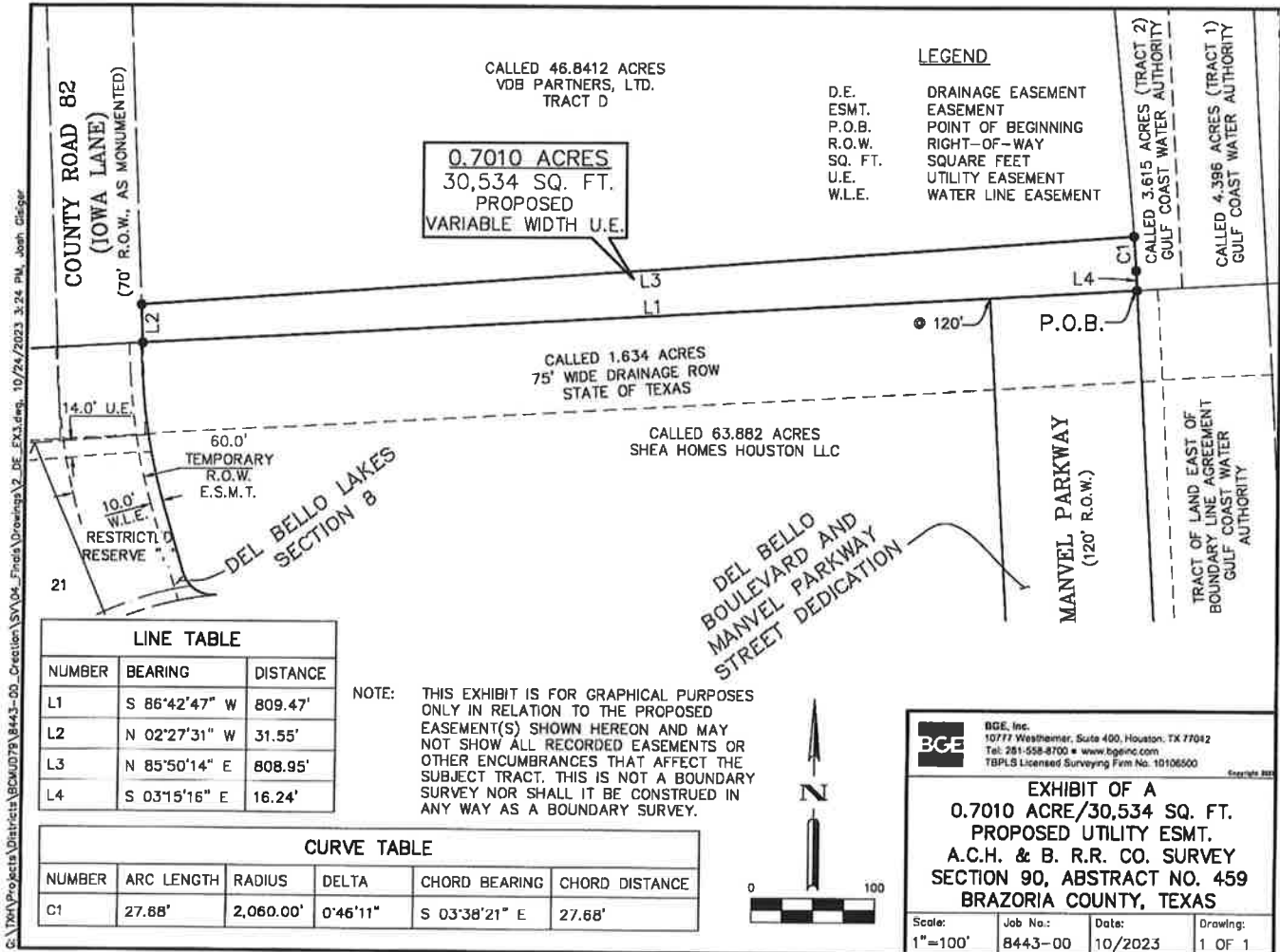


Exhibit A (continued)

Page 3 of 4

BCMUD 79
0.1975 OF ONE ACRE
PROPOSED VARIABLE WIDTH UTILITY EASEMENT

OCTOBER 25, 2023
JOB NO. 8443-00

DESCRIPTION OF A 0.1975 ACRE TRACT OF LAND SITUATED
IN THE A.C.H. & B. R.R. CO. SURVEY, SECTION 90 ABSTRACT NO. 459
BRAZORIA COUNTY, TEXAS

BEING a 0.1975 acre (8,605 square foot) tract of land situated in the A.C.H. & B. R.R. Co. Survey, Section 90 Abstract No. 459 Brazoria County, Texas and being a portion of a called 14.1479 acre tract described as Tract E in an instrument to VDB Partners, LTD. recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 1999050834 and 1999050835, said 0.1975 acre tract of land described by metes and bounds as follows, with all bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone 4204 and referenced to monuments found along the South line of said 14.1479 acre tract as cited herein:

BEGINNING at a bent 5/8-inch iron rod found for the Southwest corner of the herein described tract and said 14.1479 acre tract, same being an interior corner of Restricted Reserve "C", as shown on DEL BELLO LAKES SECTION 8, a subdivision per plat recorded under Plat Number 2023017218 of the Brazoria County Map Records;

THENCE, N 03°08'44" W, a distance of 30.00 feet along and with the common line of said 14.1479 acre tract and said Restricted Reserve "C" to the Northwest corner of the herein described tract;

THENCE, N 86°36'59" E, a distance of 284.74 feet over and across said 14.1479 acre tract to the Northeast corner of the herein described tract, lying on the East line of said 14.1479 acre tract and the West right-of-way line of County Road 82 also known as Iowa Lane (70 foot width as monumented);

THENCE, S 02°27'31" E, a distance of 30.48 feet along and with the common line of said 14.1479 acre tract and said County Road 82 to the Southeast corner of the herein described tract and said 14.1479 acre tract, lying on the North line of said Restricted Reserve "C", from which a 5/8-inch iron rod bears N 13°40' E, a distance of 1.52 feet;

THENCE, S 86°42'47" W, a distance of 284.37 feet along and with the North line of said Restricted Reserve "C" and the South line of said 14.1479 acre tract to the POINT OF BEGINNING and containing 0.1975 of one acre (8,605 square feet) of land.

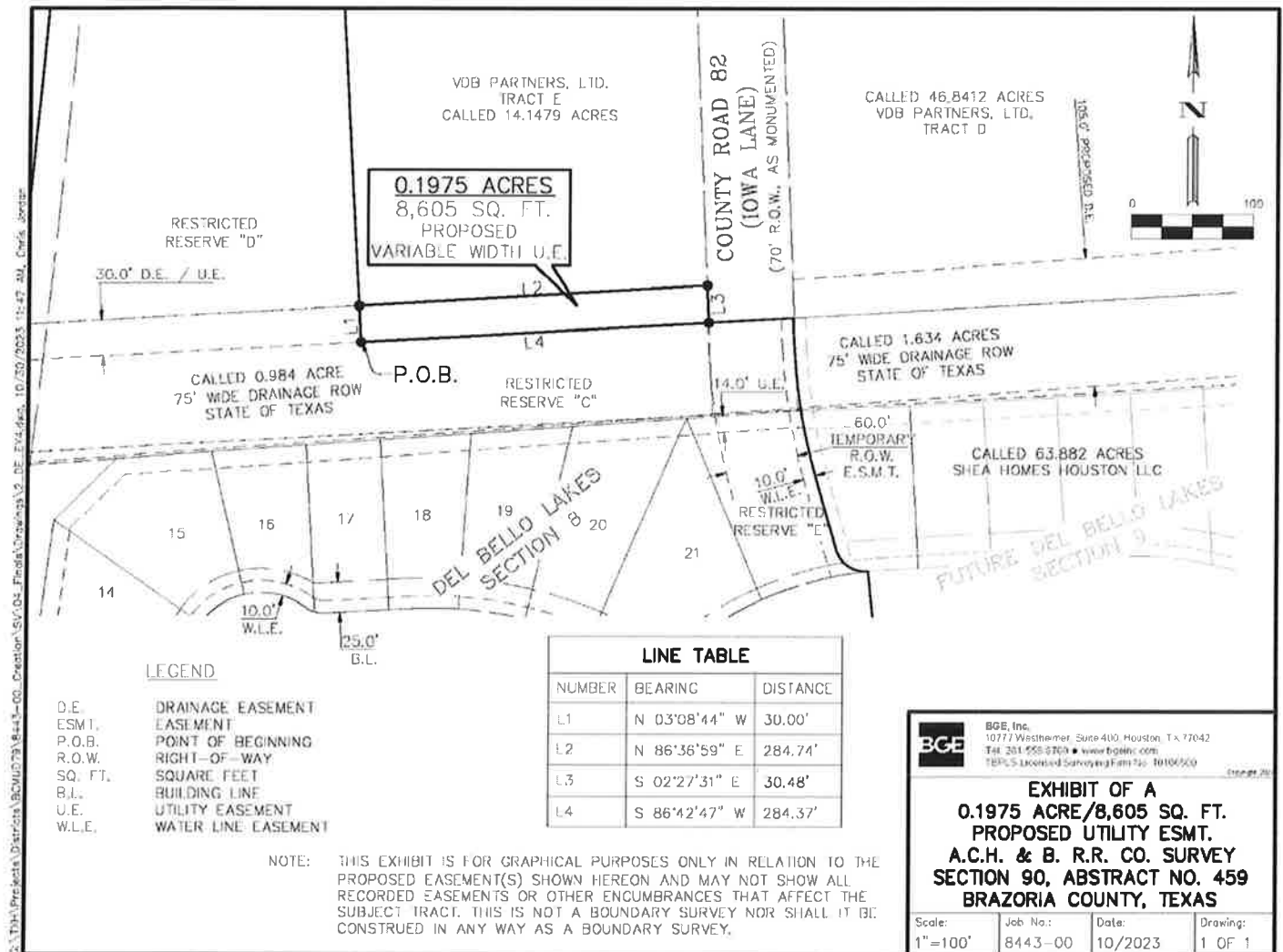
The above description is not to be used for fee conveyance.




Chris Jordan RPLS No. 6750
BGE, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700
TBPLS Licensed Surveying Firm No. 10106500

Exhibit A (continued)

Page 4 of 4



TEMPORARY ROAD ACCESS EASEMENT

THE STATE OF TEXAS
COUNTY OF BRAZORIA

KNOW ALL PERSONS
BY THESE PRESENTS

That VDB PARTNERS, LTD., a Texas limited partnership (hereinafter called the "Grantor"), for and in consideration of TEN AND NO/100 Dollars (\$10.00), and other good and valuable consideration to the Grantor this day in hand paid by the CITY OF MANVEL, a body politic organized and existing under the laws of the State of Texas, the receipt of which is hereby confessed and acknowledged, has GRANTED, SOLD, and CONVEYED and by these presents does GRANT, SELL and CONVEY, unto the said CITY OF MANVEL (hereinafter called the "Grantee"), the easement and right-of-way for street, road and access purposes in or upon, over, under, along and across a strip of land out of the property described on Exhibit "A" hereto (the "Land") 50 feet in width (the "Easement Area") running along and inside the north line of a certain Drainage Easement in favor of Brazoria Drainage District No. 4 recorded in the Real Property Records of Brazoria County, Texas under Clerk's File No. 2023052122 (the "Drainage Easement"), such that the north line of the Easement Area is a line parallel to and 50 feet north of the north line of the Drainage Easement.

The Grantor reserves unto itself and its successors and assigns the right at any time and from time to time to: (i) construct, install, maintain, operate, repair, replace or remove, across the Easement Area, roads, lines, mains, bridges, detention ponds, and other facilities and structures used for public or private transportation or utility purposes; provided, however, that all such items shall be constructed and maintained so as not to

interfere with the use of the Easement Area for roadway purposes; provided, further, that the construction plans for such items shall be submitted to and approved by, the Office of the City Engineer prior to the commencement of construction of such items so that the Office of the City Engineer may verify that such items will create no impediment or obstruction to the road constructed or to be constructed on the Easement Area or otherwise interfere with the use of the Easement Area for roadway purposes; (ii) plat the Easement Area, impose restrictions thereon and otherwise deal in and with the Easement Area in conjunction with the Grantor's development of adjoining property; and (iii) grant to others the right to engage in any of the foregoing activities; provided, however, that such reserved rights shall be exercised in a manner that will not impede Grantee's access to the Easement Area or interfere with the Grantee's rights to use the Easement Area for the purposes herein stated.

This deed is expressly made subject to all validly existing restrictions, covenants, conditions, rights-of-way, easements, mineral reservations, and royalty reservations, of record, if any affecting the above-described property insofar as they may be enforceable as against a political subdivision of the State.

The purpose of the Easement is to provide access to a City of Manvel water tower. The Easement and rights herein granted shall terminate and be deemed to be abandoned at such time as a minimum 25-ft. wide permanent access easement or dedicated public right-of-way is created or exists that provides access to the water tower by plat, deed, or other instrument filed of record in the Office of the County Clerk of Brazoria County, Texas. Upon such termination, Grantee agrees to execute and deliver a release of this Easement in recordable form.

TO HAVE AND TO HOLD the easement and right-of-way above described, together with, all and singular, the rights and appurtenances thereunto in anywise belonging, subject to the terms and provisions hereof, unto the Grantee, its successors and assigns, forever; and the Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, all singular, said easement and right-of-way unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or part thereof, by, through or under Grantor, but not otherwise, subject, however, to the matters set forth herein.

EXECUTED this the 2ND day of MAY, 2024.

VDB PARTNERS, LTD.

By: VDB Property Management, LLC,
its General Partner

By: [Signature]
William C. Visinsky, Vice President

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on May 2nd, 2024, by William C. Visinsky, as Vice President of VDB Property Management, LLC, a Texas limited liability company, as General Partner of VDB PARTNERS, LTD., a Texas limited partnership, on behalf of said limited partnership.

[Signature]

Notary Public in and for the State of Texas

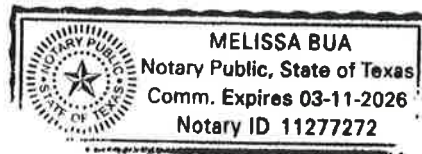


EXHIBIT A

79.905 Acres

November 30, 2008
Job No. 1078-2008-202

Thence, North 03° 18' 05" West, continuing along the west line of said 14.1479 acre tract and along the east line of said Lot 19 and Lot 18 of said subdivision, passing at 1,318.43 feet a TXDOT concrete right-of-way monument found for the northeast corner of said Lot 18 and for an angle point on the easterly right-of-way line of State Highway 288 (width varies), from which a found TXDOT concrete right-of-way monument bears South 85° 24' 57" West, 7.42 feet for an angle point on said easterly right-of-way line, and continuing along said easterly right-of-way line and said west line in all 1,354.07 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for an angle point on said easterly right-of-way line;

Thence, North 08° 45' 18" East, continuing along said 14.1479 acre tract and said easterly right-of-way line, passing at 472.80 feet a 5/8-inch iron rod found for the common west corner of said 14.1479 acre tract and the aforementioned 2.2229 acre tract, and continuing along the common line of said easterly right-of-way line and the westerly line of said 2.2229 acre tract, in all 866.71 feet to a TXDOT concrete right-of-way monument found for an angle point on said easterly right-of-way line, the beginning of a curve;

Thence, continuing along said common line, 251.31 feet along the arc of a non-tangent curve to the left having a radius of 1,195.92 feet, a central angle of 12° 02' 25", and a chord that bears North 03° 59' 19" East, 250.85 feet to a TXDOT concrete right-of-way monument found for the point of tangency of said easterly right-of-way line;

Thence, North 02° 01' 53" West, continuing along said common line, 23.61 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for an angle point on said easterly right-of-way line;

Thence, North 41° 22' 51" East, continuing along said common line, 139.94 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for an angle point on said easterly right-of-way line, said point being the north corner of said 2.2229 acre tract and located at the intersection of said easterly right-of-way line and the west right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa Lane);

79.905 Acres

November 30, 2006
Job No. 1078-2006-202

Thence, South 02° 27' 53" East, along said west right-of-way line and the east line of said 2.2229 acre tract, passing at 755.91 feet the common east corner of said 2.2229 and 14.1479 acre tracts, from which a found 5/8-inch iron rod bears North 81° 48' 31" West, 2.79 feet and a found 1/2-inch iron rod bears South 05° 03' 37" East, 6.31 feet, and continuing along said west right-of-way line and the east line of said 14.1479 acre tract, in all 2,903.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said west right-of-way line with the north line of said 99.9653 acre tract, from which a 5/8-inch iron rod bears North 02° 27' 53" West, 1.68 feet;

Thence, South 86° 42' 53" West, along the north line of said 99.9653 acre tract, 284.45 feet the POINT OF BEGINNING and containing 16.447 acres of land.

PART TWO

BEGINNING at a 5/8-inch iron rod found for the northeast corner of that certain called 99.9653-acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004084049, B.C.O.R.;

Thence, South 86° 42' 53" West, along the most easterly north line of said 99.9653 acre tract, 984.95 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of the east right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa Lane) with the north line of said 99.9653 acre tract;

Thence, North 02° 27' 53" West, along said east right-of-way line, passing at 2,147.50 feet the common west corner of the aforementioned 46.8412 acre tract and the aforementioned 16.6700 acre tract, from which a found 5/8-inch iron rod bears North 71° 19' 55" West, 2.93 feet and a found 1/2-inch iron rod bears South 26° 18' 36" East, 8.82 feet, and continuing along said east right-of-way line and the west line of the aforementioned 16.6700 acre tract, in all 2,903.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said east right-of-way line and easterly right-of-way line of State Highway 288 (width varies);

79.905 Acres

November 30, 2008
Job No. 1078-2008-202

Thence, North 86° 36' 43" East, along said easterly right-of-way line and along a north line of said 16.8700 acre tract, 139.51 feet to a 5/8-inch iron rod found for an angle point on said easterly right-of-way line and a re-entrant corner on said north line;

Thence, North 04° 30' 35" West, continuing along said easterly right-of-way line and said north line, 29.58 feet to a 5/8-inch iron rod found at the intersection of said easterly right-of-way line and the south right-of-way line of County Road 58 (called 80 feet wide);

Thence, North 86° 44' 06" East, along said south right-of-way line and said north line, passing at 764.62 feet the common survey line of said A. C. H. & B. R. R. Co. Survey, Section 90 and the Mary V. O'Donnell Survey, Abstract 469, of said Brazoria County, continuing in all 784.31 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the northeast corner of said 16.8700 acre tract as described in File Number 99-050835, B.C.O.R.;

Thence, South 03° 17' 18" East, along the record east line of said 16.8700 acre tract, passing at 788.03 feet the common east corner of said 16.8700 and 46.8412 acre tracts, and continuing along the record east line of said 46.8412 acre tract in all 2,932.86 feet to the POINT OF BEGINNING and containing 63.458 acres of land.

Said Part One and Two containing a total of 79.905 acres.

This description prepared from a survey and plat prepared by the undersigned dated November 30, 2008.

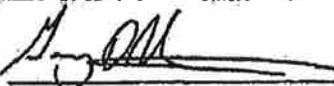

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5659
LJA Engineering & Surveying, Inc.



Exhibit A



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Valencia Section 4 to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for County Road 58 Waterline and Sanitary Sewer Extension to Serve Brazoria County MUD 40 to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Meridiana Inspiration Way Phase 2 to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Final acceptance of infrastructure improvements for Pomona Parkway Phase 5 and release the associated maintenance bond.

BACKGROUND: City Staff has conducted a final acceptance walk-through for Pomona Parkway Phase 5 on April 22, 2024, to conclude the maintenance period which began on April 22, 2022. All punch list items have been addressed.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project and release the associated maintenance bonds.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

**INTERLOCAL COOPERATION AGREEMENT FOR
COLLECTION OF TAXES AND PID ASSESSMENTS FOR CITY OF MANVEL**

This Interlocal Cooperation Agreement (the “Agreement”) is made and entered into by and between **BRAZORIA COUNTY, TEXAS** (the “County”) and **CITY OF MANVEL** (the “City”) (singularly and collectively, the “Party” and “Parties”) pursuant to the Interlocal Cooperation Act, Texas Government Code chapter 791, Texas Property Tax Code sections 6.23 and 6.24, and Texas Local Government Code section 372.0175, with the agreement, consent, and participation of the Brazoria County Tax Assessor-Collector (the “Tax Assessor-Collector”).

**I.
RECITALS**

1.1 The County is a political subdivision of the State of Texas, acting by and through its Commissioners Court.

1.2 The City is a political subdivision of the State of Texas, acting by and through its governing body.

1.3 The Tax Assessor-Collector is the duly elected tax assessor-collector for Brazoria County, Texas.

1.4 Texas Property Tax Code section 6.24, Texas Local Government Code section 372.0175, and Texas Government Code chapter 791 authorize political subdivisions of the State of Texas to enter into interlocal contracts for the provision of tax assessment and collection services and public improvement district (“PID”) assessment collection services.

1.5 The County, with the approval of the Tax Assessor-Collector, has agreed to provide tax assessment and collection services and PID assessment collection services, as specified in this Agreement, for the City.

1.6 The City has agreed to authorize the County to provide tax assessment and collection services and PID assessment collection services, as specified in this Agreement, for the City.

1.7 The City has the authority to authorize the County to act as tax assessor-collector, as specified in this Agreement, and the County has the authority to act in that capacity.

1.8 The County and the City agree it is in the best interest of the citizens of Brazoria County to enter into this Agreement.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements set forth in this Agreement, the County and the City agree as follows:

II.

COUNTY OBLIGATIONS

The County hereby agrees, during the term of this Agreement, to the following:

2.1 The County shall comply with all provisions of the Texas Property Tax Code and Local Government Code, as amended, regarding collection of ad valorem property taxes and PID assessments.

2.2 Except as otherwise provided in this Agreement, in all matters pertaining to the assessment and collection of taxes for the City, the County, through the Tax Assessor-Collector, shall perform the duties of tax assessment and collection and PID assessment collection for the City for accounts within the jurisdiction of the City. The County's duties under this Agreement include, but are not limited to, performing timely and accurate calculations and publications of applicable tax rates and entering into agreements for the payment of delinquent taxes by installment as provided by Texas Property Tax Code section 33.02.

2.3 The Tax Assessor-Collector shall provide customary notices and billings concerning taxes and PID assessments owed to the City and will collect and process through the County's bank account all income received therefrom, in the general manner and at the same times in which the Tax Assessor-Collector assesses and collects taxes for the County and other taxing entities.

2.4 The taxes and assessments collected by the County for the City shall be remitted by electronic automated clearing house transactions ("ACH") to the City's designated depository. Refunds to taxpayers and taxpayer checks returned from banks shall be deducted from County's remittance to the City. The Tax Assessor-Collector shall remit to the City all tax proceeds and PID assessments collected for the City no less than twice weekly during heavy payment periods, as determined by the Tax Assessor-Collector, and no less than once weekly during slow periods. Actual funds collected by the Tax Assessor-Collector shall be remitted to the City within three (3) business days of receipt during heavy payment periods and within five (5) business days during slow periods. Disbursements shall be subject to the City bearing any ACH transfer fee required by an agreement between the County and the County's depository then in effect.

2.5 The Tax Assessor-Collector shall provide the City monthly and annual reports as required by Texas Property Tax Code section 31.10.

2.6 The Tax Assessor-Collector shall provide the City annual reports, prepared by independent certified public accountants, on both the design of the system and compliance tests that are directed to specific objectives of internal accounting control. For the purpose of these reports, the "system" is the internal control structure policies and procedures of the office of the Tax Assessor-Collector, which includes the control environment, the accounting system, and the control procedures. These reports shall be in accordance with Statement of Auditing Standards Number 44, "Special-Purpose Reports on Internal Accounting Control at Service Organizations," as issued by the American Institute of Certified Public Accountants.

2.7 The Tax Assessor-Collector shall provide the City a copy of existing bonds required by Texas Property Tax Code section 6.28.

2.8 The County shall bill the City no later than the 31st day of December each year for the annual charge for assessing and collecting taxes and PID assessments under this Agreement.

2.9 In performing services under this Agreement, neither the Tax Assessor-Collector, nor any official, employee, or agent of the Tax-Assessor Collector or the County, shall be considered an officer or employee of the City.

III. CITY OBLIGATIONS

The City hereby agrees, during the term of this Agreement, to the following:

3.1 The City shall comply with all provisions of the Texas Property Tax Code and Local Government Code, as amended, regarding collection of ad valorem property taxes and PID assessments.

3.2 The City shall adopt a tax rate in accordance with Texas Property Tax Code Section 26.05. The City shall reimburse the County for any additional costs incurred by County for any delay in adopting a tax rate.

3.3 For services related to the collection of ad valorem property taxes rendered pursuant to this Agreement, the City agrees to pay the County an annual charge of Thirty-Six Cents (\$0.36) per parcel as the actual costs incurred. The Parties acknowledge and agree the compensation under this Agreement is reasonable compensation, as allowed by Texas Property Tax Code section 6.27, which does not exceed the actual costs incurred, for assessing and collecting taxes for the City.

3.4 For services related to PID assessment collection rendered pursuant to this Agreement, the City shall also pay the County the following for each PID: (1) an annual charge of Thirty-Six Cents (\$0.36) per parcel and (2) an initial set-up fee of One Thousand Dollars and No Cents (\$1,000.00), as the actual costs incurred. The Parties acknowledge and agree the compensation under this Agreement is reasonable compensation, as allowed by Texas Property Tax Code Section 6.27, which does not exceed the actual costs incurred, for collecting PID assessments for the City.

3.5 The Parties further agree the amount to be paid by the City to the County under this Agreement may be evaluated by the Tax Assessor-Collector, at a minimum, every three (3) years. The Parties agree the amount to be paid by the City to the County under this Agreement may be adjusted by the Tax Assessor-Collector after an evaluation. In the event of an adjustment, the Tax Assessor-Collector shall notify the City, and this Agreement shall then renew at the adjusted rate without need to amend this Agreement.

3.6 The City shall pay the County amounts billed under this Agreement forty-five (45)

days after the City's receipt of the bill. If such amounts are not timely paid, the County may withhold the amounts from future disbursements.

3.7 The City shall ensure the Tax Assessor-Collector is notified no later than May 1 of the applicable year when requested to collect assessments for a new PID. The City shall also ensure the Tax Assessor-Collector is provided an assessment roll for each PID no later than September 1 of each year.

3.8 The City shall promptly provide to the Tax Assessor-Collector, without charge, copies of all records necessary for the performance of the duties and responsibilities of the County pursuant to this Agreement. The City shall provide accurate information to the Tax Assessor-Collector to permit the timely and accurate calculations and publications of applicable tax rates.

3.9 The City hereby designates the Tax Assessor-Collector as the person to perform calculations of all applicable tax rates and all other functions incident to those calculations, such as notices, as required by Texas Property Tax Code chapter 26 based on accurate information provided to the Tax Assessor-Collector from Appraisal Districts and the City.

3.10 The Parties acknowledge and agree that the City has and retains the exclusive authority to contract with private legal counsel for the collection of delinquent property taxes and PID assessments, as provided in Texas Property Tax Code section 6.30. The Tax Assessor-Collector shall cooperate with delinquent tax collection attorney(s) so designated and shall have the authority to pay said attorney(s) the fees or commissions agreed upon between the City and the attorney(s) out of the proceeds received from the collection of delinquent tax accounts and PID assessments. In the event the City does not designate private legal counsel for the collection of delinquent property taxes and PID assessments, the City shall utilize the same private legal counsel as the County.

3.11 In the event the County waives any penalty and/or interest on any parcel, pursuant to Texas Property Tax Code section 33.011, the City consents to the waiver of the penalty and/or interest on the same parcel and hereby authorizes the County to waive such penalty and/or interest on behalf of the City.

3.12 The City's performance under this Agreement is conditioned on the appropriation of funds by the City on an annual basis for payment of the amounts owed to the County under this Agreement and shall constitute a commitment of current revenues only. The failure by the City's governing body to appropriate funds sufficient for payment of the County's collections and performance herein shall be grounds for termination of this Agreement.

IV.

TERM AND TERMINATION

4.1 This Agreement shall be effective on May 1, 2024, and shall remain in full force and effect for one year, through April 30, 2025. This Agreement shall automatically renew on

May 1, 2025, for a period of one (1) year, and shall automatically renew thereafter on an annual basis.

4.2 Either Party may terminate this Agreement for any reason by providing written notice to the other Party at least ninety (90) days prior to the date of termination. This Agreement may also be terminated at any time and for any reason, without any prior notice, upon written agreement by the Parties.

4.3 In the event of termination of this Agreement by the City, the City shall assume all contractual obligations entered into with the County for services rendered under this Agreement to the City for the duration of the term of the Agreement and any renewal, and the County shall be relieved of all contractual obligations under this Agreement.

V. ENTIRETY

5.1 This Agreement and all promises contained in it supersede any and all other agreements, either oral or in writing, between the Parties with respect to the subject matter of this Agreement.

5.2 The Agreement contains all the covenants and agreements between the Parties relating in any way to their obligations under this Agreement.

5.3 Each Party acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any Party, or anyone acting on behalf of any Party, that are not set forth in this Agreement, and that no agreement, statement, or promise not contained in this Agreement shall be valid or binding.

VI. FORCE MAJEURE

6.1 The Parties shall not be liable or responsible to each other for any delay, loss, failure, or inability to perform their obligations as described herein which is caused by “force majeure.” The term “force majeure” includes, but is not limited to, acts of God, strikes, acts of a public enemy, wars, mines or other items of ordnance, blockages, public rioting, lightning, fire, hurricanes, floods, storms, explosions, inability to obtain materials, supplies, labor permits, servitudes, or rights of way, acts or restraints of any governmental authority, epidemics, landslides, lightning storms, earthquakes, washouts, arrests, restraints of rulers and peoples, civil disturbances, breakage or accident to machinery or lines of equipment, temporary failures of equipment, freezing of equipment, and any other causes, whether of the kinds specifically enumerated above or otherwise, which are not reasonably within the control of the Parties and which by the exercise of reasonable due diligence could not reasonably be prevented or overcome.

6.2 In the event time limits are not met under this Agreement as a result of force majeure, the Party whose performance is due shall have an extension of the time limit or deadline equal to the number of days for which the force majeure condition existed. After the force majeure

condition has ended, the Agreement shall continue under the same operations and circumstances as existed prior to the force majeure event.

6.3 Events reasonably within the control of the respective Party shall not constitute force majeure and shall be remedied with the exercise of due diligence. The Parties shall use all reasonable means to remove all contingencies affecting the performance of this Agreement as quickly as is reasonably possible. This clause does not relieve any Party from its obligations to make any payments of amounts then due for previous work or obligations contemplated and performed under this Agreement, and neither Party's time for performance shall be extended for any event which is reasonably within the control of such Party.

VII.

LIABILITY, SUPPLEMENTAL SURETY BOND, AND NO IMMUNITY WAIVER

7.1 Each party to this Agreement agrees that it shall have no liability whatsoever for the actions or omissions of an individual employed by another party, regardless of where the individual's actions occurred. Each party is solely responsible for the actions and/or omissions of its employees and officers.

7.2 The County recommends that the City obtain an additional and adequate surety bond for the County and Tax Assessor/Collector specifically related to all services, actual and anticipated, to be performed and rendered hereunder. The City agrees to pay all associated premiums for such bond.

7.3 The Parties expressly understand and agree that, in the execution of this Agreement and the performance of obligations herein, the Parties do not waive, nor shall they be deemed to have waived, any immunity or defense that would otherwise be available to the Parties or their officials, officers, employees, and/or agents against claims arising in the exercise of governmental powers and functions, including, but not limited to, sovereign and/or governmental immunity. This Agreement is expressly made subject to the Parties' sovereign and/or governmental immunity, including, without limitation, Title 5 of the Texas Civil Practice and Remedies Code, and all applicable federal and state laws.

VIII.

MISCELLANEOUS

8.1 Notices. Any notice required under this Agreement shall be in writing and shall be duly served when deposited, with proper postage prepaid, and duly registered or certified, return receipt requested, in a United States Post Office, addressed as specified below. If mailed, any notice of communication shall be deemed to be received three (3) days after the date of deposit in the United States mail. Unless otherwise provided in this Agreement, all notices shall be delivered at the following addresses:

THE COUNTY:

Kristin R. Bulanek
Brazoria County Tax Assessor-Collector
111 East Locust
Angleton, TX 77515

THE CITY:

[NAME]
[TITLE]
[ADDRESS]

With a copy to:

Chief – Civil Division
Brazoria County Criminal
District Attorney’s Office
111 E. Locust, Suite 408A
Angleton, Texas 77515

[]
[]
[]

8.2 Severability. If any term or provision in this Agreement is, for any reason, held invalid, illegal, or unenforceable by any court of competent jurisdiction, the Parties shall by written amendment make it valid, legal, or enforceable; however, if any term or provision in this Agreement cannot be amended to make it valid, legal, or enforceable while still providing the effect desired by both Parties, said term or provision shall be deemed a separate, distinct, and independent provision, shall be constructed as having never been contained in this Agreement, and shall not affect the validity, legality, or enforceability of the remaining terms and provisions in this Agreement, which shall remain in full force and effect.

8.3 Amendment. No amendment, modification, or alteration of the terms or provisions of this Agreement shall be binding unless it is in writing, references this Agreement, is dated subsequent to the Effective Date of this Agreement, and is duly executed by authorized representatives of both Parties.

8.4 Authorized Representative. Each Party to this Agreement represents to the other Party that it is fully authorized to enter into this Agreement and to perform its obligations hereunder and that no waiver, consent, approval, or authorization from any third party is required to be obtained or made in connection with the execution, delivery, or performance of this Agreement in accordance with its terms, other than those that have been obtained.

8.5 No Joint Enterprise. Nothing in this Agreement shall be deemed or construed by the Parties, nor any third party, as creating a relationship of principal and agent, partnership, joint enterprise, common enterprise, joint venture, or joint owners between the Parties. This Agreement does not and shall not be construed to entitle either Party or any of their respective officials, employees, or agents, if applicable, to any benefit, privilege, or other amenities of employment from the other Party.

8.6 Successors and Assigns. Neither Party may assign or transfer its interest in or obligations under this Agreement, in whole or in part, without the prior written consent of the other Party. This Agreement binds and is for the sole and exclusive benefit of the Parties and their legal successors, including, without limitation, any successor governmental agency or entity to either Party.

8.7 Governing Law. This Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas.

8.8 Exclusive Jurisdiction and Venue. Exclusive jurisdiction and venue for all legal actions related to this Agreement shall be in Brazoria County, Texas. The Parties waive any objection to the adjudication of all court actions related to this Agreement in Brazoria County, Texas.

8.9 Authorship. This Agreement shall not be construed in favor of or against any Party on the basis that the Party did or did not author this Agreement.

8.10 Titles or Headings. Any titles or headings of sections and paragraphs in this Agreement are included solely for convenience, shall not be considered a part of the Agreement, shall not in any way serve to modify or restrict any term or provision, and shall not be considered in ascertaining intent.

8.11 Including. Wherever the word “including” is used, it is deemed to mean “including, without limitation.”

8.12 Counterparts. This Agreement may be executed in one or more counterparts, all of which together will be deemed an original.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their following properly authorized officers, having the necessary authority to execute this Agreement on behalf of the Parties, and made this Agreement effective as of the last date listed below:

BRAZORIA COUNTY, TEXAS:

CITY OF MANVEL:

By: _____
L.M. “Matt” Sebesta, Jr.
COUNTY JUDGE

Date: _____

By: _____
[NAME]
[TITLE]

Date: _____

By: _____
Kristin R. Bulanek
TAX ASSESSOR-COLLECTOR

Date: _____

RESOLUTION NO. 2024-R-13

A RESOLUTION OF THE CITY OF MANVEL, TEXAS ADOPTING A REVISED DESIGN CRITERIA MANUAL CONTAINING SUBDIVISION IMPROVEMENT STANDARDS FOR ALL DEVELOPMENT WITHIN THE CITY OR ITS EXTRATERRITORIAL JURISDICTION, PURSUANT TO AUTHORITY CONTAINED IN CHAPTER 62, SUBDIVISION ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE, AND OTHER PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, AS AMENDED OR TO BE AMENDED; AND CONTAINING OTHER MATTERS ON THE SUBJECT.

* * * * *

WHEREAS, the city has determined that there is a need for comprehensive and concise guidelines covering improvements constructed during the subdividing and development of property within the City of Manvel and its extraterritorial jurisdiction, and such is authorized by provisions of the Code of Ordinances of the City of Manvel and Texas Local Government Code Chapter 212; and

WHEREAS, the City of Manvel has determined that all related improvement standards and requirements should be incorporated into one document, entitled Design Criteria Manual, that is separate from the Subdivision Ordinance itself, to allow for more timely modification if necessary; and

WHEREAS, attached hereto is a revised Design Criteria Manual containing the minimum subdivision improvement standards and minimum standards for development within the City of Manvel and its extraterritorial jurisdiction. These are only minimum requirements, and additional requirements may be imposed as determined by the city;

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

Section 1. Pursuant to the City of Manvel Subdivision Ordinance, Chapter 62 of the City Code of Ordinances, Chapter 212 of the Texas Local Government Code, and other provisions of the Code of Ordinances of the City of Manvel, as amended or to be amended, the City Council hereby adopts the revised “Design Criteria Manual,” attached hereto as Exhibit “A” dated May 6, 2024 and incorporated herein by this reference, and directs that the standards and related documents contained and referred to therein shall control and determine the minimum standards for improvements constructed during the subdividing and development of property within the City of Manvel, Texas.

Section 2. The City Secretary or her designee is hereby directed to maintain copies of the Design Criteria Manual and related documents and make them available upon request, for a reasonable fee, to any individual who requests one.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of Manvel, Texas this _____ day of May 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

CITY OF MANVEL DESIGN CRITERIA MANUAL

~~April 17, 2023~~ May 6, 2024



Approved by:

**Manvel City Council
Subdivision Ordinance**

Resolution ~~2022-R-17~~2024-R-13

Originally adopted as
Resolution 2008-R-04 on April 28, 2008
and Revised:

1. December 15, 2008
2. August 23, 2010
3. September 26, 2011
4. December 10, 2012
5. December 9, 2013
6. January 12, 2015
7. January 25, 2016
8. April 11, 2016
9. April 24, 2017
10. January 29, 2018
11. April 2, 2018
12. August 5, 2019
13. June 7, 2021
14. October 17, 2022
- ~~14.~~15. April 17, 2023

CITY OF MANVEL DESIGN CRITERIA MANUAL

Table of Contents

Section	Title
1	Graphic Requirements
2	Wastewater
3	Water
4	Paving
5	Drainage
6	Site Development
7	Modifications

SECTION 1 GRAPHIC REQUIREMENTS

1.0 GENERAL

1.01 CHAPTER INCLUDES:

Graphic requirements for all construction drawings including City of Manvel (public) projects, non-City of Manvel (private) projects, and all utility projects without a current Franchise Agreement.

1.02 REFERENCES – Refer to the City of Manvel Website for additional information.

1.03 DEFINITIONS

CADD (Computer Aided Drafting Design) - the preparation of documents utilizing computer facilities for the production of drawings, plans, prints and other related documents.

1.04 DESIGN REQUIREMENTS

- A. Provide a cover sheet for all projects involving three or more design drawings (excluding standard detail sheets). Plan sheet numbers shall be shown on the cover sheet or area key map. Include a location map and vicinity map, at a scale of 1" = 1/2 mile along with a North arrow, to identify project locations. Also provide approval block for the City of Manvel with a note stating that approval is valid for 2 years from date of signatures, City of Manvel hours of construction as stated in Section 6: Site Development, and a full date of submittal (month/day/year).
- B. Drawings shall be prepared on nominal 24-inch x 36-inch overall drawings.
- C. Show service area on cover sheet or area map.
- D. The engineer shall also submit, at the time of plan approval, an electronic version (*in .pdf, and .dwg, format*) of the CADD drawings on CD of the development showing all lot lines and associated lot information, rights-of-way, easements, contours, utilities, and all drainage and paving improvements.
- E. Details of special structures (not covered by approved standard drawings, such as stream or gully crossings, special manholes, or junction boxes, etc.) shall be drawn with vertical and horizontal scales equal to each other.
- F. Each set of construction drawings shall contain paving and utility key drawings indexing specific plan and profile sheets. Standard City drawings, where applicable, shall be included. All sheets shall have standard title blocks. Where applicable, show Brazoria County key drawings and numbers.
- G. Draw key overall layouts to a minimum scale of 1 inch = 100 feet.
- H. Plan stationing must run from left to right, except for short streets or lines originating from a major intersection, where the full length can be shown on one sheet.

- I. A north arrow is required on all sheets and should be oriented either toward the top or to the right. This requirement is waived under the following conditions:
 - 1. A storm or wastewater sewer whose flow is from west to east or from south to north.
 - 2. A primary outfall ditch drainage facility whose flow is from west to east or from south to north.
 - 3. Stationing is intended to start from the cardinal points of the compass and proceed in the direction of construction.
- J. Standard scales permitted for plans and profiles of paving and utility construction drawings are as follows:
 - 1. Major thoroughfares, streets with esplanades over 400 feet in length, or special intersections:
1 inch = 20 feet horizontal, 1 inch = 2 feet vertical
 - 2. Minor or residential single-family streets:
1 inch = 20 feet horizontal, 1 inch = 2 feet vertical
1 inch = 40 feet horizontal, 1 inch = 4 feet vertical
1 inch = 50 feet horizontal, 1 inch = 5 feet vertical
 - 3. Scales above are minimum; larger scales may be used to show details of construction.
- K. Each sheet shall have a benchmark elevation and description defined, and a current flood zone determination statement.
- L. The seal, date, and original signature of the Registered Professional Engineer responsible for the drawings shall be required on each sheet developed by the engineer. The engineer may use a stamped or embossed imprint for his/her seal; however, the embossed imprint must be shaded such that it will reproduce on prints.
- M. A copy of the proposed Final Plat conforming to the approved Preliminary Plat for new developments shall be included with the final drawings when submitted for final approval.
- N. If a roadway exists where drawings are being prepared to improve or construct new pavement or a utility, label the existing roadway width, surface type, and thickness, if available without destruction of pavement. Pavement thickness can be ascertained by coring with the core hole grout filled to protect pavement prior to construction.
- O. Show all streets and road alignment on drawings. Provide coordinates or bearings at the beginning of all alignments.
- P. Develop drawings to accurate scale showing proposed pavement, typical cross sections, details, lines and grade, and all existing topography within street right-of-way, and any easement contiguous with the right-of-way. At the intersection, the cross-street details shall be shown at sufficient distance (20-foot minimum distance outside the primary roadway right-of-way) in each direction along cross street for designing adequate street crossings.

- Q. Match lines between plan and profile sheets shall not be placed or shown within cross street intersections including cross street right-of-way.
- R. Natural ground profiles shall be shown as follows:
1. For non-City of Manvel (privately-funded) projects, center line profiles are satisfactory except where a difference of 0.50 feet or more exists from one right-of-way or easement line to the other, in which case, dual profiles are required.
 2. For City of Manvel (publicly funded) projects, provide natural ground profiles for each right-of-way line. Easement profiles shall conform to S below.
- S. Basic plan and profile sheets shall contain the following information:
1. Identify all lot lines, property lines, easements, right-of-way, and drainage outfalls.
 2. Label each plan sheet as to street/easement widths, pavement widths, pavement thickness where applicable, type of roadway materials, curbs, curb transition lengths, intersection radii, curve data, stationing, existing utilities (type and location), and any other pertinent feature affecting design.
 3. Show all utility lines 4 inches in diameter or larger within the right-of-way or construction easement in profile view. Show all utility lines, regardless of size, in the plan view including fiber optic cables.
 4. Graphically, show flow line elevations and direction of flow for all existing ditches.
 5. Label proposed top of curb grades except at railroad crossings. Center line grades are acceptable only for paving without curb and gutters.
 6. Curb return elevations for turnouts shall show in profiles.
 7. The center line elevation at the property line of all existing driveways shall be shown in profile.
 8. Station all esplanade noses or the center line of all esplanade openings with esplanade width shown - both existing and proposed.
 9. The design of both roadways is required on all paving sections with an esplanade.
 10. Station all PCs, PTs, radius returns, and grade change PIs in plan view. Station all radius returns and grade change PIs in profile with their respective elevations.
 11. Show Hydraulic Grade Line (HGL) and identify Ponding Depth on profile drawings.
- T. Provide a pollution prevention plan with legend. See Site Development (Section 6) under Design Requirements.
- U. Submit 3 printed sets of civil construction plans on 24" x 36" paper in addition to pdf file for review: (1) Engineering, (2) Community Services Public Works, and (3) Fire Marshal.

- V. Approved civil construction plans will be valid for a period of 2 years and a note shall be included on the cover sheet indicating same. No extension will be granted. If work has not commenced by the 2-year expiration date, the civil construction plans will need to be resubmitted and reviewed and new plan review fees paid. The “commencement of work” shall be defined by the following milestones:
1. Preconstruction Meeting has occurred with the selected contractor
 2. Civil Site Improvement Permits have been acquired by the selected contractor
 3. Construction Equipment has been mobilized to the Site.
- W. Identify sidewalks, water meters, sewer taps, manholes, fire hydrants, and water valves on Site Plans for residential and commercial projects.
- X. For all projects located within a MUD, a Water and Sewer Utility Availability Summary Table shall be provided with/within every plan and plat submittal. The Table will include a summary of currently platted lots and corresponding connections, along with reserved connections and planned future connections. It will also include the current capacity of the water and wastewater facilities (plant(s), lift stations, etc.) within the MUD.
- Y. Label all proposed and/ or existing water lines, sanitary sewer lines, and storm system components private or public on all layouts.
- Z. ROW widths shall be given on all layouts

SECTION 2 WASTEWATER

1.0 GENERAL

1.01 CHAPTER INCLUDES:

Criteria for the design of wastewater collection systems.

1.02 REFERENCES

Texas Commission on Environmental Quality (TCEQ) - "Design Criteria for Domestic Wastewater Systems" - Texas Administration Code - Chapter 217 and "Design Criteria for Sewerage Systems" Chapter 317 (current revision).

1.03 DEFINITIONS

This Chapter addresses the design of the wastewater collection systems within the public right-of-way or a dedicated public easement. Sanitary sewers located on private property that are not in a dedicated easement, are under the jurisdiction of the Plumbing Code, and will be addressed/reviewed by the Building Official. Where used in these regulations, the following terms shall be construed to carry the meanings given below:

- A. Public Sewer - A closed conduit that conveys wastewater flow and which is located within the public right-of-way or dedicated public easement. A public sewer (or public sewer system) is intended to serve more than one (1) "owner" or occupant.
- B. Private Sewer - A closed conduit that conveys wastewater flow and is constructed and maintained by a private entity(s) (i.e., homeowner's association). Private sewers may be located in areas such as a private street or common area. Private sewers are subject to the design and construction requirements of the Plumbing Code and must discharge to a public sewer.
- C. Sewer Main - A sewer that receives the flow from one or more lateral sewers.
- D. Lateral Sewer - A sewer running laterally down a street, alley, or easement, which receives only the flow from the abutting property.
- E. Service Lead - A sewer that branches off a public sewer and extends to the limits of the public right-of-way. It shall be construed as having reference to a public sewer branching off from a main or lateral sewer to serve one or more houses, single-family lots, or other types of small land tracts situated in the same block with the said main or lateral sewer, but not directly adjacent thereto. Such a line shall never exceed 150 feet in length. If the sewer is designed to serve more than two houses, or the equivalent of two single-family residences along a street, a lateral sewer as defined above shall be constructed.
- F. Service Connection - A private sewer from a single source to the main or lateral sewer in the street, alley, or easement adjacent thereto. Service connections are covered by the Building Code. It will be owned and maintained by the owner of the property being served by said sewer.
- G. Project Area - The area within the immediate vicinity of the public sewer to be constructed.

- H. Stack - A riser pipe constructed on main or lateral sewers which are deeper than 8 feet to facilitate construction of service leads or service connections.
- I. Force Main - A pressure-rated conduit (i.e., ductile iron pipe, pressure-rated PVC, etc.) that conveys wastewater from a pump station to a discharge point.

1.04 DESIGN REQUIREMENTS

A. Easements for wastewater lines.

1. Wastewater lines shall be located within street right-of-way, permanent access easements with overlapping public utility easements, easements adjacent to street rights-of way or recorded wastewater easements.
2. When outside of a public street right-of-way or permanent access easement with an overlapping public utility easement, easements must be dedicated and restricted for wastewater lines only.
3. When possible, easements should be adjacent to public rights-of-way.
4. Easements containing wastewater lines must be at least 20-feet wide and the wastewater line must be centered in the easement.
5. Wastewater lines along State rights-of-way shall be installed outside of the right-of-way in a separate 20-foot minimum adjacent easement.
6. No back-lot easements will be allowed for the installation of wastewater lines.

B. Drawings

1. Before any main or lateral sewer is constructed and before a permit will be issued for the construction of same, plans and profiles of the proposed sewer shall be prepared and submitted to the City for approval.
2. The plan view will show the exact location of the proposed line in the street, alley or easement with respect to the edge of the particular right-of-way, the transit base line, and any nearby utilities, major landscaping, and other structures affecting construction.

C. Main and Lateral Sewers

1. Sewers in curved easements, easements defined by property lines and combined easements containing other public utilities must be shown both in detailed plan and profile views.
2. The profile should show other underground and surface utilities and facilities, both in parallel and at crossings; the size, grade of the proposed line, the elevation of same to hundreds of a foot at all manholes, changes of grade and dead-ends; and the proposed finished grade over the sewer. It should show the actual ground line as it exists prior to construction of the sewer. Where proposed fill or cut is contemplated, the proposed new ground line should be shown as a separate line from the actual ground line. Type of pipe and bedding shall comply with City of Manvel Standard Specifications and Standard Details.

3. Where sewers are to be placed between existing pavement and the street right-of-way (or interior easement line) or under existing pavement or topping, show the existing ground line at both sides (or the closest side or sewers near the edge) of the right-of-way or adjacent sewer easement.
- D. Sewer mains - plan and profile required
1. Sanitary sewer layouts for residential subdivisions should use a minimum horizontal scale of 1 inch = 40 feet with a vertical scale of 1 inch = 4 feet, or as allowed per Section 1, 1.04, J. A scale of 200 feet per inch may be used provided the following information is shown on the layout:
 - a. All easements containing or buffering sanitary sewers are shown at points of size change; all manhole locations are shown.
 - b. The sewer alignment shall accurately reflect the relative location of the sewer as shown on the detailed plan view.
 - c. All service leads that cross-street pavement or serve adjacent property are to be shown on the layout. The detail plans and profiles shall show the flow lines of all service leads at the street or easement right-of-way.
 - d. The number and size of the lots depicted on both the overall sewer layout sheet and the individual plan and profile sheets shall match the number and size of the lots depicted on the Final Plat after recordation.
 - e. On the overall sanitary sewer layout sheet, the size and direction of flow for all existing and proposed sewers shall be shown.
 - f. The location of the proposed sewer within the public right-of-way, a dedicated easement adjacent to the public right-of-way, or side lot easement (if allowed by the City).
 - g. The overall sanitary sewer layout sheet shall show the area, in acres, which the proposed sewer(s) is (are) designed to serve. Include a location map that references the average to nearby major thoroughfare and boulevard streets. The scale of the location map shall be 1 inch = 2,000 feet or less.
 2. Commercial subdivision sanitary sewer layouts for large areas and with a scale of 400 feet or more per inch must have an additional set of layouts at not more than 200 feet per inch, with match lines and a small index map showing which portion of the overall layout that each sheet's layout represents.
 3. Acceptable horizontal scales for the detailed plan and profile views are 10 feet, 20 feet, 40 feet and not more than 50 feet maximum per inch. Horizontal scale for major thoroughfares and boulevards shall be 1 inch = 20 feet or less.
 4. Acceptable vertical scales for detailed profile views are 2 feet, 4 feet, and not more than 5 feet maximum per inch unless otherwise approved. Vertical scale for major thoroughfares and boulevards shall be 1 inch = 2 feet or less.
 5. The plan view shall show, at a minimum, the following information for the project area:
 - a. All topographical features;
 - b. Stationing for the proposed sewers;
 - c. All existing utilities (i.e., telephone, gas, power, etc.);
 - d. Any significant landscaping and/or other structures which might impact construction and/or construction related activities;

- e. The width and type of all existing and proposed easements;
 - f. All proposed service leads;
 - g. The limits of bore and/or tunnel;
 - h. Locations where pressure pipe is to be installed for water line crossings;
 - i. Drawings for residential subdivisions shall show the proposed location, by stations, of all service leads, service connections, and stacks. The distance from the sewer or transit base line station to the nearest existing manhole shall be shown in the plan view or on an additional sewer layout sheet with a scale no more than 1 inch = 100 feet.
6. The profile view shall show, at a minimum, the following information for the project area:
- a. Underground and/or surface utilities/facilities which are either parallel to the proposed sewer or cross the proposed sewers;
 - b. The proposed sewer's diameter and grade for each manhole section;
 - c. The flow line elevation for all sanitary sewers at each manhole;
 - d. The rim elevation of all existing and proposed manholes;
 - e. The flow line elevation at each sheet "break" (i.e., from one sheet to another);
 - f. Type of pipe bedding/backfill shall be noted on each plan/profile sheet;
 - g. The finished grade for proposed and existing pavement where "fill" and/or "cut" is proposed, the proposed new ground line should be shown as a separate line from the existing ground line;
 - h. The existing ground line for the "near side" of the public right-of-way where a sewer is to be placed between the edge of existing pavement and the edge of the public right-of-way;
 - i. The existing ground line at the centerline of the proposed sanitary sewer where a sanitary sewer is to be placed within an existing easement. Show any proposed and/or existing pavement.
 - j. The flow line elevation of all service leads where it crosses the edge of the public right-of-way or the dedicated easement adjacent to the public right-of-way;
 - k. The limits of bore and/or tunnel;
 - l. Locations where pressure pipe is to be installed for water line crossings;
 - m. The location of special backfill and/or proposed stacks shall be identified by "stations" indicated on the design plans.
 - n. The location of stacks shall be labeled with stations.

E. Service leads

1. Service leads shall be at the property line between two (2) adjoining lots, or as directed by the City. A single 6-inch service lead located at the property line between two (2) adjoining lots would serve two (2) single-family residences with a wye placed at the end of the service lead. Do not extend the wye clean-outs beyond the edge of either the public right-of-way or dedicated easement.
2. Any service lead extension of more than 50 feet parallel to the street right-of-way shall be treated as a lateral sewer.
3. Service leads from developments with more than 17,500 gallons-per-day flows shall discharge into a proposed or existing manhole. Where the flow line of the service is 24 inches or greater above the flow line of the manhole, provide a standard external drop to manhole.

- a. Service leads shall be provided to serve each lot within proposed development inside the City limits.
 - b. Service leads shall be 6 inches in diameter (minimum). If the length of a service lead exceeds 100 feet or the width of the public right-of-way by more than 20 feet, the minimum diameter shall be 8 inches and a manhole shall be utilized for connection to the public sewer.
 - c. Service leads with a diameter of 6 inches shall utilize "full body" fitting (extruded or factory-fabricated) for connection to the proposed public sewer or an approved saddle-type connector for connection to an existing public sewer.
 - d. Saddle-type connectors shall be installed with the "stub" oriented between the "spring line" (3 o'clock and 9 o'clock positions) and 45 degrees from the "spring line" ("1:30" and "10:30" positions). Tees (aka, "full body fittings") shall be oriented in the same manner.
 - e. The service lead shall be designated to minimize the use of bends, as site conditions will permit.
 - f. Service leads exceeding the limits defined in 1.04.E.2. shall have a manhole at each end; as well as, a plan/profile drawing for each right-of-way crossing. All, or part, of these service leads which are located in a public right-of-way, alley or dedicated sanitary sewer or public utility easement may be treated as a public sewer; depending upon the location of the terminal manhole and any intermediate manholes.
 - g. For all existing lots (which are not served in accordance with these guidelines) that need a service lead, if the distance to the nearest existing sewer is less than 50 feet, the service lead is under the jurisdiction of the Plumbing Code.
4. Service leads shall not be connected to a force main. (Grinder pumps are not allowed.)

F. General Requirements

1. Sanitary sewers within the City of Manvel's jurisdiction shall allow for orderly expansion of the system and shall conform to the Master Wastewater Plan for the City of Manvel.
2. Sewers shall be sized based on the minimum requirements set out in this standard and the standard wastewater flow rates as established by the City of Manvel and shall be no less than 315 gallons per connection per day.
3. All sewers shall conform to the minimum requirements of the Texas Department of Health, "Design Criteria for Sewerage Systems".
4. Sewers shall be separated horizontally from water lines by a minimum of ~~nine (9) feet~~ one (1) foot. Sewers crossing utilities other than water, a minimum of six (6) inches of vertical clearance must be maintained.
5. The public sanitary sewer, as maintained by the City of Manvel, shall be defined as all sewers, including stacks and service leads, that serve more than one sewer connection, that are located in public easements or street rights-of-way, and that are installed in accordance with these Standards.
6. Sanitary lines greater than 6 inches require stacks with 5 feet minimum cover. (Stacks are to be shown on plans with stations). Place stacks and wyes or tees as shown. Where no stacks are shown, it is the responsibility of the licensed plumber to place a City approved

saddle for connection to the line and the responsibility of the City Inspector to determine that such saddle is water tight and properly installed.

7. Materials and construction to conform to latest City of Manvel specifications with all amendments thereto, including standard leak test.
8. Unless noted otherwise, all public sewers and service leads shall be embedded in cement stabilized sand; to 6 inches below the pipe, 12 inches above the pipe and to 6 inches on each side. All such bedding shall be compacted to 95% standard proctor density. The cross-section so described herein shall be termed the "embedment zone."
9. Backfill all excavation areas/trenches under or within 1-foot of existing or proposed pavement with cement-stabilized sand from the top of the pipe "embedment zone" to the bottom of the subgrade. Cement-stabilized sand must develop 100-psi compression at 48 hours. Backfill shall be compacted to 95% standard proctor density.
10. The location of all proposed stacks shall be shown by stations in the drawings.
11. Construction notes shall designate the kind and class of pipe with exceptions to the construction notes to be shown on the plan and profile sheets.
12. Non-sanitary sewer easements or fee strips such as pipeline, power company, drainage district, railroad, etc., are in and of themselves insufficient and unacceptable to permit laying to sanitary sewers and/or force mains across or along the underlying private property or restricted non-sanitary use type of public property.
13. All public sanitary sewers shall be located within a public right-of-way (ROW) or easement.
14. Where an easement for a public sewer ends at a public right-of-way, the last manhole shall be extended into the public right-of-way at a minimum of 2 feet beyond the property line; or as close to the public right-of-way as possible due to acceptable clearances required for other utilities (i.e., water line and storm sewers).
15. The drawings for the sewer shall show the location of any existing known pipe or duct that might interfere with the construction of the sewer and call to the attention of the City any known obstacles that might be encountered in constructing the sewer in any location under consideration. The Professional Engineer shall determine the existence of pipes, ducts and/or obstacles from a visual survey on the ground plus research of all public records and private records when available.
16. All sanitary sewer mains shall be constructed utilizing SDR 26.
17. Sanitary sewer lines shall be centered in sanitary sewer line easements.
18. In subdivisions platted or created after January 1, 1988, for single-family dwellings where each lot maintains an individual water well supply and an on-site sewage facility (OSSF) the sewage disposal plan shall show the approved water well location and sanitary control easement around the well within a 100 foot radius in which no subsurface sewage system may be constructed.

19. No back-lot easements will be allowed for the installation of sanitary sewer lines.
20. All new wastewater lines to be installed with tracer wire for future line locates, unless lines are deeper than 10 feet.

G. Line Size

1. The minimum pipe diameter for a public sanitary sewer shall be 8 inches.
2. Four-inch service leads shall be confined to the limits of the lot, which they serve and shall serve only the equivalent of one single-family lot. No 4- inch sewer shall be laid in any street, alley, or right-of-way.
3. Six-inch service leads shall not serve more than the equivalent of two single-family lots or other types of small land tracts.
4. Four-inch and six-inch service leads for single-family residential lots shall have a minimum grade of 0.70 percent.
5. For commercial service leads such as street bores, submit a copy of the approved plumbing drawings to establish the required size of the line. The minimum size lead shall be 6 inches.
6. All main and lateral sewers will end in manholes, except for special and/or unusual situations and subject to specific approval by the City.
7. All sewer lines shall be laid at a size and depth to conform to designs permitting an orderly expansion of the sewer system of the City and so as to avoid a duplication of lines in the future.
8. The City shall be the final judge as to sizes and depths required and exceptions to "lateral service leads" as previously defined.

H. Line Depth

1. The sewer should be laid with the top of the pipe a minimum of 3 feet below finished grade or top of curb, whichever is lower.
2. Sewer laid in street rights-of-way with curb and gutter paved streets shall have a minimum cover of 4 feet from the top of the pipe to the top of the curb to anticipate future sewer extension.
3. Sewers laid in street right-of-way with crowned roads and side ditches shall have a minimum cover of 5 feet from the average ground line at the adjacent street right-of-way to the top of pipe.
4. Where the minimum cover as specified in paragraphs H, 1,2, and 3 above is not possible, the sewer shall be laid in Class 150 (150 psi) pressure pipe or rigid factory-made pipe with cement stabilized sand as shown in standard detail. Ductile iron pipe shall be lined with either a polyethylene or polyurethane coating as approved by the pipe manufacturer and applied by either the pipe manufacturer or an approved application. The minimum liner thickness shall be 40 mil.
5. Maximum depth for sanitary sewer lines shall be 20 feet from average ground surface to pipe invert.

I. Line Grades

The following table lists the minimum grades for 6–30-inch public and private sewers. The minimum grade is based on a minimum full pipe velocity of 2.0 feet per second (fps). The maximum grade is based on a maximum full pipe velocity of 10.0 feet per second (fps). In both cases, the Manning Formula has been used with an "n" of 0.013. The use of different pipe materials will not alter the use of 0.013 for the purpose of the Design Manual.

Inside Dimension (I.D.) of Pipe in Inches	Minimum Slope (in Percent)
6	0.70
8	0.33
10	0.25
12	0.20
15	0.15
18	0.11
21	0.10
24	0.08
27	0.07
30	0.06

For sewers larger than 30 inches in diameter, the Professional Engineer of record shall determine the appropriate grade utilizing the Manning Formula, $n = 0.013$ and a full pipe velocity of 2.0 fps.

J. Manholes

1. All manholes shall be precast concrete, unless the Professional Engineer submits a "cast in place" manhole design for review and approval by the City Engineer. All precast manholes to incorporate a "boot" type connector for sewer diameters up to 24". For sewer diameters greater than 24 inches, utilize either the "boot" type connector (if available) or an integral gasket. All precast manholes shall conform to the latest ASTM requirements.
2. For all public sewers, manholes shall be placed at all changes in alignment, changes in grade, junction points, and either at street, alley, or easement intersections as designs may require.
 - a. Sewers laid in easements shall have a manhole in each street crossed by the sewer.
 - b. The maximum distance between manholes shall be 350 feet for public and private sewers.
 - c. Sewers with the same, or approximate flow line elevation shall intersect each other at a 90-degree angle. However, where a true perpendicular intersection cannot be obtained, and where the "entering" sewer intersects the receiving sewer at, or about, the same flow line, one or more manholes shall be utilized to maintain a minimum angle of 80 degrees at the point of intersection. When the "entering" sewer is on the upstream side of the manhole, the minimum angle between the sewers may be reduced to a 45-degree angle; provided:
 - (1) A distinct flow channel can be maintained within the manhole when the flowline elevations of the sewers are at, or within, one (1) pipe diameter of the smaller pipe; or
 - (2) When the flow line elevation of the "entering" pipe is above the crown of the "primary" sewer and clearance can be provided between the sewers.
 - d. Manholes shall be placed at all dead-end mains and laterals.
 - e. Criteria for connections to, and utilization of, manholes.
 - (1) Where manholes are utilized to facilitate connections between public sewers, when possible, the sewers shall match the manhole's flow line, match the elevation of each other's crown or utilize an "outside" manhole drop.
 - (2) Connections between public sewers at the manhole shall adhere to the following criteria when possible:
 - (a) The elevation of the crown of the discharging sewer shall either match the elevation of the crown of the receiving sewer or be approved as special cases by the City.
 - (b) A standard drop connection is required when the difference in elevation between discharging sewer flowline and receiving flowline is greater than 24 inches.
 - (3) The routing of service connection directly to manholes will be allowed only where the flowline elevation of the existing sanitary sewer is more than 10 feet below grade and there is no available stack and either
 - (a) The lot to be so connected is a single-family, owner-occupied, single lot residence connection to an existing manhole; or
 - (b) The lot to be so connected is a single-family, owner-occupied, single lot residence connecting to a proposed manhole at the end of a cul-de-sac.
 - (4) When routing an approved service connection to a manhole (see Item "3"), the wall penetration shall not be greater than 10 inches in diameter and

- shall be cored and sealed using grout as approved by the Standard Wastewater Products Committee.
- (5) When routing an approved service connection to a manhole (see Item "3"), the connections shall utilize an external drop and shall adhere to the following criteria:
 - (a) The manhole wall penetration shall be a minimum of 10 feet below the manhole rim elevation and shall not be greater than 10 inches in diameter;
 - (b) The drop shall be 6 inches in diameter and shall be constructed of SDR 26 PVC pipe (ATSM D 3034-94);
 - (c) The drop shall be located 45 degrees from the upstream side of the main sewer;
 - (d) The wall penetration (core) shall be sealed using a "grout" as approved by the City Engineer.
 - (6) All public sewers shall terminate in a manhole. Clean-outs will not be utilized except at the end of each service lead.
 - (a) The manhole cover shall have a minimum diameter of 32 inches.
 - (b) All sanitary sewer manholes shall have stainless steel inflow protectors.
- f. Manholes to be coated with Raven 405. Sewper Coat is an approved alternative.
 - g. Manholes shall not be located within a driveway, street, parking stalls, or sidewalk.

K. Lift Stations and Wastewater Treatment Plants

1. Lift station design shall comply with the City of Manvel specifications, with a storage volume in the wet well equal to 1.5 times the peak design flow to the lift station. Add 10% to account for volume displaced by pumps.
2. Minimum site size shall be 40 feet by 40 feet. Smaller sites that are adjacent to public rights-of-way are contiguous to green space or similar land use areas, may be approved when adequate odor control provisions are provided.
3. Pumps shall be sized to operate at optimum efficiency. Minimum acceptable efficiency at the operating point will be sixty percent (60%).
4. Operation and maintenance should be considered in the design of the station and the location of the station.
5. Wet well working volume should be sized to allow for the minimum pump cycle of six (6) minutes for each pump.
6. Prior to installation controls and equipment shall be approved by ~~Community Services~~ Public Works.
7. Emergency operations shall be considered. Provide fittings and a blind flange that will be readily accessible for emergency bypass pumping.
8. The inlet structure shall be designed to minimize turbulence.
9. The velocity in the Force Main and riser pipes shall be between 3 and 8 fps.

10. The wet well shall be sized to provide adequate clearance between the pumps (refer to manufacturers recommended clearances).
11. A peak factor of four (4) shall be used for Lift Station design.
12. A minimum of two (2) feet of clearance shall be provided between pumps and between pump and wall.
13. Low water levels shall be at least six (6) inches above impeller.
14. Complete immersion of submersible pump motor at low water level is preferred.
15. Tie steel in Lift Station bottom to wall (includes caisson construction situation) to provide watertight wet well.
16. Nuts, bolts, chains and all other metal components within wet well shall be stainless steel.
17. Vent pipe shall be six (6) inches minimum diameter equipped with odor control system.
18. The following Hazen-Williams Coefficient shall be used for various pipe types:

PVC	New	C = 160
	10-year	C = 140
DIP	New	C = 140
	10-year	C = 100
19. Provide minimum 8' board fence (either masonry, cedar or heart redwood) with steel posts in concrete, and a treated 2"x6" (or wider) rot board along the bottom.
20. Entrance drive to be at least fourteen (14) feet wide concrete pavement. Provide enough room to park inside site. Provide rolling gate with minimum 10' wide gate.
21. Indicate method of drainage on site plan. Internal drainage, sheet flow and valley gutter driveways are acceptable. Drain to street or storm sewer, never onto adjacent private property.
22. Locate control panel and wet well hatch above 100-year flood plain. Call out the 100-year flood plain elevation on the plans.
23. Dual stainless steel guide rails (or other pump removal method that avoids entering wet well) are required for submersible pumps.
24. A tee, plug valve (or gate valve), and blind flange assembly is required on the force main on the downstream side of the discharge valves and header. This is required so truck-mounted pumps can bypass the lift station pumps and piping while work is being done.
25. Bedding for PVC force main is bank sand a minimum of 6 inches from all sides of pipe.
26. PVC force mains must be C-900.
27. DIP force mains are to be bedded in bank sand and polyethylene wrapped.

28. When calculating ~~headless~~ **head loss** in force main and piping, use of K factors on fittings, with the Hazen-Williams formula, is preferred.
29. Backfill structural excavations (wet well, etc.) with cement stabilized sand.
30. Lift station site plans shall be submitted in scales of 1-inch = 5-feet or 1-inch = 10-feet.
31. Provide a protective coating or concrete additive to interior walls of wet well. ~~Community Services~~ **Public Works** shall approve coating or additive used.
32. Lift station shall be equipped with a telemetry system, approved by City and compatible with existing system. A bubbler system shall be installed and connected to telemetry system to monitor status of lift station.
33. Permanent power supply to lift stations and wastewater treatment plants shall be 3-phase (and 480 volts where possible) and installed prior to City Council acceptance.
34. A system of floats shall be provided to control pumps.
35. A pressure gauge suitable for application shall be installed on each discharge pipe.
36. Emergency backup generator (natural gas or diesel) to be installed on site and hard-wired to the electrical panel, with an automatic transfer switch (permanent installation; not a portable or trailer-mount style). Additionally, a quick-connect style plug to be installed on the panel, as a backup precaution, upon preapproval from ~~Community Services~~ **Public Works**. Generators must be new when installed (not refurbished or previously used). Natural gas generators are to be installed where natural gas is available.
37. Refer to Section 6 Controlled Access Gate Requirements.

1.05 APPURTENANCES - Reserved

1.06 SUBMITTALS

- A. Preliminary design - submit the following for review and comment:
 1. Copies of any documents which grant approval of exceptions to the City design criteria.
 2. Design calculations for line sizes and grades
 3. Contour map for overall area.
 4. Plan and profile sheets showing proposed improvements (City projects only).
 5. Geotechnical soils report for the project (City projects only).
- B. Final design - submit the following for approval:
 1. Final documents of the above plus plan and profile sheets and Geotechnical soils reports.
 2. Review prints.
 3. Original drawings.

1.07 QUALITY ASSURANCE

- A. Prepare calculations and construction drawings under the supervision of a Professional Engineer trained and Licensed under the disciplines required by the drawings. The final construction drawings must be sealed, signed, and dated by the Professional Engineer responsible for the development of the drawings.
- B. Prior to release of the maintenance bond (and in conjunction with the final walk-thru), the developer shall have all sanitary sewer lines (within the project boundary) inspected with television equipment. Any pipe settlement which causes excess ponding of water in pipeline, any misaligned joints, or other defects shall be cause for rejection. The developer shall provide the City with one copy of the TV videotape and one copy of the TV inspection report. For each segment, the video tape and corresponding written report shall clearly identify:
 - 1. Each line segment being inspected.
 - 2. The size and type of pipe being inspected.
 - 3. Accurate footage of the line segment inspected.
 - 4. Deficiencies in materials, alignment, pipe grade, or any other apparent deficiencies; and
 - 5. Locations of all service connections.

2.0 EXECUTION

2.01 RESEARCH REQUIREMENTS

- A. Research existing utility and right-of-way information.
- B. Verify that no restrictions exist that will deny approval of the project concept.

2.02 DESIGN ANALYSIS

Calculations of design flow for overall development project. All wastewater components in the City of Manvel and its ETJ shall be designed for a minimum of 315 gallons per equivalent single-family connection.

2.03 DRAWINGS

Drawings shall include layout sheets with contours, plan and profile sheets, and detail sheets for special items and treatment plants.

SECTION 3 WATER

1.0 GENERAL

1.01 CHAPTER INCLUDES:

Criteria for the design of water distribution systems.

1.02 REFERENCES

- A. Texas Commission on Environmental Quality (TCEQ), Water Utilities Division "Rules and Regulations for Public Water Systems," latest revision.
- B. American Water Works Association (AWWA).
- C. National Sanitation Foundation (NSF).
- D. Texas Department of Health.
- E. Texas State Board of Insurance.

1.03 DEFINITIONS

Water Line - Closed conduits designed to distribute potable water for human consumption to various areas and provide fire protection. Line size and fire protection accessory locations are dependent on distance from primary source and quantity of demand.

1.04 DESIGN REQUIREMENTS

- A. Easements for water lines
 - 1. Lines shall be located within street right-of-way, permanent access easements with overlapping public utility easements, easements adjacent to street rights-of way or recorded water line easements.
 - 2. When outside of a public street right-of-way or permanent access easement with an overlapping public utility easement, easements must be dedicated and restricted for water lines only.
 - 3. When possible, easements should be adjacent to public rights-of-way.
 - 4. When possible, water line easements shall be contiguous to a paved access.
 - 5. For water lines located outside of street rights-of-way, the minimum width of easement shall be 20 feet.
 - 6. For water mains located within 5 feet from the right-of-way line, the outside edge of a water line easement shall be located 10 feet from the right-of-way line.

7. Water lines along State rights-of-way shall be installed outside of the right-of-way in a separate 20-foot minimum contiguous easement.
8. No back-lot easements will be allowed for the installation of water lines.
9. Commercial Developments inside the City requiring on-site fire hydrants must provide a minimum 20-foot water line easement for the water line and fire hydrant.
10. Water lines shall be centered in water line easements.
11. When using side lot easements, such easements shall be a minimum of 20 feet in width, located on one lot or centered between lots. If centered between lots, the water line may be centered within the five feet of one lot, or centered in the easement.
12. Location of a water main in an easement not adjoining a public right-of-way shall be prohibited. When approved, these water mains will be centered in a 20-foot wide exclusive easement restricted to water only.

B. Location of water lines

1. Locate water lines within a street right-of-way whenever possible.
2. In the event that a proposed water line cannot be located within the street right-of-way, locate water lines in the center of a dedicated water line easement.
3. When a water line is placed parallel to another utility line, other than a sanitary sewer, the water line shall have a minimum of 4 feet horizontal clearance from outside wall of the water line to the outside wall of the existing utility.
5. All new water lines to be installed with tracer wire for future line locates.
6. All new water lines shall be installed or extended from property line to property line.
7. End of fire hydrant and valve shall be placed at the begin and/or end of all new water lines for future City water line extensions as detailed in City of Manvel Water Distribution standards

C. Water line size

1. 6-inch lines may be used within cul-de-sacs or if the line is less than 1,000 feet in length and interconnected between two lines which are 8 inches in size or larger. The maximum number of fire hydrants or flushing valves on any length of 6-inch line is one.
2. 8-inch lines may be used for lines over 1,000 feet long, crossing under a major roadway, or when 2 or more fire hydrants or flushing valves are required.
3. 12 inch and larger lines - lines to be determined by the Professional Engineer (P.E.) and City of Manvel.
4. Minimum 1-inch lines are to be used for commercial irrigation lines.

5. Minimum 2-inch lines are to be used for commercial domestic water lines. Meter size to be determined by the developer's design professional or plumber. Meter size cannot exceed the size of the service connection.
- D. Dead-end lines shall be avoided.
- E. Depth of cover
1. 14 inch and smaller mains and fire lines shall have a minimum cover of 4 feet from top of curb. For open ditch roadway sections, 12 inch and smaller shall be installed at least 3 feet below the ultimate flowline of the ditch or 6 feet below natural ground at the right-of-way line, whichever is deeper.
 2. 16 inch and larger mains shall have minimum cover of 5 feet from top of curb. For open ditch roadway sections, 16 inch and larger mains shall be installed at least 3 feet below the flow line of the ditch or 7 feet below natural ground at the right-of-way line, whichever is deeper.
 3. Changes in grade to clear other utilities or underground features may be made by deflecting pipe joints. The maximum designed deflection shall be one-half ($\frac{1}{2}$) of the manufacturer's allowable deflection. If a depth greater than 8 feet to the top of the pipes is required, a welded steel section will be used. The standard depth of cover maintained on the water main and the grade change shall be made using the welded steel section. The installation of fittings for vertical deflections or changes in grade shall not be allowed except with specific approval of the City of Manvel.
- F. Water line crossings
1. Where a water line crosses another utility (public or private) other than a sanitary sewer, a minimum of 6 inches of clearance must be maintained between the outside wall of the water line and the outside wall of the utility.
 2. Elevated Stream and Ditch Crossings
 - a. All water lines shall be steel or restrained joint metallic pipe and shall extend a minimum of 15 feet beyond the last bend or to the right-of-way line, whichever is greater.
 - b. Elevated crossings are preferred to underground crossings.
 - c. Support water lines on existing or proposed bridges. The following criteria may be used when approved in advance by the City Engineer:
 - (1) Have adequate structural capacity.
 - (2) Have sufficient clearance above the bent cap elevation for installation under the bridge.
 - (3) Design elevated crossings with the elevation of the bottom of the water line above the low chord of the nearest adjacent bridge or a minimum of 1 $\frac{1}{2}$ feet above the 100-year flood plain elevation, whichever is higher.
 - (4) Extend pipe from right-of-way to right-of-way for crossings.
 - (5) Provide sufficient span length to accommodate the cross section of future widening of the stream or ditch, if available.
 - (6) Support the line on columns spaced to accommodate the structural capacity of the pipe considering deflection and loading.

- (7) Base column support design on soil capacity, spacing, loading, and structural requirements.

G. Underground crossings

1. Provide a minimum 3-foot clearance above the top of the pipe to the ultimate flow line of the ditch.
2. Provide sufficient length to exceed the ultimate development of the stream or ditch.
3. All water lines shall be steel or restrained joint pipe and shall extend a minimum of 15 feet beyond the last bend or to the right-of-way, whichever is greater and have valves located on both sides of the crossing.

H. State highway and County Road crossings

1. Extend carrier pipe from right-of-way to right-of-way.
2. Use welded steel pipe or restrained joint pipe in steel casing under existing and future roadways from a point 15 feet outside of the service road or outside of pavement toward the right-of-way, to a similar point on the other side of the highway across the right-of-way. For highway or roadway crossings with open ditch sections, extend the casing from right-of-way to right-of-way.
3. State highway crossings shall be constructed in conformance with the requirements of the Texas Department of Transportation.
4. When additional right-of-way has been acquired or will be required for future widening, the casing, should be carried to within 10 feet of each future right-of-way line.

I. Street crossings

1. All street crossings shall be perpendicular to the right-of-way.
2. All water mains, services and sprinkler line crossings under major thoroughfare boulevards shall be encased using a minimum of PVC pipe, SDR, as shown on the construction detail for "Water Main Encasement." Welded steel pipe may be substituted on street crossings, when specifically approved by the City Engineer.
3. Crossings under existing concrete streets, other than major thoroughfares, shall be constructed by boring and jacking. PVC pipe shall be jacked into place with equipment designed for that purpose. Water may be used to facilitate boring and jacking operations. Jetting the pipe main into place will not be permitted. When conditions exist that warrant an open cut across an existing street, the City may specifically approve the crossing.
4. All open cut installations under existing or proposed streets shall be backfilled as shown in the construction details.
5. All street crossings shall be constructed in accordance with construction plans approved by the City. The City shall inspect all street crossings. All street crossings shall meet the requirements of these standards.
6. All street, road, and creek crossings shall be cased with a larger diameter pipe.

J. Oil and gas pipeline crossings

Do not use metallic pipe when crossing oil or gas transmission lines unless a cathodic system is implemented with City approval. Other pipe may be used, regardless of depth, subject to approval by the City. Maintain minimum 2-foot separation between pipeline and water line.

K. On-site fire loops within commercial and multi-family developments

For developments requiring on-site fire hydrants, comply with the following requirements to allow maintenance and future repair operations:

1. Do not allow placement of structures or equipment pads over easement.
2. Provide 10-foot wide longitudinal pavement joint along easement lines where the water line is located under driveway, parking or street pavement.
3. Locate public fire line within 20' easement, or provide fire line meter at the property line.

L. Additional requirements

1. The carrier pipeline shall extend a minimum of 1 foot beyond the end of the casing to allow flanged joints to be constructed.
2. For welded steel bends, extend steel pipe a minimum of 5 feet beyond the bend.
3. PVC sleeves to be installed under all concrete driveways and streets for future expansion.
4. PVC sleeves to be installed in medians for irrigation lines.
5. Coordinate sleeve size with ~~Community Services~~ Public Works.

M. Auger (bore) construction

Use the following general criteria for establishing auger or bore sections:

1. Auger or bore sections shall be clearly shown on drawings.
2. Improved streets - use auger construction to cross the street regardless of surface. Auger length shall be computed as roadway width at proposed bore location plus 5 feet to either side of the roadway, where applicable.
3. Sidewalks - when the water line crosses under a sidewalk in good condition, the sidewalk shall either be bored and jacked or the sidewalk shall be removed and replaced to the City of Manvel criteria, whichever is cost effective. Bore and jack length shall be at least the width of the sidewalk. The proposed type of construction shall be noted on the plans.
4. Bore Pits - Bore pits shall be at least 3 feet from back of curb and 5 feet from the back of curb on a major thoroughfare. All bore pits shall be shored in accordance with OSHA requirements. Bore pits and/or receiving pits to be located in street or driveway paving, shall be shown on plans.

N. Water quality

The layout of the overall water distribution system shall provide maximum circulation of water to prevent future problems of odor, taste, or color due to stagnant water.

1. Provide a source of fresh water at each end or at multiple points of a subdivision. Provide ways to create circulation and place valves and fire hydrants to allow simple flushing of all lines.
2. Avoid dead-ends. When necessary, isolate dead-ends with a line valve, fire hydrant at the line's end, along with an Eclipse 9800i-Genesis Auto Flusher.
3. Where stubs are provided for future extensions, isolate the stubs with a valve and do not allow service connections to stubs until extended. Place one full pipe joint between the valve and stub.
4. Water mains shall be looped unless physically impossible.
5. All materials, which come in contact with public drinking water in any stage, must conform with ANSI/NSF Standard 60.
6. Layout and size of all water mains shall be consistent with the overall layout and phasing plan of the City's water system. The overall water system shall be designed to maintain required TCEQ minimum pressure throughout the system.
7. In an unavoidable dead-end situation, reduce the sizes of pipe successively. Carry an 8-inch pipe to the next to last fire hydrant; use a 6-inch PVC to the end of the line. Provide a fire hydrant at the end of the main.

O. Clearance of water line from other utilities.

1. New water lines parallel to sanitary sewers and force mains
 - a. Locate water lines a minimum of 9 feet horizontally, outside wall to outside wall, when parallel to sanitary sewers or force mains. Use the following procedure when 9 feet of separation cannot be achieved:

When a new water line is to parallel an existing sanitary force main or gravity sanitary sewer and the 9-foot minimum separation distance cannot be maintained, the existing sanitary sewer shall be replaced with lined ductile iron or PVC pipe meeting ASTM specifications, having a minimum working pressure rating of 150 psi or greater and equipped with pressure type joints. The water lines and sanitary sewer shall be separated by a minimum vertical distance of 2 feet, and a minimum horizontal distance of 4 feet, measured between the nearest outside walls of the pipe, and in all cases, the water line shall be located above the sewer. When a water main crosses a utility other than sanitary sewer, a minimum of 6 inches of clearance must be maintained, and the water main shall have one joint of pipe, a minimum 18 feet long, centered on the other utility.

- b. Where a sanitary sewer crosses the water main, and that portion of the sewer within 9 feet of the water is constructed as described in Section 290.44(e) of the TCEQ Rules and Regulations, the water line may be placed no closer than 6 inches from the sewer. The separation distance must be measured between the nearest outside pipe diameters. The water line shall be located at a higher elevation than the sewer, wherever possible and one joint, a minimum of 18 feet long, of the new pipe must be centered on the existing line.
- 2. When water lines are installed in areas, which have existing sanitary sewers, every effort should be made to maintain 9 feet of separation between the outside pipe diameters of the two lines. Where this separation cannot be achieved because of local conditions, which must be fully documented in any planning material submitted, the following spaces shall be observed:
 - a. Where a new water line is to cross, or be installed in parallel with an existing sanitary sewer, and the sewer is constructed as described in Section 290.44(e) of the TCEQ Rules and Regulations, the separation distances specified in those rules shall apply as though the sewer were new.
 - b. Where a new water line is to be installed in parallel to existing clay, truss, or concrete gravity sewer showing no evidence of leakage vertically and 4 feet horizontally, the sanitary sewer need not be disturbed. Should excavation for the water line produce evidence that the sewer is leaking, and then the sewer must be repaired.
 - c. Where a new water main is to cross an existing clay, truss, or concrete gravity sewer showing no evidence of leakage, the sewer need not be disturbed if the water line is to be installed at least 24 inches above the existing sewer. A full joint of the water line, at least 18 feet long, should be centered over the sewer crossing, in this case, so as to provide maximum protection against contamination.
 - d. Existing clay, truss or concrete sewer pipe which shows no evidence of leakage and because of physical limitations must remain at a higher elevation than the proposed intersecting water line or closer than 2 feet may remain undisturbed if the water line is inserted in a joint of pressure type encasement pipe at least 18 foot long and 2 nominal sizes larger than the water line. The encasement pipe should be centered on the sewer crossing and both ends sealed with cement grout. In lieu of this procedure, that portion of the sewer within 9 feet of the water line may be replaced with cast iron or ductile iron pipe with watertight joints as described in Section 290.44(e) of the TCEQ Rules and Regulations, above.
- 3. Sanitary manholes - provide a minimum 9-foot horizontal clearance from outside wall of existing or proposed manholes unless manholes and connecting sewers can be made water tight and tested for no leakage. If a 9-foot clearance cannot be obtained, the water line may be located closer to the manhole when prior approval has been obtained from the City of Manvel by using one of the procedures below; however, in no case shall the clearance be less than 4 feet.
 - a. Water line may be encased in a carrier pipe. Encasement shall be a steel water line in a steel carrier pipe. Open cut and backfilled with cement stabilized sand compacted backfill.
 - b. The water line may be augured past the manhole with one 20-foot section of C-900 PVC pipe 150 psi, installed centered about the existing sanitary manhole with pressure grout using a bentonite/clay mixture.

4. Fire hydrants. Do not install fire hydrants within 9 feet vertically or horizontally of sanitary sewer mains, service leads, and force mains regardless of construction.

P. Water Plants

1. All new storage tanks to be elevated; not ground level. Developer to provide proposed timeline, plan, and funding mechanism for Elevated Storage Tank subject to review and approval by the City.
2. Emergency backup generator (natural gas or diesel) to be installed on site and hard-wired to the electrical panel, with an automatic transfer switch (permanent installation; not a portable or trailer-mount style). Additionally, a quick-connect style plug to be installed on the panel, as a backup precaution, upon preapproval by [Community Services Public Works](#). Permanent power supply to water plants shall be installed prior to City Council acceptance. Generators must be new when installed (not refurbished or previously used). Natural gas generators are to be installed where natural gas is available.
3. Provide minimum 8' board fence (either masonry, cedar or heart redwood) with steel posts in concrete, and a treated 2"x6" (or wider) rot board along the bottom.
4. Entrance drive to be at least fourteen (14) feet wide concrete pavement. Provide enough room to park inside site. Provide rolling gate with minimum 10' wide gate.
5. Indicate method of drainage on site plan. Internal drainage, sheet flow and valley gutter driveways are acceptable. Drain to street or storm sewer, never onto adjacent private property.
6. Refer to Section 6 Controlled Access Gate Requirements.

1.05 APPURTENANCES

A. Valves - Set at maximum distances along line as follows:

1. Six inch (6") through fourteen inch (14") - 1000 feet.
2. Sixteen inch (16") through twenty inch (20") - 2000 feet.
3. The total number of valves at any intersection shall equal the total number of lines leading out from the intersection point minus one, three (3) valves for a cross, and two (2) valves for a tee, unless otherwise specified.

B. Valve Types - All valves shall open counterclockwise and have mechanical joints:

1. Six inch (6") through fourteen inch (14") shall be gate valves.
2. Sixteen inch (16") through twenty inch (20") shall be butterfly valves.

C. Valve Locations

1. All mains shall be valved within the street right-of-way or within a dedicated water line easement. Valves shall not be placed under or within 2 feet of ultimate pavement.

2. Valves are normally located on the projection of intersecting street right-of-way lines or at the curb return adjoining a paved street across the main. Tapping sleeves and valves are excluded from this requirement.
 3. Isolate fire hydrants and flushing valves from the service line with a valve located in the fire hydrant or flushing valve branch. This valve shall not be located in the slope or flowline of ditches on roadside ditch roadways.
 4. Intermediate valves, not located on the projection line of the right-of-way line, shall be located on lot lines or 5 feet from fire hydrants but not set in driveways.
 5. Locate valves a minimum of 9 feet horizontally from sanitary sewer crossings.
 6. Valves shall not be located within a driveway, sidewalk, or street.
 7. Valves shall be included at all water loops in cul-de-sacs for isolation should any possible future maintenance issues arrive.
- D. Fire hydrants and flushing valves.
1. Spacing
 - a. Single Family Residential Development:
300 foot maximum spacing and at all street intersections
 - b. Non-Residential, Commercial Developments and/or Multi-Family Developments:
300 foot maximum spacing and at all street intersections. Fire hydrants shall be placed to locate a hydrant within 300 feet of all points of each building.
 2. Location in or along street rights-of-way
 - a. Fire hydrants shall be primarily located at street intersections where possible.
 - b. Locate fire hydrants at P.C.s of the intersection curb radius, 3 feet behind the curb or projected future curb.
 - c. On all State highways and roadside ditch roadways, set the fire hydrants within 3 feet of right-of-way lines. Fire hydrants lead valves shall not be located in the slopes or flowlines of ditches.
 - d. Set intermediate fire hydrants on lot lines, as extended to pavement, when located between right of way intersections. These locations may be adjusted 5 feet either way to miss driveways or other obstructions. In either case, do not locate fire hydrants closer than 3 feet from curbed driveways or 5 feet from non- curbed driveways.
 - e. Fire hydrants and flushing valves shall not be installed within 9 feet of a sanitary sewer system under any condition.
 3. Location of fire hydrants or flushing valves outside the street right-of-way
 - a. The City Fire Marshal will establish and approve the location of fire hydrants and flushing valves in apartment complexes and platted private street developments within the City.
 - b. Locate fire hydrants and flushing valves in protected, easily accessible areas behind curb lines.

- c. For fire hydrants or flushing valves which are located adjacent to water lines constructed in 20-foot-wide water line easements, the fire hydrant or flushing valve shall be centered in a minimum 10'x10' separate easement.
 - d. For commercial and multi-family developments inside the City, provide isolation valves at each end of fire loops requiring on-site fire hydrants.
- 4. Fire Flow
Fire hydrants must be able to meet current NFPA and adopted Fire Code regulations.
- 5. Fire hydrants shall be audited and painted per City specifications
 - a. The barrel (base) and caps shall be baked-on paint Safety Red.
 - b. The bonnet (top) shall be baked-on paint according to the size of the line:

Red	4-inch water line
Yellow	6-inch water line
White	8-inch water line
Green	10-20 inch water line
Orange	24-inch water line and above
- 6. 5" built-in Storz connections and dust covers are required on all hydrants.
- 7. Fire Department Connections (FDC's) when required shall be remotely located from buildings and have Storz connections. The Fire Department Connection (FDC) shall be located at a point no further than twenty (20) feet from a fire apparatus access road, remotely located at a horizontal distance that is greater than the height of the building on the main street side, and easily accessible to the Fire Department. The location of the FDC shall be such so as to provide hose connections that shall not block access to the building or obstruct other fire apparatus from accessing the building. There shall be an approved sign as specified by the Fire Marshal designating the address served by the FDC. A fire hydrant shall be located within fifty (50) feet of the FDC measured along a fire apparatus road. If there is a conflict between this section and another section of this code, the most restrictive requirement shall apply.
- 8. All new fire hydrants to be Mueller A423 Super Centurion with 5" Storz outlet. East Jordan WaterMaster 5CD250 fire hydrants, with 5" Storz outlet, are an approved alternative.
- 9. There shall be a minimum clearance of 3 feet around each fire hydrant.
- 10. Fire Department Connections (FDC's) shall be located within 50 feet of a fire hydrant.
- 11. Buildings equipped with a standpipe system shall have a fire hydrant within 50 feet of the FDC.
- 12. All fire hydrants located in the City and its ETJ shall be identified with a blue reflector affixed to the pavement so that a hydrant is readily visible to arriving fire companies. On unpaved streets, a blue reflector shall be affixed to a post as close as practicable to the edge of the roadway so as to be visible.

E. Fittings

- 1. All fittings shall be identified and described on the civil construction plans.

2. Fittings are not permitted in fire hydrant leads.
3. Normally, all water main fittings shall be ductile iron mechanical joints only.
4. All plugs shall be provided with retention clamps.
5. Polyethylene tube encasement shall conform with the minimum requirements of "Polyethylene Encasement for Gray and Ductile Cast-Iron Piping for Water and Other Liquids", ANSI/AWWA C105, current revision. Soils within the project shall be tested in accordance with Appendix A of ANSI/AWWA C105 to adequately determine the requirements for encasement.
6. Thrust blocking shall be required on all bends, tees, plugs and combinations thereof.
7. All fittings and fire hydrants to be tied together with 3/4-inch stainless steel all- threads and I-bolts or approved equal (i.e., Mega Lugs).

F. Water main service

1. Water main service for lines in or along street rights-of-way.
 - a. Meters 2 inch and smaller - located in rights-of-way, water line easements, or in a minimum 5'x5' separate water meter easement. Meters shall be located in areas with easy access and protection from traffic and adjacent to right-of-way whenever possible.
 - b. Meters 3 inches and larger - located at the property line or in a minimum 10' x 20' separate water meter easement if necessary.
 - (1) Meters shall be located in areas with easy access and protection from traffic and adjacent to rights-of-ways whenever possible.
 - (2) Meters shall not be located in areas enclosed by fences.
 - c. Separate tap and service leads shall be designed for each meter.
 - d. Long service connections to be minimum 1-inch leads within 2-inch PVC casing.
 - e. No water line service shall exceed 150 feet in length.
 - f. Water line service shall be designed for meter to be at front of property or residential lot.
2. For proposed apartments or town homes in private street developments, provide one master meter sized for the entire development. Exceptions may be granted by the City of Manvel for unusual circumstances. If an exception is approved, do not interconnect multiple meters.
3. All sprinkler and irrigation lines must be equipped with a backflow prevention device according to its application as required by TCEQ. Every new and existing non-single-family residential user is required to install a backflow prevention assembly at any meter servicing such a user's property. The backflow assembly shall be located after the meter for an irrigation system and in a vault near the building for a sprinkler system. A certified tester shall test the backflow prevention assembly annually and submit the results to the City.

1.06 SUBMITTALS

- A. General - Conform to the following submittal requirements in addition to those of general procedure of the City of Manvel.
- B. Water Line Sizes - Submit justification, calculations, and locations for proposed 6-inch lines and for lines 12-inch and larger, for approval by the City of Manvel, unless sizes are provided by the City.
- C. Valves - Submit information for approval by the City of Manvel with justification and locations for use of 16-inch and 20-inch gate valves proposed as substitutes for butterfly valves.
- D. Water Meter Service
 - 1. For construction inside city limits, submit an application for meter services and metered sprinkler connections, to the Building Inspections Division, prior to construction.
 - 2. Submit requests for more than one service meter in proposed private street or multi-family developments to the City.
 - 3. All new and replacement water meters to be ~~3/4-inch~~ Neptune E-Coder R900i (minimum 3/4 inch) unless approved by the City Engineer.
- E. Elevated stream or ditch crossings - Submit design calculations for support columns and column spacing.
- F. Master Development Plan - For multiple phase developments, submit a master development plan.
- G. Backflow Prevention
 - 1. All irrigation lines must be equipped with backflow prevention devices per TCEQ.
 - 2. A double check backflow prevention assembly is required for 3" and larger lines.
 - 3. Every new and existing non-single-family residential user is required to install a backflow prevention assembly at any meter servicing such a user's property.
 - 4. Refer to Section 71-7 of the City Code.

1.07 QUALITY ASSURANCE

Prepare calculations and construction drawings under the supervision of a Professional Engineer trained and licensed under the disciplines required by the drawings. The final construction drawings must be sealed, signed, and dated by the Professional Engineer responsible for the development of the drawings.

2.0 EXECUTION

2.01 RESEARCH REQUIREMENTS

- A. Research existing utility and right-of-way information.

- B. Verify that no restrictions exist that will deny approval of the project concept.

2.02 DESIGN ANALYSIS

- A. Water line sizes - Prepare narrative justification and calculations for proposed 6-inch lines and for lines 12-inch and larger, unless sizing is provided by the City of Manvel in advance.
- B. Elevated stream or Ditch Crossings - Prepare design calculations for support columns and column spacing.
- C. Developments of 100 acres or more to provide Regionalization Plan, including interconnection(s) with adjacent properties subject to review and approval by the City.
- D. All water components in the City of Manvel and its ETJ shall be designed for a minimum of 360 gallons per day per equivalent single-family connection.

2.03 DRAWINGS

- A. General: Conform to the following drawing requirements in addition to those of "Graphic Requirements" and the City's standard water line details and standard specifications.
- B. Appurtenances - Identify, describe and enclose in rectangular box on drawings.
 - 1. Valves
 - a. Designate 6-inch through 12-inch gate valves with box as GV&B.
 - b. Provide complete description and size for other valves.
 - 2. Water meters, service leads, and metered sprinkler connections.
 - a. Show the location of service line tees, tapping sleeve and valves, valve boxes, and temporary plugs to be installed to serve future 3-inch or larger meters.
 - b. Develop plan and profile sheets for 4-inch and larger leads and all service connections that cross state rights-of-way (FM1128, SH6, etc.).
- C. Construction features
 - 1. Show all special construction features required to complete the project in a safe, convenient and economical manner.
 - 2. Auger Construction
 - a. If the construction is predominately open cut, all portions of the street that must be augured shall be clearly shown on drawings by location and length. Include designation for sections at trees with 6 inches or larger diameters located within 10 feet of water Line.
 - b. Curbs - Include a requirement on drawings for construction of wheel chair ramps at street intersections where curbs are to be removed or are damaged by water line construction. Conform to the City's standards for ramps.

SECTION 4 PAVING

1.0 GENERAL

1.01 CHAPTER INCLUDES:

Design guidelines for streets, criteria for street paving, and standard paving notes for drawing call outs.

1.02 REFERENCES

- A. AASHTO - American Association of State Highway and Transportation Officials.
- B. ASTM - American Society for Testing Materials.
- C. ACI - American Concrete Institute.
- D. MUTCD - Texas Manual on Uniform Traffic Control Devices.
- E. City of Manvel Transportation Corridor Plan

1.03 DEFINITIONS

- A. Geotechnical Engineer - An engineer certified by the American Association for Laboratory Accreditation (A2LA).
- B. HMAC - Hot Mix Asphaltic Concrete.
- C. Curb and Gutter Sections - Full width concrete pavement with doweled on 4-inch by 12-inch curbs. Curb and gutter sections require inlets and underground storm sewers.
- D. Roadway ditch sections - Ditch sections adjacent to either full width reinforced concrete pavement or asphaltic pavement. Roadside ditch sections do not require underground storm sewers; however, the ditch sections must be designed to accommodate the storm runoff.

1.04 DESIGN REQUIREMENTS

The following design requirements are applicable to all pavement within the City of Manvel, and its ETJ.

- A. General
 - 1. All paving shall be approved by the City of Manvel for all streets within the City.
 - 2. Street design should conform to all applicable planning tools, such as the Texas Manual on Uniform Traffic Control Devices, major thoroughfare plans, master plans, etc. Other considerations for design should include street function, street capacity, service levels, traffic safety, pedestrian safety, and utility locations. These additional considerations may affect the minimum requirements set forth herein. Refer to the City of Manvel Major Thoroughfare Plan and Transportation Corridor Plan.
 - 3. Design shall conform to the City of Manvel Standard Details.

B. Minimum Width Requirements and Paving

1. The minimum ROW width for all streets in the City of Manvel and its ETJ is 60 feet. The minimum pavement width for all developments is:
 - a. Curb and Gutter sections: 28 feet back-to-back of curb (B/B).
 - b. Open-ditch sections: 26 feet edge to edge of pavement.
2. Per the City of Manvel Thoroughfare Plan, a minimum 80 feet ROW is required for the following:
 - a. Charlotte
 - b. Chocolate Bayou
 - c. Dogwood Avenue
 - d. Iowa Lane
 - e. Jordan Road
 - f. Rodeo Drive
 - g. Uzzell Road
3. Per the City of Manvel Thoroughfare Plan, a minimum 100 feet ROW is required for the following:
 - a. Bahler Avenue (CR 100)
 - b. Bissell Road
 - c. Booth Road
 - d. Cemetery Road (Harkey Road)
 - e. Clark Road
 - f. Lewis Lane
 - g. Oil Field Road (County Road 98)
 - h. Scopel Road
4. Per the City of Manvel Thoroughfare Plan, a minimum 120 feet ROW is required for the following:
 - a. Airline Road (County Road 48)
 - b. Bailey Avenue (County Road 101)
 - c. Croix Road (Country Road 58)
 - d. Del Bello Boulevard (Rodeo Palms Parkway / Belcher / County Road 397)
 - e. Kirby Drive
 - f. Manvel Parkway (County Road 94)
 - g. Markham Road
 - h. Masters Road (FM1128 / County Road 67)
 - i. McCoy Road (Meridiana / Peters / Patterson / County Road 89 / Old Chocolate Bayou)
 - j. Pearland Sites Road (County Road 99 / County Road 143)
 - k. Pollard Boulevard (County Road 90)
 - l. Southfork Drive (County Road 59)

C. Minimum Thickness and Reinforcement Requirements for Concrete Pavement

The following requirements are the minimum allowable. Pavement thickness and reinforcement shall be designed by the Professional Engineer responsible for the project based on a current soil analysis and recommendations by a qualified geotechnical engineer.

1. For pavement widths less than or equal to 28 feet B/B of curb:
 - a. Minimum concrete slab thickness shall be 6 inches with $f_c = 4,000$ psi, with a minimum of 6 sacks of cement per cubic yard, and reinforcement shall be Grade 60, $f_y = 60,000$ psi, #4 deformed reinforcing bars spaced at 18 inches center to center both ways and minimum lap lengths of 18 inches. Expansion joints shall be placed at the end of each curb return and at a maximum spacing of 60 feet.
 - b. Minimum stabilized subgrade thickness shall be 6 inches.
2. For pavement widths greater than 28 feet B/B and for major arterial thoroughfares:
 - a. Minimum concrete slab thickness shall be 7 inches with $f_c = 4,000$ psi, with a minimum of 6 sacks of cement per cubic yard, and reinforcement shall be Grade 60, $f_y = 60,000$ psi, #4 deformed reinforcing bars spaced at 18 inches center to center both ways and minimum lap lengths of 18 inches. Expansion joints shall be placed at the end of each curb return and at a maximum spacing of 60 feet on residential and collector streets, and a maximum spacing of 60 feet on boulevards and major thoroughfares.
 - b. Minimum stabilized subgrade thickness shall be 8 inches.

D. Subgrade Treatment

Geotechnical Engineer shall base depth of subgrade stabilization on structural number (SN) in conjunction with pavement thickness design. Following is a general guidance for subgrade treatment:

1. For subgrade soil conditions with a clay content of 10.0% or higher and plasticity index (PI) of 10 or more, the subgrade shall be stabilized with lime. Subgrade shall be stabilized with a minimum 6% lime by weight, at required thickness and compacted to 95% standard proctor density. Alternative subgrade stabilization may be substituted when specific recommendations are made by the geotechnical engineer for the project, and when specifically approved by the City Engineer.
2. For subgrade soil conditions containing clean sand with no clay content, the subgrade shall be stabilized with cement.

E. Requirements for Intersections, Turnouts, Transitions, and Thoroughfares

1. At a "T" intersection with a street that has not been improved to its ultimate width, concrete pavement should be stopped either at the right-of-way line or the end of the curb return, whichever would require less concrete removal at a future date.
2. For roadway turnouts placed at an existing street intersection, the turnout should be designed to fit the ultimate pavement width of the intersecting cross street and then transitioned to the existing roadway.

3. The usual transition length for meeting an open-ditch street is 50 feet for street widths less than or equal to 28 feet B/B; 75 feet for 37 feet B/B width; and 100 feet for 41 feet B/B width.
 - a. Streets other than concrete shall have transitions with a minimum thickness of 8 inches of lime stabilized subgrade, 6 inches of hot-mix asphaltic concrete base, or approved equal, with 2 inches of hot-mix asphaltic (TY D) surfacing.
 - b. Concrete streets shall have transitions with a minimum thickness of 6 inches of stabilized subgrade and 6 inches of concrete pavement.
 4. When paving only one roadway of a proposed two-roadway thoroughfare (boulevard section) all left-turn lanes and esplanade crossovers shall be paved to the centerline of the street right-of-way.
- F. Requirements for Roadway Pavement with existing Open-Ditch Sections
1. No new open-ditch drainage systems are permitted.
 2. Minimum grade on ditches shall be 0.20 percent.
 3. Ditch capacity shall be designed to handle runoff as determined by the City Drainage Design Requirements.
 4. The maximum side slope shall not exceed 3:1.
 5. Culverts for roadside ditch only, shall be designed to carry ditch discharge, but not less than 18-inch diameter pipe constructed of reinforced concrete.
 6. The radius for cul-de-sac pavement shall be 50 feet in a 60' radius ROW.
- G. Requirements for Roadway Pavement with Curb and Gutter Sections
1. Inlet spacing:
 - a. Curb inlets shall be spaced and sized to intercept the calculated runoff for the design storm. The water surface elevation at the inlet shall be less than or equal to the top of curb for the design storm flow.
 - b. Maximum travel distance of water in the street to a curb inlet shall be 300 feet on a major thoroughfare and in a commercial area. The maximum travel distance of water in the street permitted in a single-family residential area shall be 500 feet.
 - c. Curb inlets should be located on the intersecting side street at an intersection with a major thoroughfare. Locations on the major thoroughfare at intersections shall be specifically approved by the City Engineer.
 - d. Curb inlets shall have grate inlets lids.
 - e. Backfill around inlets with 1.5 sacks per cubic yard of cement stabilized and to top of first stage inlets.
 2. Minimum gutter gradient shall be 0.30 percent.
 3. Maximum cut from finished grade at property line to top of curb shall be 1.75 feet.
 4. The desired slope for driveways is 2% to 8%. A maximum slope of 10% may be allowed with specific approval of the City.

5. Minimum grade shall be 1 percent fall around intersection turnout for a maximum radius of 25 feet. Grades for larger radius shall be determined on an individual basis.
6. Vertical curves shall be installed when algebraic differences in grades exceed 1 percent. Elevations shall be shown at 10-foot intervals through vertical curves. Maintain a minimum of 0.03-foot elevation change at 10-foot intervals by altering the calculated elevations.
 - a. The radius for cul-de-sac pavement shall be 50 feet in a 60 feet radius ROW.
8. When a curb and gutter section intersects a drainage ditch, the grade of gutter shall be above the designed water surface of the ditch.
9. Minimum gutter grade for cul-de-sac shall be 0.60 percent.
10. Major thoroughfares shall be in accordance with AASHTO.
11. The amount of cross slope over the pavement section should be shown on the drawings. The usual cross slope is 3/8 inch per foot from curb line to quarter, and 1/4-inch per foot from quarter point to the center line, and 7/8-inch per foot for left-turn lanes.
12. A minimum gradient of 0.40 percent around the longest radius is required on an L-Type street intersection.
13. When meeting an existing curbed street, top of curb grades shall be designed to meet an elevation 6 inches above the existing gutter. At existing inlets, top of curb grades shall be designed to match existing top of curb elevations.
14. Fill lines shall be shown on the drawings. If fill is required and the pavement is adjacent to a nonparticipating property owner, fill easements from this property owner shall be obtained, filed, and a copy of the easements shall accompany the final drawings. Construction of this nature will require back-slope drainage design to prevent trapping storm runoff.
15. Grades should be labeled for all tops of curb. Centerline grades are acceptable for open-ditch sections only.

H. Requirements for Inlets with Curb and Gutter Sections:

1. Type "BB" with grate tops or type "H-2" inlets shall be used on all curb and gutter sections within the City depending on runoff requirements.
2. Inlets should be placed away from the major thoroughfare and on the side streets at street intersections.
3. Attempt to keep the proposed inlets away from esplanade openings and out of major thoroughfare intersections.
4. Inlets shall be placed at the end of pavement in order to eliminate drainage from the pavement gutter into an open-ditch.

5. On open-ditch streets, place stubs with ring grates from inlets to ditches.
- I. Requirements for Curbs and Sidewalks:
1. Standard curb height is 4-inches and 12-inches wide for curb located along outside edges of residential streets. Curb height for streets other than residential shall be 6 inches. The curb height for all esplanades shall be 6-inches. Changes in curb heights shall have a minimum transition length of 10 feet.
 2. Sidewalk wheelchair ramps are required at all intersections and driveways. The design and installation of such ramps shall comply with Texas Accessibility Standards Architectural Barriers requirements.
 3. All sidewalks are to be constructed in accordance with the City of Manvel Standard Details and Master Thoroughfare Plan. The design and installation of such sidewalks shall comply with Texas Accessibility Standards Architectural Barriers requirements.
 4. Sidewalks are required along all streets. The developer, prior to the City's final acceptance of the infrastructure, must install sidewalks along reserves and ROW.
 5. Sidewalks may be constructed as part of the issuance of a building permit, for single-lot site development projects where a sidewalk is the only required infrastructure construction. For such projects, a certificate of occupancy shall not be issued prior to City's final acceptance of the sidewalk.
 6. Generally, public sidewalks shall have a width of not less than 5 feet. Along streets that do not have a corresponding street type cross-section in the Master Thoroughfare Plan (including streets with open-ditches), sidewalks shall have a width of not less than 5 feet.
 7. Non-residential site development projects within City of Manvel ETJ shall include a sidewalk within the building setback area if a sidewalk is not permitted within the public right-of-way.
 - b. The location of all proposed and existing sidewalks shall be shown on the construction drawings and plan and profile drawings.
- J. Requirements for Miscellaneous Items:
1. The type and amount of subgrade treatment shall be shown on the drawings.
 2. Paving headers shall be placed at the end of all concrete pavements.
 3. All concrete to be removed shall be saw cut before removal.
 4. Sight distance requirements based on the design speed the roadway shall be used for determining lengths of crest vertical curves for all pavements except boulevard sections which shall be designed for 45 mph.
 5. Standard City of Manvel barricades shall be placed at the end of all dead-end streets not terminating in a cul-de-sac.

6. Submit to the appropriate drainage agency before City approval.
7. A letter of agreement approving the construction plan crossing is required when paving is placed over a transmission pipeline.
8. When meeting existing concrete pavement, horizontal dowels shall be used if no exposed reinforcing steel for interconnection with new pavement exists. Horizontal dowels shall be Grade 60, #6 rebar, 24-inches long, drilled and embedded 12-inches into the center of the existing slab and epoxied. Dowels shall be 18 inches center to center, unless otherwise specified.
9. When concrete is removed for interconnections, the pavement shall be saw-cut, and existing concrete removed, to expose a minimum of 15-inches of reinforcing steel. If no reinforcing steel exists, use horizontal dowels as previously described.
10. Dead-end streets or ends of concrete slabs designed to be extended in the future shall have paving headers and 15-inches of reinforcing steel exposed beyond the pavement, coated with asphalt and wrapped with burlap or paving headers and dowel type expansion joint for future pavement tie.
11. Pavement extensions shall connect to the existing pavement with a pavement undercut and a minimum steel overlap of 18-inches.
12. Concrete pavement thickness design is required for all pavement within industrial areas and on major thoroughfares. Concrete pavement thickness design shall be based on AASHTO design procedures for rigid pavements.
13. The pavement structure for each roadway shall be designed based on soil data from the site and based on the anticipated traffic volume, loading and service life of the proposed pavement structure. The design engineer is responsible for ensuring that the pavement structure is designed to withstand the anticipated loads that are expected on the roadway.
14. Adjust manhole frames and covers within the limits of the pavement to meet the proposed final top of slab.
15. Adjust manhole frames and covers outside the limits of the pavement to conform to the final grading plan.
16. No more than one (1) shrinkage crack shall be allowed in each header section. A shrinkage crack is defined as extending one half or more of the full depth of the concrete (i.e., 3" or more on 6" thick concrete) appearing within 2 years of the final concrete placement. If two (2) or more shrinkage cracks appear in a header, the entire section shall be removed and replaced at contractor's expense. No more than three (3) shrinkage cracks allowed in each 20' section of curb. The contractor is allowed to seal cracks but may be required to remove sections near the end of warranty period.
17. If shrinkage cracks are less than one half of the depth of the concrete (i.e., less than 3" on 6" thickness) then a recommendation letter and data sheets are required from the testing laboratory as to the type of sealant which will be used to seal the shrinkage cracks. This recommendation shall be approved by the City Engineer before application of sealant.

18. Core samples for the sections will be taken no sooner than the twenty-eight (28) day break of the original concrete pour sample.
19. All medians must be sleeved for future irrigation lines.
20. Refer to MUTCD for pavement and curb markings near stopping points, crosswalks, etc.
21. All under-pavement utility crossings to be sleeved.
22. Manholes, fire hydrants and water valves shall not be located within a driveway, sidewalk, or street.

K. Original Manvel Townsite

1. The Original Manvel Townsite (OMT) area is bounded by Cemetery Road on the east, Large Drive on the north, McCoy Road on the west, and the railroad tracks (sitting just north of Bissell Road), on the south.
2. The special regulations in this section shall apply to lots in the OMT zoned Light Commercial or Planned Unit Development (PUD) allowing for commercial land use, where the lot is five (5) acres or less.
3. Roads in the OMT may be constructed with a minimum 26-foot wide asphalt (instead of concrete), with a minimum thickness of 8 inches of lime stabilized subgrade, 6 inches of hot-mix asphaltic concrete base, and 2 inches of hot-mix asphaltic (TY D) surfacing.
4. Roadside ditches (open ditches) are permitted in the OMT.

1.05 APPURTENANCES – Reserved

1.06 SUBMITTALS – Reserved

1.07 QUALITY ASSURANCE.

- A. All construction drawings and specifications shall be prepared by or under the supervision of a currently Registered Professional Engineer of the State of Texas, and all documents shall be sealed, dated, and signed by the engineer responsible for their preparation.
- B. All geotechnical work shall be performed by or under the supervision of a currently Registered Professional Engineer of the State of Texas disciplined in the science of soil analysis. All reports and documents shall be sealed, dated, and signed by the engineer responsible for their preparation.
8. The designated laboratory technician must be on the jobsite at all times during the placement of concrete.

2.0 EXECUTION

2.01 RESEARCH REQUIREMENTS – Reserved

2.02 DESIGN ANALYSIS

- A. All pavement design shall be supported by calculations to establish the required thickness and reinforcement.
- B. The current soils report shall be the basis for design considering the use, loading, and life span of the proposed pavement.
- C. Storm sewer inlets shall be established in such numbers and in such locations as to effectively drain storm water from paved sections. A graphical plot and calculations of the hydraulic gradient shall be furnished by the design engineer.
- D. Open-ditch drainage shall be designed to accommodate the anticipated storm runoff, and all culverts shall be designed to accommodate the expected ditch capacity. Construction drawings shall indicate the direction of flow in the ditches, and profiles of the ditches shall reflect this slope. Anticipated volumes of storm drainage shall be identified in each ditch to enable future culverts to be sized to accommodate anticipated runoff.

SECTION 5 DRAINAGE

1.0 GENERAL

1.01 CHAPTER INCLUDES:

Criteria for the design of storm drainage improvements.

- A. Design requirements - The drainage criteria administered by the City of Manvel and complemented by Brazoria County for newly designed areas provides protection from structural flooding from a 100-year storm event. This is accomplished with the application of various drainage enhancements such as storm sewers, roadside ditches, open channels, detention and overland (sheet) runoff. The combined system is intended to prevent structural flooding from extreme events up to a 100-year storm.
- B. Street Drainage - Street ponding of short duration is anticipated and designed to contribute to the overall drainage capability of the system. Storm sewers and roadside ditch conduits are designed as a balance of capacity and economics. These conduits are designed to convey less intense, more frequent rainfalls with the intent of allowing for traffic movement during these events. When rainfall events exceed the capacity of storm sewer system, the additional run-off is intended to be stored or conveyed overland in a manner that reduces the threat of flooding to structures.
- C. Flood Control - The City of Manvel is a participant in the National Flood Insurance Program. The intent of the flood insurance program is to make insurance available at low cost by providing for measures that reduce the likelihood of structural flooding.
- D. Relationship to the Platting Process - Approval of storm drainage is a part of the review process for planning and platting of new development.

1.02 REFERENCES

- A. City of Manvel Flood Damage Prevention Ordinance subsequent revisions.
- B. Brazoria County Design Criteria Manual

1.03 DEFINITIONS

Conduit - any open or closed device for conveying flowing water.

Drainage Area Map - Area map of watershed, which is subdivided to show each area served by each subsystem.

FEMA - Federal Emergency Management Agency

Hydraulic Grade Line - A line representing the pressure head available at any given point within the drainage system.

In-Fill Development - Development of open tracts of land in areas where the storm drainage infrastructure is already in place and takes advantage of the existing infrastructure as a drainage outlet.

Public storm sewers - Defined as sewers and appurtenances that provide drainage for a public right-of-way, or more than one private tract, and are located in public right-of-way or easement. Private storm sewers provide internal drainage for a reserve or other tract. Private storm sewer connections to public storm sewers shall occur at a manhole or at the back of an inlet. All private storm sewers shall be constructed in conformance with these standards.

Rainfall frequency- Probability of a rainfall event of defined characteristics occurring in any given year. The National Weather Service publishes information on rainfall frequency. For the purpose of storm drainage design, the following frequencies are applicable:

1. 5-year frequency – a rainfall intensity having a 20 percent probability of occurrence in any given year, or nominally likely to occur once every 5 years.
2. 10-year frequency – a rainfall intensity having a 10 percent probability of occurrence in any given year, or nominally likely to occur once every 10 years.
3. 25-year frequency – a rainfall intensity having a 4 percent probability of occurrence in any given year, or nominally likely to occur every 25 years.
4. 100-year frequency - a rainfall intensity having a 1 percent probability of occurrence in any given year, or nominally likely to occur every 100 years.

Redevelopment - A change in land use that alters the impervious cover from one type of development of either the same type or another type, and takes advantage of the existing infrastructure in place as a drainage outlet.

Sheet Flow - Overland storm run-off that is not conveyed in a defined conduit, and is typically in excess of the capacity of the conduit.

1.04 DESIGN REQUIREMENTS

All designs of drainage facilities should meet the requirements of the City of Manvel Standard Specifications and Standard Drawings.

A. Determination of Run-off

1. Design Storm Events - All drainage improvements shall be designed for the following storm frequencies:

Road Side Ditch	5 years
Storm Sewers	5 years
Channels/Storm Sewers/Culverts draining 100 acres or less	25 years
Bridges	100 years
Creeks/Channels/Culverts draining 100 acres or more	100 years

2. The Rational Method shall be used for determining the peak flow rate in the sizing of all drainage improvements.
 - a. Time of Concentration (minutes) is the time required for peak runoff from the entire upstream contributing area to reach the point of interest. Time of concentration can be calculated based upon an analysis of the actual travel time from the most remote point in the drainage area. The travel path should be clearly denoted and a sketch included in the design calculations.

$$t_c = D/60V + 10 \text{ (minutes)}$$

$$D = \text{flow distance (ft)}$$

$$V = \text{flow velocity (ft/sec)}$$

For purposes of calculating t_c , use the following velocities:

$$V = 0.5 \text{ ft/sec for overland flow (undeveloped)}$$

$$V = 1.0 \text{ ft/sec for overland flow (developed)}$$

$$V = 1.5 \text{ ft/sec or flow across paved surfaces or along gutter flowlines.}$$

$$V = 2 \text{ ft/sec for flow in ditch or channel}$$

$$V = 3 \text{ ft/sec for flow in storm sewer}$$

- b. Rainfall Intensity (inches/hour) shall be calculated using the following formula:

$$I = \frac{b}{(d + t_c)^e}$$

Values to be used in Manvel are listed below:

Rainfall Frequency	b	d	e
5-year	58.019	9.236	0.712
10-year	57.515	7.777	0.676
25-year	52.780	5.022	0.618
100-year	46.316	1.555	0.533

b, d, and e values are derived from a single frequency rainfall intensity graph.

b = the y-intercept of the straight line

d = a constant used to adjust the relationship to plot as a straight line

e = the slope of the straight line

Source: Brazoria County Drainage Criteria Manual May 2022

- c. The Rational Method is a method for calculating the peak run-off for a storm drain system. The formula for determining the peak flow rate is:

$$Q = C_f CIA$$

Q = Flow rate (cubic feet per second (cfs))

C_f = Frequency factor, if the product of C_f and C exceeds 1.0, use 1.0

C = Runoff Coefficient

I = Rainfall intensity (inches/hour) for a given storm frequency

A = Area (acres)

For the purposes of calculating C_f use the following values:

C_f = 1.00, for storm frequencies of 10 years or less

C_f = 1.10, for storm frequencies of 25 years

C_f = 1.25, for storm frequencies of 100 years

For the purposes of calculating C use the following values:

<u>Land Use Type</u>	<u>Run-off Coefficient</u>
Raw Undeveloped Acres	0.20
Improved Undeveloped Acres (i.e., mowed, filled, re-graded, etc.)	0.30
Park Land	0.40
Residential:	
Single Family Estates (≥ 2 acres)	0.45
Single Family Estates (≥ 1 acre)	0.50
Single Family (< 1 acre)	0.55
Garden Homes	0.65
Multi Family Low	0.75
Multi Family Medium	0.80
Multi Family High	0.85
Mobile Homes	0.85
Commercial	0.90
Industrial	0.95
Pond (detention and amenity)	1.00

Alternatively, the run-off coefficient “C” in the rational method formula can be calculated from the equation:

$$C = 0.6Ia + 0.2$$

$$C = \text{watershed coefficient}$$

$$Ia = \text{impervious area/total area}$$

If the alternate form is to be submitted, the calculation of C shall be provided as part of the drainage calculations.

B. Design of storm sewers

1. Design Frequency

a. Newly Developed Areas

The design storm event for sizing storm sewers in newly developing areas will be a 5-year rainfall. In the case where new development will interfere with the natural sheet flow of the land, the storm system must accommodate the runoff. Runoff should not be allowed to run over newly developed lots or streets. Stub out streets next to underdeveloped areas are to stub out storm lines to the limits of the streets.

b. Redevelopment or In-fill Development

The existing storm drain will be evaluated using a 5-year storm, assuming no development takes place. The storm drain will be evaluated with the development in place.

(1) If the proposed redevelopment has a lower or equal impervious cover, no modifications to the existing storm drain are required.

(2) If the hydraulic gradient of the existing storm drain is below the top of the curb, no improvements to the existing storm drain are required.

c. Private Drainage Systems

Storm sewers for private drainage systems should conform to the City of Manvel Standards for public drainage systems.

- (1) An approved development permit must be filed with the City of Manvel before any work shall be done on a private drainage system. Part of the development permit include a plan and profile sheets detailing the scope of the work including elevations.
- (2) Open ditch areas may be converted into storm sewer lines with the approval of a development permit. Guidelines for the process are available at the City of Manvel.

2. Velocity Considerations

- a. All storm drains shall be designed by the application of Manning's Equation and the Continuity Equation:

$$\text{Manning's Equation: } V = (1.486/n) R^{2/3} S^{1/2}$$

- V = velocity (ft/sec)
 R = hydraulic radius (area in square feet/wetted perimeter in feet)
 S = slope of energy line in feet
 n = coefficient of roughness
 n = 0.013 for concrete pipes,
 n = 0.024 for CMP
 n = 0.011 for PVC
 n = 0.012 for HDPE

Note: All public storm sewers must be constructed of RCP. Manning's roughness coefficients for CMP, PVC, and HDPE are to be used for private storm sewers only. All storm sewer pipes entering City of Manvel ROW shall be RCP.

$$\text{Continuity Equation: } Q = VA$$

- Q = discharge (cfs)
 V = velocity (ft/sec)
 A = cross sectional area of conduit (ft²)

- b. Design velocities shall be 3 feet per second with the pipe flowing full.
- c. Maximum velocities shall not exceed 7 feet per second.
- d. Minimum Storm Sewer Pipe Slopes:

<u>Pipe Diameter</u>	<u>% Slope</u>
18	0.26
24	0.18
30	0.14
36	0.11
42	0.08
48	0.07
54	0.06
60	0.05

For pipe sizes not listed above, the minimum slope should be determined utilizing a design velocity of 3 fps.

3. Pipe Sizes and Placement

- a. Use the storm sewer and inlet leads with at least 24-inch inside diameter or equivalent cross section. Box culverts shall be at least 2 feet x 2 feet. Closed conduits: circular, elliptical, or box, shall be selected based on hydraulic principals and economy of size and shape.
- b. Larger pipes upstream should not flow into smaller pipes downstream unless construction constraints prohibit the use of a larger pipe downstream, or the improvements are outfalling into an existing system, or the upstream system is intended for use in detention.
- c. Match crowns of pipe at any size change unless severe depth constraints prohibit.
- d. Locate storm sewers in public street rights-of-way or in parallel and adjoining easements or in approved easements. Easements must be at least 20-feet wide and the storm sewer must be centered in the easement. Side and back lot easements are discouraged.
- e. Follow the alignment of the right-of-way or easement when designing cast in place concrete storm sewers.
- f. A straight line shall be used for inlet leads and storm sewers.
- g. Center culverts in side lot storm sewer easements.
- h. Storm boxes may substitute for pipes when workable space is an issue.

4. Starting Water Surface and Hydraulic Gradient

- a. The hydraulic gradient shall be calculated assuming the top of the outfall pipe as the starting water surface.
- b. At drops in pipe flowline, should the upstream pipe be higher than the hydraulic grade line, then the hydraulic grade line shall be recalculated assuming the starting water surface to be at the top of pipe at that point.
- c. For the design storm, the hydraulic gradient shall at all times be below the gutter line for all newly developed areas.
- d. Hydraulic grade lines shall be shown on all profile drawings.

5. Manhole Locations

Use manholes for precast conduits at the following locations:

- a. Size or cross section changes.
- b. Inlet lead and conduit intersections.
- c. Changes in pipe grade.
- d. Street intersections.
- e. A maximum spacing of 500 feet measured along the conduit run.
- f. Manholes shall be placed so as not to be located in the driveway area nor parking stalls.

6. Inlets

- a. Locate inlets at all low points in gutter.
- b. Valley gutters across intersections are not permitted.
- c. Inlet spacing is generally a function of gutter slope. For minimum gutter slopes, the maximum spacing of inlets shall result from a gutter run of 500 feet from high point in pavement or the adjacent inlet on a continuously graded street section, with a maximum of 1000 feet of pavement draining towards any one inlet location.
- d. Use only Standard Inlets:

Inlet	Application	Capacity
Type A	Parking Lots/Small Areas	2.5 cfs
Type B-B	Residential	5.0 cfs
Type D	Parking Lots	2.0 cfs
Type E	Roadside ditches	20.0 cfs
Type H-2	Residential / Commercial	5.0 cfs
- e. Do not use "Beehive" grate inlets or other "specialty" inlets.
- f. Do not use grate top inlets in unlined roadside ditch.
- g. Place inlets at the end of the proposed pavement, if drainage will enter or leave pavement.
- h. Do not locate inlets adjacent to esplanade openings.
- i. Place inlets on side streets intersecting major streets, unless special conditions warrant otherwise.
- j. On-grade inlets shall be allowed.
- k. Avoid inlets in the areas designed for parking stalls, when possible.

C. Consideration of Overland Flow

- 1. Design Frequency. The design frequency for consideration of overland sheet flow shall consider extreme storm events, which exceed the capacity of the underground storm sewer system resulting in ponding and overland sheet flow through the development to the primary outlet.
- 2. Relationship of Structure to Street. All structures shall be constructed according to the Flood Damage Prevention Ordinance and should be higher than the highest level of ponding anticipated from the extreme event analysis.

3. Calculation of Flow
 - a. Streets will be designed so that consecutive high points in the street will provide for a gravity flow of drainage to the ultimate outlet.
 - b. The maximum depth of ponding at high points will be the top of curb or the centerline of roads without curb.
 - c. The maximum depth of ponding at low points will be 12-inches above the gutter on curb and gutter roads, or 6 inches above the centerline of roads without curb.
 - d. Sheet flow between lots can be provided only through a defined drainage easement.
 - e. A map shall be provided to delineate extreme event flow direction through a proposed development and how this flow is discharged to the primary drainage outlet.
 - f. In areas where ponding occurs and no sheet flow path exists, then a calculation showing that run-off from the 100-year event can be conveyed and remain in compliance with the other terms of this section must be provided.
4. Overland Flow shall enter outfall drainage facilities (channels or detention pond) through a storm sewer sized to convey the 100-year event. Calculations shall be submitted for sizing the structure and determining that adequate inlet capacity exists.

D. Design of Open Channels

1. Design Frequency
 - a. Open channels shall be designed according to methods described in the corresponding Drainage District's Design Criteria Manual.
 - b. Design standards for channel construction should follow the requirements specified in the corresponding Drainage District's Design Criteria Manual.
 - c. Design standards for the outfalls into channels should conform to those in the corresponding Drainage District's Design Criteria Manual.
2. Determination of Water Surface Elevation.
 - a. Water surface elevations shall be calculated using Manning's Equation and the Continuity equation.
 - b. For the design storm event, the water surface should be calculated to remain within banks and below freeboard.
3. Design of Culverts
 - a. Head losses in culverts shall conform to TxDOT requirements.
 - b. Generally, only RCP will be approved for culverts in City right-of-way.

E. Design of Roadside Ditches

1. Design Frequency
 - a. The design storm event for the roadside ditch shall be to 0.5 feet below the edge of pavement or the natural ground at the right-of-way line, whichever is lower.
 - b. Design capacity for a roadside ditch shall be to 0.5 feet below the edge of pavement or the natural ground at the right-of-way line, whichever is lower.
 - c. The design must include an extreme event analysis to indicate that structures will not be flooded.

2. Velocity Considerations
 - a. For grass-lined sections, the design velocity shall be 2.0 feet per second during the design event. The maximum velocity shall be 5 fps.
 - b. A grass-lined or unimproved roadside ditch shall have side slopes no steeper than three horizontal to one vertical.
 - c. Minimum grades for roadside ditches shall be 0.2-foot per 100-foot.
 - d. Calculation of velocity will use a Manning's roughness coefficient of 0.040 for earthen sections and 0.025 for ditches with paved inverts.
 - e. Use erosion control methods acceptable to the City when design velocities are expected to be greater than 3 feet per second.
3. Culverts
 - a. Culverts will be placed at all driveway and roadway crossings, and other locations where appropriate.
 - b. Culverts will be designed assuming inlet control.
 - c. Roadside culverts are to be sized based on drainage area. Calculations are to be provided for each block based on design criteria presented in this manual.
 - d. Cross open channels with roadside culverts no smaller than 18 inches in diameter or equivalent. The size of culvert used shall not create a head loss of more than 0.20 feet greater than the normal water surface profile without the culvert.
 - e. Use erosion control methods acceptable to the City when design velocities are expected to be greater than 3 feet per second.
 - f. Sloped end treatments (S.E.T.) must be placed at all driveways. If S.E.T.'s cannot be used due to space constraints, the culvert must be extended 12" on each side of the driveway. A head wall may be used to replace the extension of the culverts.
 - g. HDPE culverts may be used under residential driveways and between residential driveway culverts, but not under ~~driveways or~~ street crossings. All ~~driveway and~~ street culverts to be RCP or RCB.
4. Depth and Size Limitations
 - a. Residential streets - maximum depth not to exceed 3 feet from edge of pavement.
 - b. Roadside ditch bottoms should be at least 2 feet wide.
 - c. Ditches in adjoining and parallel easements shall have the top of bank not less than 2 feet from the outside easement line.
 - d. Roadside ditch side slopes shall not exceed 3 horizontal to 1 vertical.
5. Roadside open-ditch drainage systems will be permitted only within the Original Manvel Townsite, or with City Council approval.
6. Existing roadside open-ditch drainage systems adjacent to new developments to be converted to underground storm sewer system by said developer.

F. Design of Outfalls

1. Shall conform to the corresponding Drainage District's Design Criteria Manual.
2. Detention pond and storm sewer outfalls shall be placed one foot above the flowline of the receiving channel.
3. Outfalls shall be placed 6 inches above the flowline of the receiving roadside ditch.

4. Wet detention ponds may be connected by a submerged pipe.
5. Outfalls must have a means to control erosion and washouts (i.e., concrete paving, interlocking blocks). Riprap is not acceptable.

G. Storm Water Detention

The purpose of storm water detention is to mitigate the effect of new development on an existing drainage system. If 20% or less of the entire property (single SFR lot, not subdivision) will be affected by new impervious cover, then a new or revised drainage plan will not be required.

1. Application of Detention.
 - a. As a normal consideration, storm water detention is required. The use of on-site detention is required in order to mitigate potential damage to existing structures unless the current infrastructure is improved, or the City has developed a plan for a detention facility to serve the overall area.
 - b. Design calculations for sizing the detention basin and related structures must be performed by the applicable method described in the following sections.
 - c. All calculations shall be sealed and signed by a Registered Professional Engineer.
 - d. A concrete parking lot may be used as part of the detention system, provided that the maximum depth of water over the inlet does not exceed nine (9") inches and the maximum depth in the parking stall does not exceed six (6") inches.
 - e. The Rational Method can be used for determining the peak release rate and the peak inflow rate for a detention pond.
2. Calculation of Detention Volume
 - a. The Modified Rational Method may be used to determine the detention storage volume for developments that are 5 acres or smaller.
 - b. A simplified method may be used for determining the amount of detention volume required based upon a rate of 0.65 acre-feet per gross acre. This method may only be used for developments less than 100 acres.
(i.e., 5-acre site x 0.65 = 3.25 acre-feet)
 - c. The Triangular Hydrograph method may be used for determining the amount of detention volume required for development of 100 acres or less.
 - d. The Unit Hydrograph Method (Small Watershed Method), which calculates the required detention storage volume by determining the difference in volumes between the inflow and outflow hydrographs, may be used for developments less than 100 acres.
 - e. For developments with more than 100 acres, a detailed hydrologic analysis utilizing the HEC-HMS, HEC-RAS Flood Hydrograph method will be required.
3. Calculation of Outlet Size

Outfalls, which utilize a pipe restrictor to control outflow, shall use the orifice equation.

 - a. Reducer or Restrictor Pipes shall be sized as follows:
 - (1) Use the following equations to calculate the required outflow orifice:
$$\text{Area of pipe} = \pi d^2 / 4$$
$$Q = CA (2 gh)^{1/2}$$
$$D = Q^{1/2} / 2.25 h^{-1/4}$$
$$Q = \text{outflow discharge in cfs.}$$
$$C = 0.8$$

- h = water surface differential (ft)
- D = orifice diameter (ft)
- A = area of pipe (ft²)
- g = gravity (32.2 ft/s²)

- (2) For head differential in systems outfalling into a roadside ditch or storm sewer use actual head loss or 1-foot whichever is greater. For all other discharge conditions use 2 feet or difference of 100-year water surface elevation and elevation of 25-year storm in receiving channel, whichever is greater.
- (3) For detention systems outfalling into a public storm sewer, the restrictor shall be sized based upon the peak 5-year developed flow.
- (4) For detention systems outfalling into a public roadside ditch, the restrictor shall be sized based upon the peak 5-year undeveloped flow.
- (5) For detention systems outfalling into creeks, channels or storm sewers sized to carry the 25-year or 100-year storm, the restrictor shall be metered to release the 5-year, 25-year and 100-year undeveloped flows.
- (6) Restrictor shall be either the required diameter or the equivalent cross-sectional area. The orifice diameter "D" shall be a minimum of 6 inches.
- (7) Detention ponds less than one (1) acre in size shall have a minimum of 4 inches of freeboard. All ponds one (1) acre or larger in size shall have at least one (1') foot of freeboard. When a parking lot is used for detention per 1d. above, freeboard is not required within the parking lot. Freeboard shall be measured from the maximum 100-year water surface elevation and shall not be used in the calculation of storage or mitigation.

4. Detention Pond Structural Requirements

- a. Side slopes shall not exceed a slope of 4 horizontally to 1 vertically.
- b. Dry ponds with lengths over 50 feet shall have a concrete pilot channel.
- c. Concrete pilot channels shall have a minimum width of 4 feet and a minimum thickness of 4 inches with #3 rebar spaced at 12 inches on center each way. The concrete channels shall be constructed of 5-sack cement concrete with a compressive strength of 2500 psi at 28 days. Provide a 1-inch depression per every 1-foot of transverse slope with redwood headers spaced every 40 feet.
- d. Appropriate covering (grass, slope paving, etc.) shall be established on side slopes and pond bottom to prevent erosion during periods of maximum water velocity.
- e. A concrete gravity spillway, set at the maximum ponding elevation, shall be provided at the detention pond outfall structure.
- f. Wet detention ponds and ponds with vertical walls shall provide access for safety and maintenance purposes. Wet detention systems shall have a method in-place to minimize stagnation, such as an aeration system.
- g. Dry detention ponds shall not be designed with less than two feet of depth.

5. Ownership and Easements

- a. Pumped ~~detention or~~ floodplain mitigation facilities are not allowed.
- b. Pumped detention facilities may be allowed by City Council on a case-by-case basis with the following criteria:
 - 1) For Non-Residential Developments Only.
 - 2) No Residence is within 1,000 feet of the pump facility.
 - 3) A Backup Natural Gas Generator is provided for the entire pump facility.
 - 4) At least 50% of the required detention is achieved by a gravity system.

5) The corresponding Drainage District approves the pump facility.

- b. Maintenance responsibility of the detention facility must be indicated on the plat.
- c. All properties being served shall have drainage access to the pond.
- d. A maintenance agreement must be provided when multiple tracts are being served.
- e. A maintenance berm must be provided around all sides of detention and floodplain mitigation facilities.
 - (1) The minimum maintenance berm width for dry ponds is ~~20~~15 feet.
 - (2) The minimum maintenance berm width for wet ponds is ~~30~~20 feet.
- f. All non-residential detention ponds shall have a perimeter fence.

6. Off-Site Detention

Off-site detention, such as regional or sub-regional detention, may be used provided:

- a. The detention facility is in the same watershed or sub-watershed as the developer's site.
- b. The drainage area is less than 100 acres.
- c. Excess detention capacity may not be used for mitigation of fill in the flood plain.
- d. The Developer provides conveyance to the detention facility without having a detrimental effect on any adjacent properties.
- e. If conveyance is directed through properties not directly owned by the developer, an executed contract or recorded deed between the parties agreeing to the said conveyance must be presented.
- f. This procedure is approved by both the City and the corresponding drainage entity during preliminary plan review.
- g. It is the desire of the City of Manvel that regional detention be utilized when available. If new development is within the service area of a publicly owned or operated regional storm water detention facility, connection to such regional facility shall be as required by the drainage master plan applicable to such facility.

7. Redevelopment and Additions

- a. Additional impervious cover may be added to an existing single-family residential lot (1-time allowance), provided that the cumulative increase does not exceed 20% of the original impervious cover for that lot.
- b. A drainage plan and detention calculations will be required for any proposed improvements, additions, or redevelopment in excess of the 20% impervious cover allotment.
- c. All commercial and non-residential new developments, additions, or redevelopment will require a new or revised drainage plan for additional impervious cover.

1.05 RESERVED

1.06 SUBMITTALS

A. Preliminary Design - Submit for Review and Comment

One-line drawings are required as part of the platting process and include:

- 1. Approximate definition of lots and street patterns.
- 2. The approximate drainage areas for each system.
- 3. A definition of the proposed drainage system by single line.
- 4. The proposed pipe diameters.
- 5. Any proposed drainage easements.
- 6. Floodplain boundary, if any.

B. Final Design - Submit the Following for Approval

1. Copies of any documents which show approval of exceptions to the City design criteria.
2. Design calculations for storm line sizes and grades, and for detention facilities, if any.
3. Design calculations for the hydraulic grade line of each line or ditch, and for detention facilities, if any.
4. Contour map and drainage area map of the project.
5. Plan and profile sheets showing storm water design (public facilities only).
6. Projects located within a Flood Plain boundary or within a Flood Plain Management area shall show the Flood Plain boundary or Flood Plain area, as appropriate, on the one-line drawing or drainage area map.
7. Soil boring logs.
8. All drainage plans shall have a current FEMA flood zone determination statement.

C. Signature - Submit the Following for Approval

1. Review prints.
2. Original drawings.
3. Storm water detention maintenance agreement letters.

1.07 QUALITY ASSURANCE

- A. Prepare calculations and construction drawings under the supervision of a Professional Engineer trained and licensed under the disciplines required by the drawings. The final construction drawings and all design calculations must be sealed, signed, and dated by the Professional Engineer responsible for the development of the drawings.
- B. Prior to release of the maintenance bond (and in conjunction with the final walk-thru), the developer shall have all storm sewer lines (within the project boundary) inspected with television equipment. Any pipe settlement which causes excess ponding of water in pipeline, any misaligned joints, or other defects shall be cause for rejection. The developer shall provide the City with one copy of the TV videotape and one copy of the TV inspection report. For each segment, the video tape and corresponding written report shall clearly identify:
1. Each line segment being inspected.
 2. The size and type of pipe being inspected.
 3. Accurate footage of the line segment inspected.
 4. Deficiencies in materials, alignment, pipe grade, or any other apparent deficiencies.

2.0 EXECUTION

2.01 RESEARCH REQUIREMENTS – Reserved

2.02 DESIGN ANALYSIS

- A. All projects shall be tied to National Geodetic Survey (NGS) Datum adjustment, which matches the Federal Emergency Management Agency (FEMA) rate maps or the most current NGVD, which matches the FEMA rate maps. In the event GPS surveying is used to establish benchmarks, at least two references to benchmarks relating to the FEMA rate maps must be identified. Equations may be used to translate other datum adjustments to the required adjustment.
- B. Plan sets will include a drainage area map, which shall contain all storm sewer drainage calculations as determined by the Rational Method.
- C. All drainage systems for curb and gutter pavements shall be underground closed conduits; individual residential lot drainage is exempt. Drainage systems for pavements without curb and gutter shall be roadside open-ditch sections.
- D. Soil boring with logs shall be made along the alignment of all storm sewers having a cross section equal to or greater than 72 inches in diameter or equivalent cross section area. Boring should be taken at intervals not to exceed 500 linear feet and to a depth not less than 3 feet below the flow line of the sewer. The required bedding will be determined from the soil boring.
- E. Plan sets shall include the 5-year Hydraulic Grade Line for storm sewers and roadside ditches on the plan and profile sheets. They shall also include the 100-year ponding depth on the plan and profile sheets.
- F. ~~Pumped systems (for detention or floodplain mitigation) are not allowed.~~
~~Pumped floodplain mitigation facilities are not allowed.~~
- G. Pumped detention facilities may be allowed by City Council on a case-by-case basis with the following criteria:
 - 1. For Non-Residential Developments Only.
 - 2. No Residence is within 1,000 feet of the pump facility.
 - 3. A Backup Natural Gas Generator is provided for the entire pump facility.
 - 4. At least 50% of the required detention is achieved by a gravity system.
 - 5. The corresponding Drainage District approves the pump facility.

SECTION 6 SITE DEVELOPMENT

1.0 GENERAL

1.01 CHAPTER INCLUDES: Site Development

1.02 REFERENCES

- A. City of Manvel Zoning Ordinance.
- B. City of Manvel Subdivision Ordinance.

1.03 DEFINITIONS

Commission – Planning, Development and Zoning Commission

1.04 DESIGN REQUIREMENTS

A. Site Development Requirements

1. General Requirements

- a. Site development plans for all site developments within the City of Manvel and its ETJ shall be approved by the City prior to construction.
- b. Site developments, not including single family residential, shall include any project that affects public water, wastewater, storm drainage, or paving facilities.
- c. All site developments shall conform to the requirements of these Standards and applicable rules and regulations of the City of Manvel.
- d. All wastewater, drainage and paving site development improvements shall be privately owned, operated and maintained up to and including the connection to the public system.
- e. All water site development improvements shall be privately owned, operated and maintained up to, but not including, the meter and meter vault.
- f. Restore the City of Manvel ROW to existing or better condition.
- g. Private utilities and service lines shall be placed in an easement or on the property being served.
- h. Hours of Construction are 7:00 AM to 9:00 PM, Monday through Saturday.
- i. As-Built Construction Plans (Record Drawings) and a Two-Year Maintenance Bond (in the amount of 100% of the cost of the infrastructure improvements, valid two years from the date the infrastructure is accepted by City Council) shall be required for all public improvements being dedicated to the City.

2. Design Review Requirements for Site Development Plans.

- a. All site development plans for proposed developments shall be submitted to the City for approval prior to construction. Site development plans shall show all proposed water, wastewater, paving, parking, drainage, street signage, streetlight locations, flood protection facilities, and sidewalks with approved ADA ramps locations.
- b. A traffic impact study shall be required for any development proposal expected to generate traffic volumes that will significantly impact the capacity and/or safety of

- the street system. All proposed developments generating volumes of 5,000 trips per day or greater shall meet this criterion. The trip estimate shall be based on the latest version of the Institute of Transportation Engineers, Trip Generation Manual.
- c. The developer should first schedule a Pre-Development Meeting (PDM) with the City of Manvel. At this meeting, the developer should be able to discuss infrastructure issues and the feasibility of developing the site.
 - d. The next step is to prepare the Civil site plan submittal to be reviewed by staff. The submittal for the site plan requires electronic copy and 3 hard copies of:
 - 1. Site Plan
 - 2. Landscaping Plan
 - 3. Elevation Plan
 - 4. Drainage Plan
 - 5. Utility Plan
 - 6. Grading Plan
 - 7. Storm Water Pollution Prevention Plan

To be provided to Permits Department staff with relevant application forms. The City will typically respond within 2 to 4 weeks of the initial submittal.

- e. Submittal to the appropriate drainage agency is required.
 - f. Electronic copy of site development plans shall be submitted to the Permits Department with relevant application form for Building Official's review. The City will typically respond within 2 to 4 weeks of the initial submittal.
- 3. Building Slab Elevations - Minimum building slab elevations shall conform to the requirements of the City of Manvel Flood Damage Prevention Ordinance.
 - 4. Water Service - Water service lines and meters shall be sized in accordance with requirements set out in Section 3 of the Design Criteria Manual.
 - 5. Sanitary Sewer Service - Sanitary sewer service leads are normally installed during construction of the public sanitary sewer. When a sanitary sewer service lead is to be installed for a site development, refer to the Wastewater Collection System Design Requirements. All lots, tracts, or reserves shall be connected directly to a public sanitary sewer by a single lead. The City shall be contacted for all sanitary sewer connections for commercial projects within the City.
 - 6. Site Drainage Requirements - All commercial, industrial, office, recreational, and multi-family tracts shall have an internal drainage system. The internal drainage system shall connect all site runoff into a storm sewer system that shall connect to the public drainage facilities in the area, except with specific approval.
 - a. The internal site storm sewer shall be connected to a public storm sewer and a manhole or at an inlet adjoining the site. The site drainage outfall shall be connected to the nearest existing drainage system with adequate capacity to serve the drainage area. Where extension of the existing drainage system is required, all costs for extension shall be the responsibility of the development.
 - b. All internal facilities shall be designed by a Registered Professional Engineer and shall be sized to drain the site in accordance with these standards.
 - c. Drainage calculations shall be submitted with all site development plans. Other supporting data may be required by the City.

- d. When the site drains directly into a Brazoria County facility and/or into a highway right-of-way, the appropriate governmental entity (entities) shall approve the site development connection to public facilities.
7. Driveways
- a. It is desirable to minimize the number of driveways on all streets in order to reduce the number of conflict points and facilitate traffic flow. It is recognized, however, that certain existing tracts may not be able to fully comply with the following standards due to limited frontage or other constraints.
 - b. When compliance with these criteria is precluded due to the location of driveways on adjoining properties, attempts should be made to obtain alternative access where feasible, including joint access driveways, access easements to adjoining properties or access to intersecting streets.
 - c. If it can be demonstrated to the City that sufficient attempts to secure alternative access have been made and that such access is still not possible, the City may accept a Traffic Impact Analysis performed by a Registered Professional Engineer to permit a deviation to the driveway spacing requirements indicated herein.
 - d. Residential driveways shall be a minimum of 12 feet wide (and a maximum of 24 feet) at the right-of-way line and should be placed away from the property line.
 - e. Residential lots must have a minimum of 120 feet of frontage in order to be eligible for two driveways on the same lot and they shall have 50 feet of separation between them.
 - f. Residential lots should not front on collector streets, thoroughfares, or arterials. For residential lots that do front on collector streets, they must have an internal turnaround or circle drive to minimize conflict points.
 - g. Non-residential driveways shall be 25 feet to 35 feet wide of pavement.
 - h. Driveways shall be spaced with a minimum of 50-foot separation.
 - i. Islands may be allowed within non-residential driveways, but must have a minimum of 12.5' travel lanes, and be pre-approved by the Fire Marshal.
 - j. Driveways on major thoroughfares/boulevard streets shall be placed no closer than 125 feet from the ultimate curb line of an intersecting major thoroughfare or boulevard street.
 - k. Driveways on collector/ minor streets are to be placed no closer than 75 feet from the ultimate curb line of an intersecting major thoroughfare/boulevard street.
 - l. Driveways on major thoroughfares/boulevard streets are to be placed no closer than 75 feet from the ultimate curb line of an intersecting collector commercial/minor street.
 - m. For purposes of determining the separation distance, the back of curb or edge of street shall be used in conjunction with the edge of driveway which is closest and parallel to the street.
 - n. Non-residential tracts with less than 150 feet of frontage on a public street shall have no more than 1 driveway. Non-residential tracts with between 150 and 320 feet of frontage on a public street shall have no more than 2 driveways. Non-residential tracts with between 321 feet and 600 feet of frontage on a public street shall have no more than 3 driveways. Non-residential tracts with over 600 feet of frontage on a public street shall have driveways specially designed and specifically approved by the City.
 - o. Non-residential driveway connections to the public street shall be approved and inspected by the City of Manvel.
 - p. Driveway radii shall not extend beyond the projection of a property corner to the back of the curb.

- q. Non-Residential Driveways shall be concrete, installed according to the City of Manvel Construction Details.
 - r. On concrete streets, Residential Driveways shall be concrete, installed according to the City of Manvel Construction Details.
 - s. On asphalt streets, Residential Driveways shall be concrete or asphalt, installed according to the City of Manvel Construction Details.
 - t. Driveways shall be evaluated with respect to signage, landscaping and structures for adequate sight distance.
 - u. A note stating, "Access to adjacent property and common driveways may be required," shall be placed on the site plan.
 - v. Curb return radius for driveways shall be, at a minimum:
 - (1) For residential driveways:
 - (a) 5 feet on local streets
 - (b) 10 feet on collector and arterial streets, parkways, major thoroughfares, and boulevards
 - (2) For non-residential driveways:
 - (a) 25 feet on local streets
 - (b) 35 feet on collector and arterials streets, parkways, major thoroughfares, boulevards and local streets less than 28 feet in width.
 - w. Per Section 59-53 of the Manvel City Code, manholes, fire hydrants, and water valves shall not be located within a driveway, sidewalk, or street.
 - x. Driveways within TxDOT or Brazoria County ROW shall be approved by the appropriate jurisdiction. City of Manvel shall be notified for reasoning of any deviation from the City of Manvel driveway design requirements.
8. Controlled Access Gate Requirements
- a. Plans for access control systems shall be submitted to the Fire Marshal's Office and approved prior to construction.
 - b. All access control gates shall have emergency means of operation in the event of power loss.
 - c. Access control gates shall provide a clear, passable width of at least twenty feet.
 - d. A Knox® key switch and Click2Enter-I.V4 scanner radio receiver shall be provided for all controlled access gates. The key switch shall operate all gates.
 - e. A Knox® pad lock and Click2Enter-I.V4 scanner radio receiver shall be provided for all non-motorized gates.
 - f. The location of the key switch shall be approved by the Fire Marshal's Office.
 - g. The owner shall maintain all parts of the access system and keep them in good working order.
 - h. The Fire Marshal's Office and Police Dispatch shall be notified immediately of any damage to the access system that hinders access including, but not limited to, damage to the key box, lock, or gates.
9. Pollution Prevention
- A pollution prevention plan shall be provided for all site development projects.
- a. Filter fabric fence shall be installed at the perimeter of the site before construction is to begin.
 - b. Once construction is completed, either filter fabric fence, 5 feet of hydro mulch or sod shall be installed at the back of all curbs, or other Best Management Practices shall be implemented.
 - c. Refer to the storm water ordinance for additional requirements.

10. Parking Lot Guidelines

A parking lot layout is required to ensure that adequate off-street parking is provided with the construction, alteration, remodeling or change of use of any building or change in use of land.

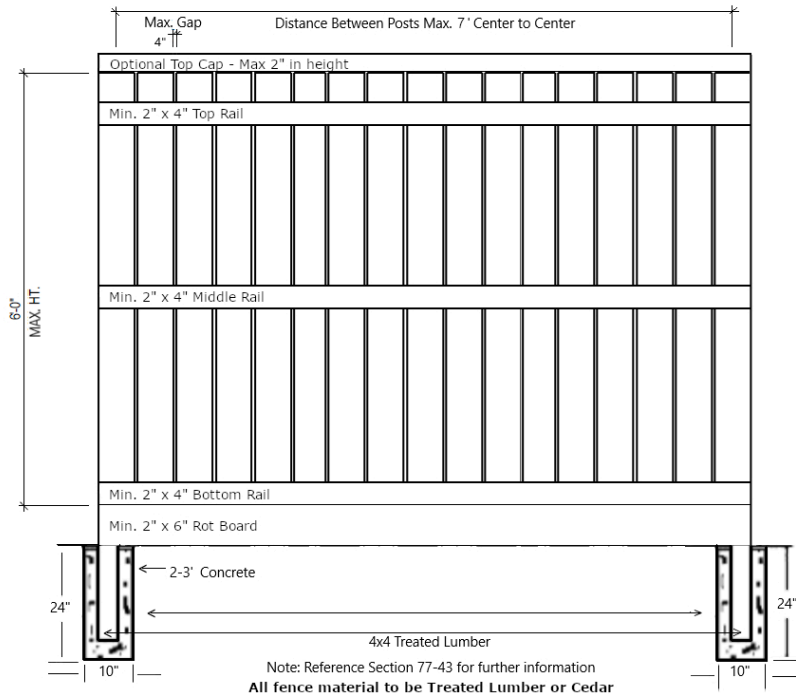
- a. Off-street parking spaces shall be located on the same lot, tract, parcel, or premises as the use being served or on other property of the same or less restrictive zoning classification that the owner of the premises being served has a continuing right to use for parking. When the off-street parking spaces are not located on the same lot, tract, parcel, or premises being served, the distance from the center of the parking lot to an entrance to the building or use shall not exceed 300 feet in distance, measured along the shortest available pedestrian route with public access.
- b. Any existing building or use that is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than 50 percent as it existed shall be accompanied by off-street parking for the entire building or use. When the enlargement, structural alteration, or remodeling is to the extent that the use is not increased or changed by more than 50 percent, additional off-street parking shall only be required for the increased or changed floor area or use.
- c. Existing parking spaces may not be used to satisfy additional off-street parking requirements unless the existing spaces exceed the number recommended for the building or use for which the existing spaces are associated. Commercial areas may be phased. Parking from earlier phases may count for future uses.
- d. The Parking Group Table can be found in the Zoning Ordinance, Section 77-45.
- e. The design and dimensions of off-street parking areas shall be in accordance with the following table of minimum dimensions. The minimum size of a parking spaces shall be 10 (ten) feet wide and twenty (20) feet long. All dimensions below are in feet:

	<i>Angle</i>			
	<i>0°</i>	<i>45°</i>	<i>60°</i>	<i>90°</i>
Stall, parallel to aisle	25.0	10.0	10.0	10.0
Stall, perpendicular to aisle	10.0	20.0	20.0	20.0
Aisle width, one-way	25.0	15.0	18.0	25.0
Aisle width, two-way	25.0	25.0	25.0	25.0
Cross aisle, one-way	25.0	25.0	25.0	25.0
Cross aisle, two-way	25.0	25.0	25.0	25.0

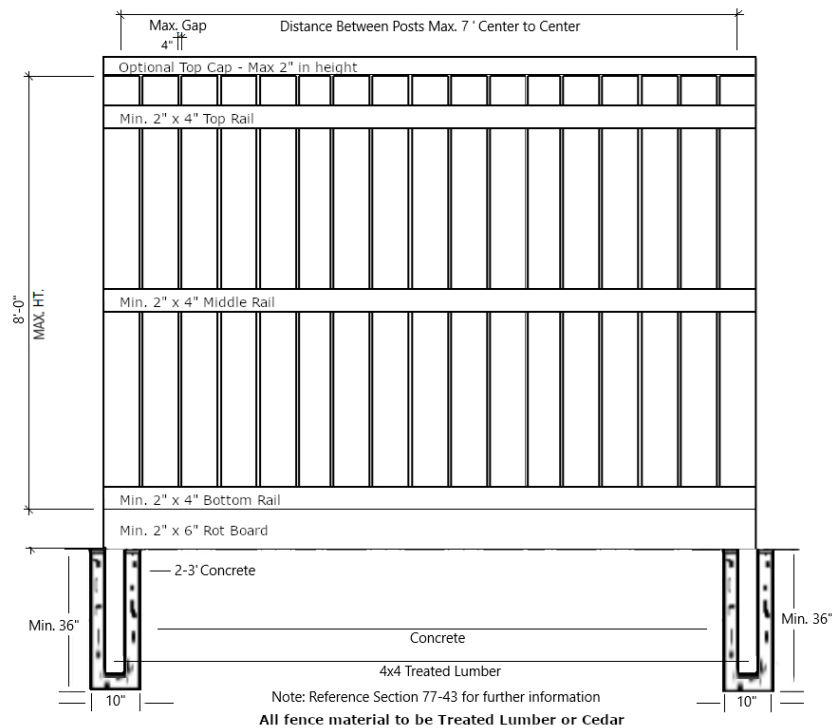
- f. Off-street parking spaces shall be clearly marked. Parking spaces abutting an adjoining property line or street right-of-way shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line. When wheel guards are used, they shall be centered 2.5 feet from the property line for 90-degree parking, 2.3 feet for 60-degree parking, and 2.0 feet for 45-degree and 30-degree parking
- g. Approval of the parking area layout and design of all off-street parking areas shall be by the City. The City shall determine that spaces provided are usable, and that the circulation pattern of the area is adequate.
- h. Mixed/Combination of Land Uses - Where a mixed or combination of land uses are proposed, parking shall be calculated based on the respective requirements of each land use. Shared parking is encouraged, if appropriate.
- i. All new parking shall be constructed with concrete, with a minimum slab thickness of 6 inches with $f_c = 3,500$ psi and reinforcement shall be Grade 60, $f_y = 60,000$

- psi, #4 deformed reinforcing bars spaced at 18 inches center to center both ways and minimum lap lengths of 18 inches.
- j. Existing asphalt parking lots can remain, be repaired, and be expanded as asphalt parking lots.
11. Fences in any single-family residential district or subdivision may not exceed six feet in height except when located on a major thoroughfare where fences shall not exceed eight feet in height. Fences in districts other than single-family residential, may not exceed eight feet in height. Barbed wire fences are only allowed on property at least two acres in size and the barbed wire portion of the fence shall be no higher than 52 inches as measured from the natural ground.
- Perimeter fencing adjacent to Major Thoroughfares shall be masonry.
 - Perimeter fencing adjacent to Detention Ponds and Amenity Lakes shall be ornamental (wrought) iron.
 - Perimeter fencing to be installed prior to the release of the Maintenance Bond.

6' Fence Detail



8' Fence Detail



12. Driveway Culverts

a. New Culverts

- (1) Driveway culverts will be set by [Community Services](#) [Public Works](#) on city-maintained roads.
- (2) The Department will not set culverts in rights-of-way for State roads or on private roads.
- (3) Citizens ~~wishing~~ requesting new culverts to be set are required to furnish reinforced concrete pipe (RCP) or HDPE of a suitable size as determined by Department personnel. Reasonable notice from citizen is required.
- (4) New culverts will be backfilled with soil or other material available on the site at the time culvert is set. Any material other than in-place soil must be purchased by the citizen from a vendor of their choosing. Clean out openings or grates must be supplied by the citizen if the culvert is longer than 48 feet.

- b. *Existing Culverts*
 - (1) When drainage projects are undertaken by the Department, culverts may be enlarged if necessary, and replaced with RCP or HDPE at Department's expense. Installation will be completed as follows:
 - (a) Culverts covered with base material will be re-covered with base material.
 - (b) Asphalt or concrete removed will be replaced with like material (asphalt for asphalt and concrete for concrete).
 - (c) When the Department undertakes projects to re-surface roads with asphalt, asphalt will be tapered outside edge of pavement at existing driveways to avoid abrupt drop off.
 - c. *Culvert Installation*
 - (1) Stake and mark the ditch where you would like to have the culvert set. Call City of Manvel, Permits Department and have a work order prepared. We will send out our Community Services Public Works Personnel to measure the ditch; and will call you with the correct size of reinforced concrete pipe you need to purchase.
 - (2) Once the size is determined, order the reinforced concrete culvert pipe and have them delivered to the site. The only dirt we typically use to cover pipe is fill dirt (what we usually dig out of the ditch when we set the culverts). After your culverts are delivered to the site, give City Hall a call and we will put in another work order to install the culverts.
 - d. *Driveway Surface*
 - (1) Contractor shall insure that alignment of culvert pipe is not altered during such operation.
 - (2) If concrete surfacing is added by citizen's contractor: An expansion joint shall be provided two feet beyond outer edge of pipe on each side of culvert pipe, to facilitate removal of concrete as may be necessary to enlarge pipe during drainage improvement projects.
 - (3) No concrete shall be placed within 11 feet of roadway centerline.
13. *Streetlights*
- a. All new streetlights within a subdivision to be installed by the developer.
 - b. All monthly electrical charges and any maintenance and operation costs for streetlights within a subdivision to be paid for by the homeowners' association or MUD, as applicable.
 - c. All new streetlights to be LED Modules/Fixtures.
 - d. Refer to City Code 62-114.
 - e. Streetlights to be installed at all intersections, dead-ends, cul-de-sacs, and at a minimum spacing of 250 feet; or consistent with a photometric layout, as approved by the City.
 - f. Streetlights on Streets ($\leq 80'$ ROW) shall have minimum 60-watt LED. Streetlights on Thoroughfares ($> 80'$ ROW) shall have minimum 180-watt LED.

14. Fire Apparatus Access Roads and Fire Lanes

- a. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- b. Fire apparatus access roads and fire lanes, shall have an unobstructed width of not less than 25 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with IFC 2021, Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm). ~~and, The required turning radius of a fire apparatus access road and fire lanes shall be 25' Fire Lanes shall have a radius of 25 feet and unobstructed width of not less than 25 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the Fire Code, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).~~
- c. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
- d. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.
- e. Fire apparatus access roads shall be designed and maintained to support imposed loads of 80,000 lbs. for fire apparatus and shall be surfaced ~~so as~~ to provide all-weather driving capabilities.
- f. Fire Lane Marking Striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
 - (1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE TOW-A-WAY ZONE” or “FIRE LANE NO PARKING TOW-A-WAY ZONE” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.
 - (2) Signs – Signs shall read “NO PARKING FIRE LANE TOW-A-WAY ZONE” or “FIRE LANE NO PARKING TOW-A-WAY ZONE” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Marshal.

- g. Where a portion of the facility or building hereafter is constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Marshal.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 500 feet (152.4 m).

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 500 feet (152.4 m).

15. Address Identification.

- a. New and existing buildings shall be provided with address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address numbers identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, and the building buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, or other approved sign shall be used to identify the structure or building with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.
- b. Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 4 inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

16. 2" PVC Conduit shall be installed along Major Thoroughfares for future City of Manvel fiber optic network.
17. A Photometric Plan is required for all Non-Residential Site Plans. The Photometric Plan shall show lighting calculations in foot-candles along all property lines. The maximum allowable light level is 0.5 foot-candles along all property lines.
18. For all projects located within a MUD, a Water and Sewer Utility Availability Summary Table shall be provided with/within every plan and plat submittal. The Table will include a summary of currently platted lots and corresponding connections, along with reserved connections and planned future connections. It will also include the current capacity of the water and wastewater facilities (plant(s), lift stations, etc.) within the MUD.

2.0 EXECUTION

2.01 RESEARCH REQUIREMENTS

- A. Discuss project concepts outlining proposed features and usage with the City.
- B. Research existing utility and right-of-way information.
- C. Verify that no restrictions exist that will deny approval of the project concept.

2.02 DESIGN ANALYSIS – Reserved

2.03 DRAWINGS

- A. The plans shall include an overall drainage layout showing:
 - 1. Total area (in acres) of site to be drained.
 - 2. Area (in acres) drained to each inlet.
 - 3. Contours or an adequate number of spot elevations to indicate area drained to each inlet.
 - 4. Top elevation and flowline elevation at each inlet.
 - 5. Gradient and size on each private storm sewer.
 - 6. Computations to support pipe sizes and grades shown
 - 7. Design velocity for storm sewers shall be 3 feet per second.
 - 8. TX DOT permit shall be required for drainage affecting a state owned/maintained facility. Submit permit with site plan.
 - 9. The drawings shall be prepared and sealed by a Registered Professional Engineer.
 - 10. The size and location of the detention facility shall be indicated on the plans, along with the size and location of the outfall structure.
- B. All drainage plans shall be approved by the appropriate drainage entity prior to City approval.
- C. The site plan shall show all water and sewer service lines, sizes, grades and alignments with appropriate ties into existing public trunk lines.
- D. The site plan shall show all parking areas.
- E. The site plan shall indicate the types and location of all existing and proposed landscaping. Landscaping shall meet the minimum requirements of the Zoning Ordinance. A tree survey is required for first 20 feet of depth adjacent to all proposed streets. If no trees exist, a note to that affect shall be placed on the site plan.
- F. The site plan shall show all proposed and existing building setbacks, locations, heights and square footage of all proposed buildings.
- G. The land use for all adjacent property shall be shown on the site plan.
- H. All parking lot pavement for site plans shall be engineered to provide for regular use of vehicles expected to utilize the parking area and based upon the soil conditions underlying the parking area. A Registered Professional Engineer shall certify the design submitted for approval.
- I. Concrete sidewalks (a minimum of 5 feet wide and 4 inches thick with steel reinforcement) shall be required along all street frontages. The design and installation of such sidewalks shall comply with Texas Accessibility Standards Architectural Barriers requirements. The location of all proposed and existing sidewalks shall be shown on the construction drawings.
- J. Show location of signs, screening walls or fences and dumpsters (with appropriate screening).
- K. No improvements to the right-of-way shall be made without prior City approval. This includes planting trees in the right-of-way of residential and non-residential areas.
- L. In the event that there is a discrepancy in the drainage criteria requirements between the City and the applicable Drainage District, the City Engineer may determine which criteria will apply.

**CITY OF MANVEL
DESIGN CRITERIA MANUAL
SECTION 7 - MODIFICATION FORM**

Variations to technical standards identified in the Design Criteria Manual (DCM) may be ~~permitted~~allowed by the City of Manvel City Engineer. The modification proposal must be submitted by a registered Professional Engineer following generally accepted engineering standards and such proposal contains the following information and substantiates the findings in paragraph four (4) below. If an appeal to the City of Manvel City Engineer decision is requested, the Planning Development & Zoning (PD&Z) will review that appeal and make a recommendation to City Council. City Council will have final authority on the approval or denial of the Appeal.

Design Criteria Modification Approval will be valid for a period of 2 years. If work has not commenced within 2 years, the Modification will need to be resubmitted and reviewed, and new plan review fees paid.

**This ~~entire~~ form must be completed in its entirety.
If form is submitted incomplete, it will be administratively rejected.**

PROJECT NAME: _____
PROJECT ENGINEER: _____

SUBMITTAL DATE: _____
SUBDIVISION NAME: _____

MODIFICATION LOCATION:

1. Set forth the proposed deviation to the technical standard (including the page number and specific DCM reference).

2. Set forth the impact such deviation has ~~on speed differential and street capacity~~, including the likelihood of accidents, the long-term maintenance and operation effect, the degree of functionality and efficiency, the technological advancements involved, and other relevant matters.

3. Show a comparison of the technical standard to the proposed deviation with respect to overall safety and quality, speed differential, street capacity, existing and projected accidents, long-term maintenance and operation, degree of functionality, degree of efficiency, technological advancements, and other relevant matters.

4. Describe all mitigating improvements that reduce the negative impact of the proposed deviation on overall safety and quality, speed differential, street capacity, accident occurrences, long-term maintenance and operation, degree of functionality, degree of efficiency and demonstrating the degree to which the proposed deviation detrimentally affects the foregoing. Other relevant factors, including technological advances, should be explained by describing how they will affect the proposed development. Mitigating improvements can include but are not limited to, traffic control devices, pavement improvements, added acceleration or deceleration lanes or reservoirs, and other on-site improvements.

SUMMARY & CONCLUSION/RECOMMENDATION FOR MODIFICATION:

List of Supporting Documentation Attached?

Yes ____

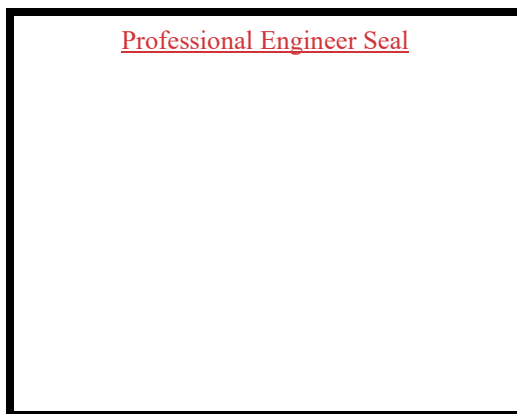
No ____

Seal of Professional Engineer Required?

Yes

No

Professional Engineer Seal



City of Manvel Use ONLY

1. Modification Request:

Approved

Denied

City Engineer

Date

2. Planning Development & Zoning:

Recommended

Not Recommended

Chair

Date

3. City Council:

Approved

Denied

Mayor

Date

RESOLUTION NO. 2024-R-14

A RESOLUTION OF THE CITY OF MANVEL ADOPTING A MISSION STATEMENT AND CORE VALUES

* * * * *

WHEREAS, the City of Manvel is committed to fostering a safe, vibrant, and responsible community for all its residents; and

WHEREAS, the City Council recognizes the importance of establishing a clear mission statement and core values to guide its actions and decisions; and

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

SECTION 1: MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

SECTION 2: CORE VALUES

The City of Manvel is guided by the following core values:

1. Quality
2. Service
3. Transparency
4. Accountability
5. Stewardship
6. Engagement
7. Safety

SECTION 3: IMPLEMENTATION

The City Council directs the City Manager, City Departments, and City Attorney to align their activities, policies, and initiatives with the mission statement and core values adopted herein. The City Council further encourages ongoing evaluation and periodic review of the mission statement and core values to ensure their relevance and effectiveness in guiding the City of Manvel toward its vision for the future.

PASSED, APPROVED, AND RESOLVED by the City Council of the City of
Manvel, Texas this _____ day of _____ 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

RESOLUTION NO. 2024-R-15

A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MAY 6, 2024 FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City desires to have a formal personnel policy to set forth the policies, procedures, guidelines and practices of the City concerning employment relationship between each employee and the City; and

WHEREAS, adopting a formal Employee Personnel Policies and Procedures Handbook is intended to help employees read, understand and comply with all policies, procedures, guidelines and practices of the City; and

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

SECTION 1: That the “Employee Personnel Policies and Procedures Handbook” dated May 6, 2024 attached hereto as Exhibit A, is hereby adopted for all employees of the City of Manvel. The City Manager is authorized and directed to implement all personnel policy matters contained therein, consistent with the City Charter and City Code.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this _____, day of _____, 2024.

Dan Davis, Mayor
City of Manvel, Texas

ATTEST:

APPROVED AS TO FORM:

Tammy Bell
City Secretary

Robert Gervais
City Attorney

Employee Personnel Policies and Procedures Handbook of the City of Manvel, Texas

Adopted:
May 29, 2012

Amended:
October 9, 2012
June 10, 2013
April 27, 2015
September 14, 2015
March 14, 2016
September 3, 2019
April 6, 2020
February 7, 2022
August 22, 2023
May 6, 2024

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Acknowledgment Form
Policy Dated ~~2-7-2022~~05/06/2024

I have received a copy of the City of Manvel Personnel Policies and Procedures Handbook and I understand that they govern the terms of my employment. I understand that I can direct any questions that I may have regarding these Personnel Regulations to my supervisor.

THIS HANDBOOK IS INTENDED AS A GUIDE AND ITS PROVISIONS DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR A GUARANTEE OF CONTINUED EMPLOYMENT.

THE CITY OF MANVEL RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. THE PROVISIONS CONTAINED IN THIS POLICY HANDBOOK ARE APPLICABLE TO ALL CITY OF MANVEL EMPLOYEES.

ANY PROMISES THAT CONFLICT WITH PROVISIONS IN THIS HANDBOOK ARE EFFECTIVE ONLY IF IN WRITING, SIGNED BY THE CITY MANAGER, AND APPROVED BY CITY COUNCIL AS REFLECTED BY ITS OFFICIAL MINUTES.

Signature of Employee

Printed Name of Employee

Date

I. INTRODUCTION

The City of Manvel welcomes you to our staff. We want to make your first days on the job as pleasant and comfortable as possible. As a new employee you may have questions about City policies, procedures, and expectations of you as an employee. This handbook will answer most of those questions.

The information in this handbook is to provide a consistent guide to you on policies and other personnel matters. It is not intended to give specific guidelines for every conceivable personnel interaction. These guidelines are sufficiently broad to provide the latitude of discretion, which may be needed in individual situations. This policy should be referred to regularly when making decisions affecting you and City personnel. It will help ensure that decisions are fair, consistent, and in accordance with the desires of City Management. It is your responsibility to ask questions if you do not understand any policy or procedure. The more you know about Manvel, the easier it will be for you to understand your role in relation to other positions.

The City retains the right to change, modify, suspend, interpret, add to or cancel any of the benefits, policies and procedures at any time and at its sole discretion. Any employee who continues to work after a policy has been revised and implemented is deemed to have accepted the change in policy. This handbook is subject to the City Charter as well as the constitution and laws of the State of Texas and the United States. The City of Manvel is an At-Will employer (see Section 2.01). This handbook does not create, reflect or imply any contractual, legal, or vested rights. Either you or the City may terminate this relationship at any time with or without cause.

References to benefits, insurance coverage, leave accruals and holiday pay are applicable to regular full-time employees and may be applicable to part-time employees on a pro-rated basis.

The City Manager or his/her designee is authorized and directed to administer this handbook, including the right to establish whatever detailed regulations and procedures may be necessary to further explain and clarify the provisions of this handbook, except with respect to those employees appointed directly by the City Council, unless further delegated to do so by the City Council.

In addition to the policies outlined in this manual, it is the prerogative of each department director to develop and implement standard operating procedures, guidelines or general orders, which are separate from or in addition to the policies contained in this handbook. Department procedures must be consistent with City policies and in no case will departmental policies supersede those contained in this handbook. The City Manager or his/her designee will resolve any conflicts between department policies and citywide policies.

Many of the policies and descriptions in this handbook are summarized from laws, rules, plans, insurance policies and other official documents which actually control specific matters. These official documents take precedence over this handbook, although the handbook may be more restrictive. The Human Resource representative is responsible for providing access to the official documents during normal business hours.

It is your responsibility as an employee to read, understand and comply with all policies, procedures, guidelines and practices of both the City and individual departments.

This version of the City of Manvel Employee Personnel Policies and Procedures Handbook supersedes all prior versions issued by the City. This handbook was first approved by the City of Manvel City Council on May 29, 2012.

1.01 Purpose and Objectives

The purpose of this Handbook is to provide you with a better understanding of the City of Manvel, what we stand for, and what we expect of our employees. This Handbook cannot cover every situation that may arise during your employment, but is designed to be a general guide to key policies. Flexibility is crucial to meeting the changing needs of our City and, if appropriate, the City may depart from the policies and procedures contained in this Handbook. The City Manager may, with approval of the City Council, unilaterally change, rescind, supplement, or supersede these rules at any time without notice. The provisions of these rules shall control over any contradictory statements made by any City supervisor.

The objectives of the personnel policies are as follows:

- (A) To promote good and uniform personnel practices and administration in the management of the City's human resources;
- (B) To develop sound practices of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the residents of the City;
- (C) To ensure that compensation is based upon individual merit and the relative duties and responsibilities of positions in the service of the City;
- (D) To promote high morale by the consistent administration of these policies; and
- (E) To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

1.02 Application of Policies

The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in this employee handbook.

The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

1.03 Management Authority

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the ~~Director of Human Resources~~Personnel Director or other appropriate departments. All others, however, are subject to approval by the appropriate City department. All employment related department policies must be reviewed by the ~~Director of Human Resources~~Personnel Director. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager or City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the department head or to others as deemed appropriate in the City Manager's sole discretion.

1.04 Amendment of Policies

This handbook has been approved by the City Council of the City of Manvel, Texas. The City Manager is responsible for the implementation of the personnel policies.

Amendments of substance require approval by the City Council. Minor amendments (formatting, updating per changes in federal or state law, changes due to re-organization, etc.) may be done by the City Manager, but must be reported to City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Manvel, Texas supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

II. DEFINITIONS

2.01 At-will employment. Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, and the City retains the right to terminate any employee at any time, for any or no reason.

2.02 City Manager. City Manager shall include the City Manager and his/her designee.

2.03 Controlled Substance. A controlled substance is a substance, including a drug or an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act, TEXAS HEALTH AND SAFETY CODE ch. 481.

2.04 ~~Director of Human Resources~~ Personnel Director. ~~Director of Human Resources~~ Personnel Director shall include the actual position, or, if there is no such designated employee, then the City Manager or his/her designee.

2.05 Director. The individual in charge of a department of the City, or the person authorized to act on his or her behalf.

2.06 Drug. A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

2.07 Illegal Drug. An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal; as well as any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally.

2.08 Regular employee. An employee whose position has a required work week equal to or exceeding the full-time established work week and budgeted for more than 1,000 hours work in a 12-month period.

2.09 Under the influence. For alcohol, a blood alcohol content (BAC) of .04 or above. A BAC of 0.04 means that 0.04% (four hundredths of one percent) of a person's blood, by volume, is alcohol. For illegal drugs, any detectable amount. For legal drugs taken according to a prescription or consistent with over-the-counter instructions, under the influence shall mean the state of not having the normal use of mental and physical faculties.

III. EMPLOYMENT STATUS

3.01 Employment Status

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

A. **Orientation Period Employee.** The status of a full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's employee appeals policy during the Orientation Period.

B. **Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

C. **Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1,000 hours in a year, are eligible to participate in Texas Municipal Retirement System.

D. **Temporary/Seasonal.** An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the ~~Director of Human Resources~~**Personnel Director**. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits.

E. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are not covered by worker's compensation.

~~E-F.~~ **Police Reserves.** See TLGC 141.007 and 142.003.

3.02 Exempt/Non-Exempt status

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the ~~Director of Human Resources~~Personnel Director.

IV. EQUAL EMPLOYMENT OPPORTUNITY AND COMPLIANCE WITH LAWS

4.01 Equal Employment Opportunity Policy

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.

See Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Texas Commission on Human Rights Act, TEXAS LABOR CODE ch. 21.

4.02 ADA Policy

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

4.03 Job Descriptions

Job descriptions will be established for all positions.

4.04 Dissemination

The ~~Director of Human Resources~~Personnel Director shall inform all employees of the existence of these rules and each department shall keep a copy available for reference by its employees. Upon employment, The ~~Director of Human Resources~~Personnel Director shall give each new employee a copy of these rules.

The ~~Director of Human Resources~~Personnel Director shall place at City Hall, Public Works, and the Police Department bulletin boards for communications that Texas Law, federal law or these rules require, or that the Director approves. Postings on these boards should include this Handbook, notice of job vacancies, Age Discrimination Act notices (29 U.S.C. § 627), Disability § Act notices (42 U.S.C. § 12115), Civil Rights Act notices (42 U.S.C. § 2000e-10a), Family Leave and Medical Act notices (29 U.S.C. § 2619), as well as Workers Compensation Act notices (TEXAS LABOR CODE § 406.005), Whistleblower Act notices (TEXAS GOVERNMENT CODE § 554.009), hazardous chemical notices (TEXAS HEALTH & SAFETY CODE ch. 502),

Unemployment Act notices (TEXAS LABOR CODE § 208.001(a)) and Fair Labor Standard Act notices (29 U.S.C. § 211(c)).

4.05 Employee Safety

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From ~~time-to-time~~time-to-time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee shall immediately report it to a supervisor or to management at once.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS~~-Sheets~~) - You will be shown the location of the City's Material Safety Data Sheets. MSDS ~~sheets~~ provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.

- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

4.06 Accident Reporting

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the ~~Director of Human Resources~~Personnel Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

4.07 Accident Involving City Equipment or Vehicles

Any employee involved in an accident while operating City equipment or City vehicle, whether during business hours or after hours, shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit to the supervisor and to the ~~Human Resources Director~~Personnel Director. The employee may be subject to a post-accident drug screen, as provided for by law and in this handbook.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. The wearing of seat belts for the driver and all passengers is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

V. CODE OF CONDUCT

5.01 Weapons Control and Violence Prevention Policy

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

(a) **Zero Tolerance.** Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

(b) **Weapons Control.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer or other person expressly authorized by law (judge, prosecutor, etc), shall carry or possess a firearm or other weapon on City property.

Notwithstanding the above, ~~An~~ employee who is licensed by State of Texas to carry a concealed weapon (LTC) may possess a weapon on city property ~~only upon the express authorization of the City Manager~~ under the following guidelines:

Qualifiers:

- ~~1. The employee must have completed an authorized course of instruction as required by the State of Texas.~~
- ~~2. The employee must hold a current Texas License to Carry (LTC).~~
- ~~3. The employee must have completed an annual instructional course administered by the Manvel Police Department and have shown proficiency by passing a course of fire designed and conducted by the Manvel Police Department.~~

Process:

- ~~1. An employee who has completed the requirements stated in this policy may submit a request in writing to the City Manager who will review such request and approve or deny the request.~~
- ~~2. An employee who has received approval to carry a firearm on city property may do so under the following guidelines.~~

Guidelines:

1. Firearms shall be concealed at all times while conducting city business.
2. Firearms will be kept secure or hidden at all times. Secured is defined as within a locked/secure vehicle, in a secure lockbox in the employee's office or work area, or concealed on the employee's person.
3. Firearms will not be openly displayed to the public for any reason unless it is in defense of the employee or other employees.

- ~~4. All weapons that will be carried by an employee shall be registered with the Police Department. This will be considered the approved weapon. If an employee chooses to change weapon(s) that he/she carries, the employee must follow the guidelines for the qualification process.~~
- ~~5. Only employees who work in an office environment shall be permitted to carry while working as an employee of the City of Manvel.~~

~~Employees who do not work in an office environment may have a firearm on city property if they have been licensed by the State of Texas to carry a firearm, and only in the City parking lot if it is locked in the employee's vehicle.~~

Employees are also prohibited from carrying a prohibited weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include ~~firearms~~, clubs, explosive devices, location restricted knives (with blades exceeding 5 ½ inches), ~~[switchblades,]~~ etc. Employees do not have an expectation of privacy and by continued employment an employee consents to any search for firearms or other weapons on City property by the City and/or law enforcement officials.

(c) Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Department Director, the ~~Director of Human Resources~~Personnel Director and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the ~~Director of Human Resources~~Personnel Director.

(d) Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the ~~Director of Human Resources~~Personnel Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the ~~Director of Human Resources~~Personnel Director of any protective or restraining order issued against them.

(e) Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

(f) **City Property.** For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

(g) **Documentation.** All threats and incidents of violence will be documented. Documentation will be maintained by the ~~Director of Human Resources~~Personnel Director and/or the Police Department.

(h) **Policy Violations.** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

5.02 Sexual and Workplace Harassment Policy

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

(a) **Sexual Harassment.** One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

(b) **Other Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by state or federal law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or

pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

(c) **Applicability.** This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

(d) **Mandatory Reporting.**

(i) Employees. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately in writing, or through a complaint form available from the ~~Director of Human Resources~~Personnel Director, to:

- the ~~Director of Human Resources~~Personnel Director; or
- the City Manager.

(ii) Supervisors. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the ~~Director of Human Resources~~Personnel Director in writing, or through a complaint form available from the ~~Director of Human Resources~~Personnel Director.

(iii) Under this policy, an employee or ~~lower-level~~ supervisor may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command.

(e) **Investigation.** All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

(f) **Retaliation Prohibited.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

(g) **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action may be imposed in situations where employees are untruthful during an investigation.

5.03 Nepotism

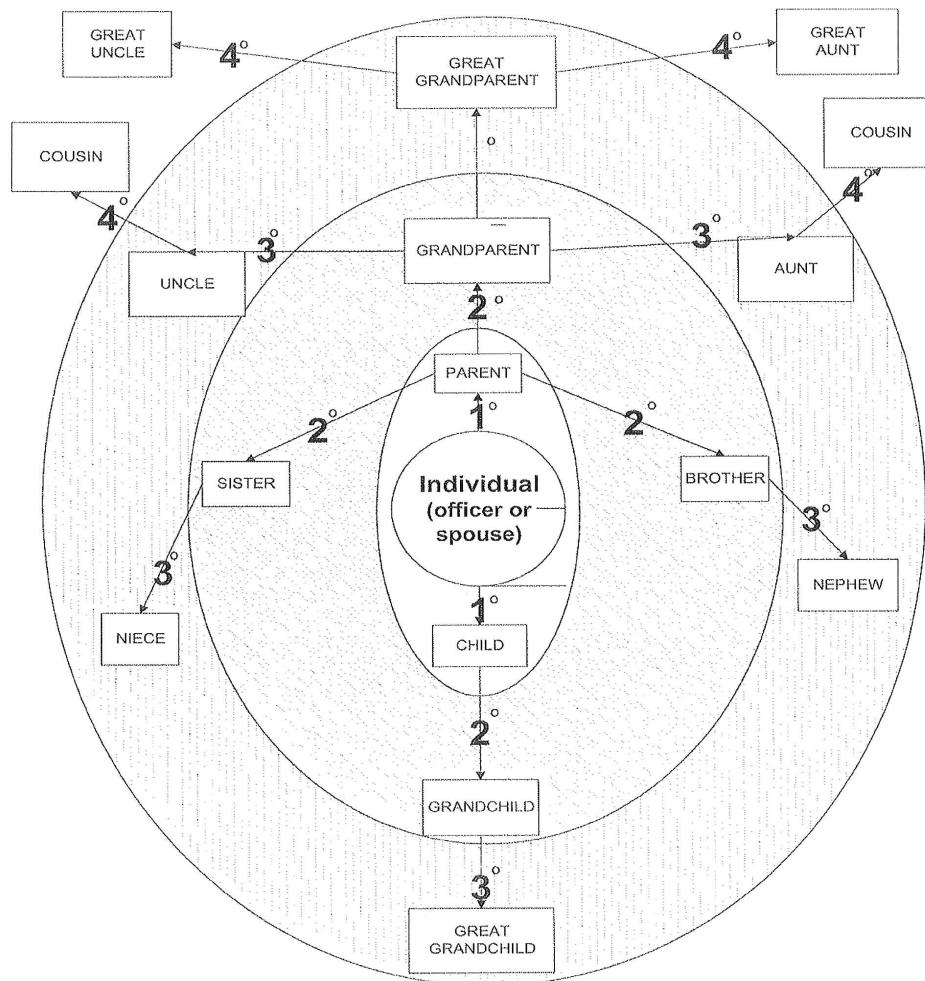
An employee's relationship must not create a conflict between the employee's and the City's interests. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City to restrict the employment of certain applicants, based on their degree of relationship to current employees.

Application of Policy This policy applies to all full-time employees of the City.

Applicants

- The City Manager may not employ an applicant related to the City Manager by blood or marriage within the second degree according to common law. (City Code, Sec. 2-121(a))
- An applicant related by blood or marriage within the second degree according to common law to any member of the City Council shall not be employed by the City.
- An applicant related to another city employee by blood or marriage within the second degree by affinity or within the third degree by consanguinity to the person may be employed by the City, except that under no circumstances will the applicant be employed in a department in which the employee would directly or indirectly supervise, or be supervised by, a person related to that employee by blood or marriage, within the second degree. City Code, Sec. 2-121(b))
- In the event of a promotion, reorganization, a marriage between two city existing employees, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the city for which ~~he or she~~ the employee is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made, within 30 calendar days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. An exception to this section is provided for existing supervisory relationships of full-time employees who are employed as of the effective date of this ordinance, except that nothing herein is intended to modify the employment-at-will relationship in any way. City Code, Sec. 2-121(b))

This policy shall be applied by using the common law relationship chart as follows:



Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

Public Officers: Traps for the Unwary • *Office of the Attorney General*

Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy.

5.04 Political Activity

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office while in city uniform or on duty with the City.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.
- For police officers, if there is any discrepancy between these rules and Texas Local Gov't Code Chapter 150, then Chapter 150 shall control.

Candidacy

No employee of the city shall be a candidate for a city elective office. If any employee of the city becomes a candidate for election to any public office of the city, ~~he/she~~ that employee shall, immediately upon becoming a candidate, forfeit the employment held with the city.

Additionally, city employees may not hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. Alvin ISD and Brazoria County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

VI. VACANCIES; EMPLOYMENT

6.01 Announcement of Vacancies; Job Postings

(a) **Vacancies in general.** The City Manager, or a Director with notice to the City Manager, may limit the selection process to qualified City employees, and City employees may be given preference in application and/or consideration.

Directors may designate and appoint employees to serve temporarily in vacant positions of higher classifications; provided, that if such appointment extends over a period more than ninety (90) days, and in absence of extenuating circumstances, it will be the general policy to promote such employees to the advanced position. Step-up pay is at the discretion of the City Manager. Promotions, demotions and employee reassignments shall be made on the basis of skills, abilities and demonstrated performance.

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

(b) **Recruitment Requirements.** The recruitment process is initiated by a Department Director submitting a request of staffing to the ~~Director of Human Resources~~Personnel Director. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the ~~Director of Human Resources~~Personnel Director, along with the applicable form. Offers for City employment will be communicated by the ~~Director of Human Resources~~Personnel Director [if applicable] upon receipt of the hiring recommendation and all related paperwork.

The recruitment method for vacant director level positions may be determined by the City Manager on a case-by-case basis.

(c) **Applications.** Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the ~~Director of Human Resources~~Personnel Director.

(d) **Hiring Process.** Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to pre-employment testing and investigation.

(e) **Disqualification.** Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and are not eligible for rehire, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 16;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City

6.02 General Requirements

All employment with the City shall be based on merit, ability and fitness for duty, as evidenced by:

- 1) training and experience as reflected by the application form plus other documentary evidence as to certification registration, etc. if required;
- 2) mental examination or performance test, if required; and
- 3) physical examination, if required.

Along with the required physical examination, all prospective employees will be required to undergo testing to be screened for substance abuse. The prospective employee will not be considered for employment should the test prove positive for controlled substances.

Background investigations may be conducted by the ~~Director of Human Resources~~Personnel Director and/or the Director concerned. The applicant will not be considered for employment for a position for which ~~he or she~~ the applicant is determined to be unsuitable based upon the background information.

6.03 Application Process

All persons seeking employment or promotion will be required to complete, sign, and file an application with the ~~Director of Human Resources~~Personnel Director. Supplies of application forms will be furnished by the City Hall to other departments upon request and are available for the use of individuals interested in applying for employment. The application shall include a release permitting the City free inquiry regarding the employee's background, and all information in the application shall be subject to verification.

In order to comply with the Immigration Reform and Control Act of 1986, all individuals selected for employment after November 6, 1986, must complete a Form I-9. (4 U.S.C. § 1324a.)

6.04 Physical Standards; Medical Examinations

(a) **Exam.** Except as hereinafter provided, all applicants for employment with a conditional offer of employment may be required to undergo a medical and physical examination by one or more physicians designated by the City. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be done after a conditional offer of employment but prior to employment.

The ~~Director of Human Resources~~Personnel Director shall make the appointments and arrangements for the examination, and matters concerning the initiating and completing of the requirements should be taken up with the ~~Director of Human Resources~~Personnel Director. All medical and physical examinations required by the City shall be performed at the expense of the City.

The ~~Director of Human Resources~~Personnel Director will advise the examining medical official regarding any special or unusual requirements of this nature. The examining medical official will complete and forward to the ~~Director of Human Resources~~Personnel Director a complete report on the prescribed form indicating his or her specific recommendation as to the suitability of the person for the employment in the position indicated.

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

(b) **Serious Health Condition/Disabilities.** The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

(c) **Medical Exams for Current Employees-Fitness for Duty.** The ~~Director of Human Resources~~Personnel Director, or an employee's Department Director (with the prior written approval of the ~~Director of Human Resources~~Personnel Director) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws. The employee may be placed on administrative leave with pay pending the medical examination results.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, and/or other leave as circumstances warrant as determined by the City Manager or designee.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate the return to work through the ~~Director of Human Resources~~Personnel Director. *Americans with Disabilities Act, 42 U.S.C. § 12132.*

6.05 Valid Driver's License

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than four (4) moving traffic violations in a twelve (12) month period is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, two (2) or fewer moving traffic violations in a six (6) month period may also be considered excessive. The Police Department may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

6.06 Polygraphs

No City employee shall directly or indirectly request another City employee to take a polygraph examination; however, the City Manager may require or authorize a polygraph examination for:

- 1) an individual applying for employment, or employed by the City, in the design, installation, and/or maintenance of security systems, or uniformed or plain clothes police or security functions; or
- 2) an individual if there is reasonable suspicion that the individual was involved in an act involving economic loss or injury to the City, such as theft, embezzlement or sabotage.

This policy does not affect or limit the City Police Department's use of polygraphs in criminal investigations, including criminal investigations of City employees. *Employee Polygraph Protection Act, 29 U.S.C. § 2001.*

6.07 Minimum Age Requirements

Where an age limit is not otherwise specified by statutory requirements, the minimum age for initial employment may vary in accordance with the duties and responsibilities of the positions and conditions under which they are performed, subject to the following restrictions:

No person under eighteen (18) years of age shall be employed as a regular employee in a budgeted position.

No person under eighteen (18) years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City.

The City may employ a person sixteen (16) years of age in a temporary position involving only casual non-hazardous employment if the person and the person's parents furnish the City with appropriate releases.

The City may employ a lifeguard at least sixteen (16) years of age.

6.08 Processing New Employees; Bonds; Oaths of Office

At the time of employment, all new employees (or previous employees who are being re-employed) will report to the City Hall for necessary processing and instructions.

Within one (1) week of employment, an employee must sign the acknowledgement form indicating that ~~he or she~~ the employee has received this Handbook.

6.09 Confidentiality of Medical Information

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The ~~Director of Human Resources~~Personnel Director maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to request an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the ~~Director of Human Resources~~Personnel Director. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

6.10 Insurance

The City shall furnish medical, dental, vision, life insurance, and accidental death and dismemberment for each full-time employee, to the extent permitted by the City budget as adopted by the City Council. Employees are eligible to participate in a Cafeteria Benefit Plan. For details of coverage, see the City's current Benefits Summary. This insurance is effective 30 days after the full-time, regular employee begins employment with the city and continues so long as the employee remains on the full-time payroll.

Additional dependent medical insurance coverage is available and can be provided by the City based on the seniority of full-time employees:

>3 years of service = 100% coverage
≥1 to <3 years of service = 50% coverage
New Hire to 1 year of service = 0% coverage

Additional supplemental insurance coverage for employees and members of their families, beyond those types (and amounts) provided by the City, shall be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

6.11 Orientation Period

(a) Except for Council appointees, all new employees or re-hires hired to fill regular full-time or part-time positions must satisfactorily complete an orientation period of twelve (12) continuous months. Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position must satisfactorily complete a performance orientation period of thirty (30) days. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period may be extended for additional training as determined by the supervisor. Employees are considered in the orientation period until they have actually performed their regular job duties for at least twelve (12) continuous months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

(b) Seasonal/Temporary Employees. Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

(c) Change In Assignment of Employee serving in the Initial Orientation Period. Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the City Manager, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a thirty (30) day performance orientation period in the new position beginning with the date of the position change.

(d) Absences During Performance Orientation Period. During the performance orientation period, an employee is eligible to use sick leave for qualifying absences, and may use personal leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the performance orientation period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

(e) Orientation Performance Evaluations. All employees serving in the orientation period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance Management Process" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their performance orientation period may receive a salary increase, if budgeted for that position.

(f) Extensions to Orientation Period. The performance orientation period may be extended under the following circumstances:

At the end of the twelve (12) month initial period, the performance orientation period may be extended for up to an additional thirty (30) days when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the ~~Director of Human Resources~~Personnel Director.

An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the orientation period by an additional day.

(g) Successful Completion of Orientation Period - “Regular” Status Granted. An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance orientation period.

(h) Failure of Orientation Period. An employee is considered to have failed the orientation period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the ~~Director of Human Resources~~Personnel Director before an employee serving in the orientation period can be terminated.

(i) Termination of Employees Serving in the Orientation Period. Employees serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated has no right of appeal. These employees are not entitled to progressive levels of discipline. Employees serving in the initial orientation period are otherwise subject to all policies and procedures of the City.

(j) Sexual and Other Unlawful Harassment. Employees serving in the orientation period are subject in all respects to the City’s Sexual and Other Unlawful Harassment Policy. Employees serving in the orientation period have no right of appeal. If it is believed that unlawful harassment or discrimination has occurred, such conduct must immediately be reported as set out in City Policy.

6.12 Promotions

Open positions ~~shall~~may be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of one (1) month shall have been successfully completed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no other position is available for which the employee is qualified, the employee will be terminated.

6.13 Searches

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the ~~Director of Human Resources~~Personnel Director and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

6.14 Dress and Appearance

(a) **Appearance.** Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. ~~Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.).~~ Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

(b) Standards for Work Attire:

- ~~Ripped or torn~~ Jjeans, ~~pants shorter than ankle length, and athletic shoes~~ are not acceptable, unless a special day is declared or as specifically approved by the City Manager or appropriate Department Director as work assignments dictate.
- Sweat-shirts, sweat pants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management or shorts have been approved as part of the standard uniform.
- Flip-flop sandals and "Croc" type shoes are not acceptable.
- T-shirts are not acceptable.
- ~~Women: Blouses/tops must be tucked in or belted, unless designed as an over blouse.~~ Skirts and culottes shall be worn no shorter than 4 inches above the top of the knee.

Ankle length dress slacks are appropriate. Dress shoes or sandals with a professional length heel are required. Stirrup pants are permitted (as long as not form-fitting). Leggings are not acceptable. ~~No more than two (2) earrings in each ear may be worn provided the earrings are not unprofessional in appearance.~~

- ~~Men:~~ Knit shirts with collar, banded collar shirts, short sleeve or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. ~~Men are not to wear earrings.~~

The following are inappropriate:

- provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos which could be deemed offensive;
- ~~nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.~~

(c) **Hair.** Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. ~~Sideburns may not extend below the ear lobe.~~

Uniforms. The City supplies many Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.

ID Cards. All employees must carry and wear a city issued ID card while on duty. Those employees who are required to wear city issued uniforms that include a name tag, must carry their city issued ID card with them while on duty. All city issued ID cards must be returned when an employee ceases to work for the city and before a final payroll payment is made.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the ~~Director of Human Resources~~Personnel Director.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

6.15 Residency Requirements

~~The City Council has adopted standards pursuant to Section 150.021 of the Texas Local Government Code (Resolution No. 2012 R-10 on May 14, 2012), employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. For these purposes, the City Council has established these standards for employees hired after the adoption of such ordinance or resolution. A reasonable response time to a civil emergency is thirty (30) minutes. As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take home" vehicle. Employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. A reasonable response time to a civil emergency is within one hour.~~

Subchapter B Residency Requirements

Sec 150.021 Residency Requirements for Municipal Employees:

- (a) A municipality may not require residency within the municipal limits as a condition of employment within the municipality. A municipality may require residency within the United States as a condition of employment.
- (b) The prohibition under subsection Subsection (a) does not apply to resident requirements for:
 - 1. candidates for or holders of a municipal office, including a position on the governing body of the municipality or
 - 2. municipal department heads appointed by the mayor or governing body of the municipality
- (c) The governing body of a municipality may prescribe reasonable standards with respect to the time within which municipal employees who reside outside the municipal limits must respond to a civil emergency. The standards may not be imposed retroactively on any person in the employment of the municipality at the time the standards are adopted.

VII. ELECTRONIC EQUIPMENT, MEDIA, AND SERVICES POLICY

7.01 Scope of Policy

This policy applies to the use of computers, e-mail, telephones, cellular phones, voicemail, fax machines, radios and wireless devices, wire services, on-line services, and the Internet that are City property, accessed using City computer equipment, accessed via City-paid access methods, and/or used in a manner that identifies the individual as an employee or officer of the City.

7.02 Proper Use of Services

City electronic equipment, media, and services must not be used for knowingly transmitting, retrieving, or storing any communications that are: (1) discriminatory or harassing; (2) derogatory toward any individual or group; (3) obscene; (4) defamatory or threatening; (5) “chain letters”; or (6) for any other purpose that is illegal or against City policy.

The use of City electronic equipment, media, and services is presumed to be work-related. No e-mail or other electronic communication may be sent that attempts to hide the identity of the sender or represent the sender as someone else.

7.03 No Expectation of Privacy; Consent

Employees have no expectation of privacy in their work-related conduct or the use of City-owned or City-provided equipment or supplies. Employees should not expect privacy in the use or content of City electronic equipment, media, and services.

To the extent allowed by law, City officials may monitor usage patterns for voice and data communications (*e.g.* website accessed, length, and times of day), including, but not limited to, cost analysis, cost allocation, and the management of the City’s gateway to the Internet.

To the extent allowed by law, City officials and others are permitted to review an employee’s electronic files, messages, and usage to ensure that the City’s electronic equipment, media, and services are being used in compliance with the law and this and other policies.

~~By your continued employment with the City you consent to work or~~To the extent allowed by law, City officials consent to law enforcement-related searches involving city or city-related property, including physical property, and searches of content of City electronic equipment, media, and services.

7.04 Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use, including calls and data usage, to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Employees with city-issued cell phones are allowed to use city cell phones for reasonable personal phone calls. At the determination of the City Manager, the city may withdraw the privilege of a city-issued cell phone for any employee and instead provide a flat rate per month as a cell phone allowance to an employee. The employee would be required to obtain and maintain a personal cell phone to be used for city-related business. Any additional expenses would be the responsibility of the employee. Employees acknowledge that information on a personal cell phone may be subject to the **Texas Public Information Act**.

Except in emergency circumstances, employees may not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting, if the phone is equipped with a texting feature. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, text messages, location, or other information contained or generated by these telephones.

7.05 Texas Public Information Act

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

7.06 Monitoring of Cell Phone Calls

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

By your continued employment with the City, you acknowledge you are aware of and you consent to monitoring of cell phone calls by the City.

7.07 Electronic Communications and Systems Access Use

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems. The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and E-mail Access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their Department Director and provide it to the City Manager or his/her designee. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.

- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Excessive use of bandwidth (such as by watching movies, downloads, etc) not for city business

Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant

messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Misuse is subject to disciplinary action.

Copyright Restriction. Any software or other material, including music, downloaded onto a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Manager is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

7.08 Social Networking

An employee's use of social media, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communications policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the City's Grievance policy without resorting to social media.

Employee Guidelines

- Any blogging or posting information on the Internet, must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager or designee to update or post on behalf of the City and all content must be approved prior to posting. In which case the employee must disclose their relationship to the City in accordance with FTC guidelines. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and /or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

VIII. ATTENDANCE, ABSENCES & COMPENSATION

8.01 Accounting and Timekeeping;

(a) **Responsibility.** Directors are responsible for maintaining records relative to all forms of leave, attendance and absence of their employees due to any cause and whether with or without pay. Proper indications by the use of appropriate symbols, such as the cause of absence, will be made on department payroll and/or any other required records set up from time to time under special operating rules. Each department will be responsible for the designation of one or more capable employees who, as part of their regular duties, will keep and certify as to the accuracy of daily records covering all forms of attendance and absence of each of their employees. Such records constitute the basis for preparation of departmental payrolls (when the payroll form itself is not actually used as the basic record), and will be preserved by departments in accordance with the City's record retention policy.

Certification of records will be by means of signing or initialing individual time cards, departmental payrolls, or other such records. Directors must check attendance records and payrolls in order to ensure that salary and wage expenditures stay within budgetary limits.

The ~~Director of Human Resources~~Personnel Director is responsible for certifying as to the compliance of departments with the requirements and policies established by the officials as to the conformity with the established policies governing personal leave, sick leave, retirement, etc.

(b) **Attendance Records.** Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, the time(s) they left for and returned from any unpaid break during the work day, and the time they leave work each day. Exempt employees are required to document hours worked each day as well as any time off. This documentation is for reporting purposes only and not for compensation.

(c) **Attendance and Punctuality.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to the supervisor the date and time of anticipated return. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

8.02 Wages and Hours

(a) **Pay Plan.** Wages, salaries and working schedules for various positions shall be in general accordance with the provisions of the official pay plan currently in effect including amendments thereto and within the limitations of the financial provisions of each department as approved by the City Manager for each fiscal year. Salary is based on a total number of regular hours worked per year.

The city's pay period is bi-weekly. Timesheets indicating hours worked or leave taken over the past two weeks are due no later than Monday. Payroll is issued on the Friday after the two week pay period. In the event that a payday falls on a city holiday or a weekend, payroll will be distributed on the previous workday.

(b) **Direct Deposit.** The City Manager will determine an appropriate date after this personnel policy has been adopted when all payments to employees, including, but not limited to payroll and expense reimbursement payments, will be made by electronic (ACH) direct deposit. Employees will be required to furnish account information to the City so that these electronic payments can be processed. After the use of direct deposit for payments has begun, no payments by paper check to employees will be produced unless approved by the City Manager.

(c) **Regular Work Hours.** Nonexempt employees of the City normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks as necessary to properly perform the duties assigned. The salaries for exempt employees are determined and established in accordance with this assumption. Exempt employees are not eligible for overtime compensation. The work week begins at ~~12:01 a.m~~ 12PM on ~~Monday~~Friday, and ends at ~~12:00 a.m~~ 12PM on ~~Monday~~Friday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours, if approved by the City Manager. In times of disaster or emergency, working hours shall be determined by the City Manager.

(d) **Adjustment to Work Hours.** In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work.

(e) **Overtime.** Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

(f) Non-Exempt Employees. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. ~~(The City's workweek begins at 12:01 a.m. on Monday and ends at 12:00 a.m. the following Monday.)~~—An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc.

Time off on account of personal leave, paid holiday leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Employees are required to report to the City Manager, or his designee, any time they are improperly required to work "off the clock" without pay.

(g) Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Public safety -- i.e., police officers are subject to a 480-hour cap on accrual of compensatory time. Other employees are subject to a cap of 240 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

(h) Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current base hourly rate.

NOTE: Exempt employees are not eligible to accrue compensatory time.

(i) Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

(j) Exempt Employees. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the ~~Director of Human Resources~~Personnel Director.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the ~~Director of Human Resources~~Personnel Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

8.03 Longevity Compensation

The City will pay a regular full-time employee annually for each year of service, in addition to other money paid for services rendered, longevity pay in an amount budgeted by City Council. Longevity pay will be based upon the number of years the employee has worked for the City and will be paid the last pay period in November. An employee will be eligible to receive longevity pay upon completing one year of service. Longevity will not be prorated upon the termination of employment with the City, whether termination is voluntary or non-voluntary.

8.04 Authority for Absences

No City employee shall be absent from his or her regularly scheduled duties except by authority of the employee's Director or other responsible supervisor. An employee who is absent from work due to any reason beyond his/her control is responsible for reporting his/her absence and its reason to the Director or other responsible supervisor as soon as possible after the beginning of the employee's assigned shift or regular schedule of duties. Whenever possible, the City Manager must approve all absences for periods in excess of two weeks.

8.05 Family and Medical Leaves of Absence (Including Leaves Based on Military Service)

It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except under the limited circumstances expressly provided herein, employees will not receive compensation during a leave of absence:

1. The City will comply with the provisions of the Family and Medical Leave Act ("FMLA"), which provides eligible employees with up to twelve (12) weeks of leave in a single twelve-month period for various family and medical reasons and up to 26 weeks of leave in a single twelve-month period for leave to care for a seriously ill or injured military family member. The single twelve-month period is established as the calendar year beginning January 1 and ending December 31.
2. An employee is generally eligible for a leave of absence if the employee has completed at least twelve (12) months of service (which need not be consecutive months but generally must be within the past seven (7) years), and has worked 1,250 hours in the previous twelve-month period. Whether the City grants any leave, the length of any such leave, and the compensation received by the employee, if any, during the leave of absence, will be determined by the City in conjunction with applicable federal and state law.

Medical Leave of Absence: An employee who is unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

Line of Duty or Injury Leave of Absence:

Reference Chapter 177A Local Government Code: A Police Officer as defined under chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the Police Department of the city will receive a leave of absence for an illness or injury related to the officer's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury. If necessary the city shall continue the leave for at least one year.

At the end of the leave of absence under this section the city may extend the leave of absence at full or reduced pay.

If the Police Officer is temporarily disabled by a line of duty injury or illness and the leave of absence and any extension granted by the city has expired, the officer may use accumulated sick leave, personal time, or other accrued benefits before the officer is placed on temporary leave.

If the leave of absence and any extension granted by the city has expired, the officer who requires additional leave shall be placed on temporary leave.

Light Duty; An officer may return to light duty while recovering from a temporary disability if medically necessary, the light duty assignment may continue for a least one year.

After the officer has recovered from the temporary disability the officer shall be reinstated at the same rank and seniority before going on temporary leave.

Parental Leave of Absence: An employee may be granted leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.

Family Care Leave of Absence: An employee may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse or parent who has a serious health condition. The City requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave to Care for a Seriously Ill or Injured Family Member in Military Service: An employee who is the spouse, child, parent, or next of kin of a covered service member may be granted up to 26 weeks of leave in a "single" twelve-month period to care for a service member who has a serious injury or illness incurred while on active duty. The City requires certification of the family member's serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave for a Qualifying Exigency Arising Out of Active Duty or a Call to Active Duty:

Employees may be granted a leave of absence because of a qualifying exigency arising out of the active duty or call to active-duty status of a parent, spouse, or child in the National Guard or Reserves in support of a contingency operation.

Any city employee who is a member of a reserve component of the armed forces who is called to active duty may be subject to any salary continuation as provided for under Section 173 of the Texas Local Gov't Code.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

~~3.1.~~ If intermittent leave is requested, please notify your supervisor as soon as possible regarding medical or exigency required scheduling changes.

~~4.2.~~ Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's supervisor with a copy to the City at least thirty (30) days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The final decision concerning the request will be made by the City Manager. All employees on approved leave are expected to report to his or her supervisor any change of status in their need for a leave.

~~5.3.~~ An employee who is on an approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service and the employee's reason for leave does not preclude the outside employment.

~~6.4.~~ An employee who is on a **Medical Leave, Family Care Leave, or Leave to Care for a Seriously Ill or Injured Family Member in the Military** will be required to use all accrued personal, vacation, and sick days while on leave. An employee on **Parental Leave** or **Leave for a Qualifying Exigency of a Family Member in the Military** shall use all accrued personal and vacation days while on leave. Employees must meet the procedural requirements of the paid leave policies to use the paid time off during an otherwise unpaid leave.

~~7.5.~~ The City will continue to pay its share of existing health insurance coverage and provide other benefits to employees on leave as required by law. Failure of the employee to pay his/her share of any such dependent health insurance premium may result in loss of coverage. While on Family and Medical Leave, the employee must also pay life insurance premiums plus the deferred compensation costs if the employee desires to retain such benefits during the leave period. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits.

~~8.6.~~ An employee who returns from a leave of absence will be reinstated to the employee's same job or to an equivalent job with equivalent status and pay, to the extent required by law. An employee who returns from a medical leave must provide certification of the employee's ability to perform the functions of the job.

~~9.7.~~ In the event that an employee elects not to return to work upon completion of an approved family and/or medical leave of absence, the City may recover from the employee the cost of any payments it incurred to maintain the employee's coverage, unless the failure to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the date of the unpaid leave of absence.

~~10.8.~~ If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

~~11.9.~~ In the event of any conflict or inconsistency between these policies and the actual requirements of the FMLA, the actual requirements of the FMLA shall control.

8.06 Sick Leave

(a) **Notification.** Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

(b) **Eligibility.** All full-time employees begin accruing paid sick leave upon employment. Part-time, temporary, and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave only if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

(c) **Accrual Rate.** Sick leave for employees shall be computed on the basis of one (1) working day for each full month employed in a calendar year, so as to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

(d) **Maximum Accrual.** The maximum sick leave time which may be accumulated by any employee shall be 480 hours.

(f) **Authorized Use of Sick Leave.**

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise, use of sick leave for child birth falls under the section below).

For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. An employee can initially use up to 40 hours of accrued sick leave to care for immediate family members. If additional time is needed, employees must first use all accrued compensatory time, accrued holiday leave and then accrued personal leave before any remaining accrued sick leave can be used. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use up to 24 hours of accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

(g) Failure to Report Absence/Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

(h) Use of Sick Leave Before/After a Holiday. If an employee takes sick leave immediately prior to or after a holiday:

- 1) A doctor's excuse for each day taken may be required or an employee may not be paid for the time off. This requirement will be at the discretion of the Division Director.
- 2) Should this practice become a habit for an employee, prompt termination or disciplinary action will take place.

(i) Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the ~~Director of Human Resources~~Personnel Director. See Outside Employment Policy.

(j) Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued personal leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work cycle.

(k) Documentation. Employees requesting paid sick leave must complete a form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive work days is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

(l) Payment For Unused Sick Leave. No employee shall be entitled to payment in lieu of using sick leave time.

(m) Sick Leave at Separation. At the time of separation, the City will not pay any accrued sick time. The City will not restore sick leave in the event of rehire.

8.07 Sick Leave Donation Program

Purpose

To provide a method for the city manager to authorize voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. This donation may only be authorized in the event of an extended absence where the employee is unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.

Policy: The city manager is authorized to approve, on a case--by--case basis, specific voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. The approval is discretionary with the city manager. Nothing herein shall preclude the city manager from making an employment decision based on a medical separation, or disciplinary action.

(a) General Guidelines

- 1) The Program and donated hours are strictly voluntary.
- 2) Absences due to a Workers Compensation injury are ineligible for the Program.

(b) Eligibility of Recipient

- 1) Recipients must be a full-time employee.
- 2) Recipients must be unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.
- 3) Recipient shall conform to requirements of applicable policies, agreements, and statutes.
- 4) Recipients must exhaust all available accrued paid leave prior to utilizing donated time.
- 5) Recipients cannot receive more than 80 hours of donated leave per pay period.
- 6) Recipients cannot receive more than a total of ~~480~~500 hours per calendar year.

- 7) Recipients shall no longer be eligible for this Program if they are eligible for ~~long or short term~~long- or short-term disability.

(c) Eligibility of Donor

- 1) Donor must be a full-time employee.
- 2) Donor shall conform to requirements of applicable policies, agreements, and statutes.
- 3) Donor must maintain a minimum of ~~40~~ 80 hours of sick leave on the books.
- 4) Donor cannot donate more than 80 hours of sick leave per pay period.
- 5) ~~Donor cannot donate more than a total of 120 hours of sick leave per calendar year.~~

(d) Donation Parameters

- 1) Donations will involve accrued sick leave only, no other forms of leave may be donated.
- 2) Donations are considered donated sick leave, not accrued leave
- 3) Donations do not count as an absence for the purpose of performance evaluations.
- 4) Donations must be made in hour increments.
- 5) Donations will be taken from donors on a first come basis, up to the max 80 hours per pay period.
- 6) Assignment of donated hours to recipients shall be made in chronological order of the date and time stamp on the requests.

(e) Tax/IRS Issues

- 1) Payments to the recipients shall be made at their normal rate of pay.
- 2) Deductions included on a recipient's paycheck prior to the use of donated leave shall be continued on the donated leave.
- 3) Amounts paid by the City pursuant to the Sick Leave Donation Program are included in the gross income of the recipient as compensation and are considered wages for employment tax purposes.

(f) Separation

- 1) Recipients shall not be entitled to receive separation pay for unused donated hours at time of separation.

8.08 Personal Leave

(a) **Accruals.** Regular full-time employees accrue personal leave on a monthly basis. Personal leave accrues at the end of the first full month of employment at a rate as detailed below:

<u>Years of service</u>	<u>Accruals rate per month</u>	<u>Total number of days per year</u>
0 to 4 <u>3</u> years	6.67 hours per month	10 days of personal time
3 to 5 years	8 hours per month	12 days of personal time
5 to 9 <u>10</u> years	10 hours per month	15 days of personal time
10 to 19 years	13.3 hours per month	20 days of personal time
10 to 15 years	12 hours per month	18 days of personal time
15 to 20 years	14 hours per month	21 days of personal time
20 or more	16.67 hours per month	25 days of personal time

~~An employee may not use any accrued personal leave until successfully completing the initial employment orientation period unless approved by the City Manager.~~ Employees may not “borrow” unearned personal leave; employees shall not receive payment of personal leave in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn personal leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect personal leave balances. Paid personal leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as personal days.

(b) **Use and Scheduling of Personal Leave.** Personal leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Personal leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in four (4) hour increments. Employees must schedule their annual personal leave in accordance with their Department's guidelines governing employees scheduling and utilizing the personal leave form. Whenever possible, personal leave time will be scheduled at the convenience of employees. However, Department Directors must be certain that personal leave does not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal leave schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of personal leave pay, employees must make sure they have an approved personal leave request on file before leaving on personal leave. No more than ten (10) consecutive days of personal leave time may be taken off, unless the City Manager grants an exception.

(c) **Maximum Accruals.** All employees, ~~after one (1) year of service~~, must take a minimum of ~~five (5) days (40 hours)~~ ½ of their accrual time of personal leave each year. The maximum number of personal leave days that may be accumulated is ~~two times the employee's current accrual rate~~ 500 hours. All days in excess of the maximum are lost on the employee's next anniversary date (except as otherwise provided for in this policy). Employees will not be paid for personal leave in excess of the maximum accrual or for personal leave that is "lost" on ~~their anniversary date~~ December 1st. If the needs of the City and/or Department preclude the taking of a scheduled personal leave, the Department Director may defer an employee's scheduled personal leave. In such cases, the Department Director shall grant the employee's deferred personal leave within thirty (30) days or payment will be made to the affected employee for the deferred personal leave hours. All personal leave carryover granted by Directors must be forwarded to Payroll before the employee's anniversary date.

(d) **Compensation for Personal Leave.** Personal leave is paid at the employee's base rate at the time of use. It does not include overtime or any special forms of compensation. Personal leave time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused personal leave, except upon separation of employment, or if an employee is precluded from taking a scheduled personal leave due to City and/or department needs as set out above.

Upon termination, retirement, resignation, or death, an employee in good standing shall be paid for accrued personal leave up to ~~a maximum of two times the employee's current accrual rate at~~ 500 hours the rate of pay the employee was receiving at the time of separation. For purposes of this policy, an employee is not in "Good Standing" if ~~he or she~~ the employee is under threat of disciplinary action due to a sustained violation of City policy or other illegal or improper activities that adversely affect the employee's ability to perform their job.

Only employees who have successfully completed their initial orientation period of employment with the City are entitled to this payout provision upon separation.

(e) **Definitions**

Compensable Hours - The hours worked or taken in a month must equal 160 for full-time employees.

Work Day – A "work day" is defined for personal leave as a ~~regularly scheduled~~ 8-hour, 9-hour, or 12-hour period for all employees.

8.09 Military Leave.

(a) **Laws.** The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Any city employee who is a member of a reserve component of the armed forces who is called to active duty may be subject to any salary continuation as provided for under Section 173 of the Texas Local Gov't Code. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

(b) **Notice to City of Need for Leave.** Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a military leave form along with the official documents setting forth the purpose of the leave and, if known, its duration. The military leave form must be turned into the Department Director and the ~~Director of Human Resources~~ Personnel Director as far in advance of the leave as possible.

(c) **Paid and Unpaid Leave for Training and Duty.**

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., personal leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

Benefits. The City will continue to provide employees on paid military leave with most City benefits.

Medical, Dental, and Vision Insurance. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

(d) Other Benefits. While on *paid* military leave, employees continue to accrue personal, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as personal and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as personal accrual and longevity pay.

(e) TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

(f) Returning from Leave.

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.L.G.C. before being reinstated.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

A) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.

B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.

C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

8.10 Holiday Leave

The City provides paid holidays to employees serving in the initial orientation period and regular full-time. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Good Friday
Memorial Day (last Monday in May)
Juneteenth (June 19th)
Independence Day (July 4)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving (Friday after Thanksgiving)
Christmas Eve (December 24)
Christmas Day (December 25)

If one of the designated holidays occurs on Saturday, then the City shall observe the preceding Friday as such holiday. When any designated holiday occurs on Sunday, then the City shall observe the following Monday as such holiday

Holidays. A holiday is a period of 8 hours, 9 hours, or 12 hours, depending on the employee's regular schedule, and paid at the employee's regular rate.

Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Temporary and Seasonal Employees. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours, 9 hours, or 12 hours, depending on the employee's regular schedule for the holiday at their regular rate of pay, in addition to the hours worked, at the employee's request.

The City Manager will permit as many employees as possible to observe each holiday, consistent with the maintenance of essential City functions. No employee shall work more than one regularly scheduled shift on a holiday without approval of the City Manager.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave to be taken at a later date, but no later than the end of the fiscal year.

Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday at the employee's request.

Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

Holiday Occurring During Personal Leave. A holiday that falls within an employee's personal period will be counted as holiday in lieu of a day of personal leave.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to personal, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.

8.11 Bereavement Leave

In addition to personal leave, the City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of three (3) work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as ~~current spouse, child, parent,~~ brother, sister, grandparent, aunt, uncle, or grandchild, by blood or marriage. In the event of a death(s) within the employee's immediate family (spouse, child, or parent), the City provides employees up to five (5) work days for bereavement leave.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as personal leave, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave time taken must be requested on the City's appropriate form.

Employees who wish to attend funerals for other than immediate family must use personal leave, compensatory time, or unpaid leave.

8.12 Job-Related Injury Leave

When an employee is injured on the job, the employee shall immediately report such injury to his or her supervisor, who shall take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor shall also complete within forty-eight (48) hours an accident report and forward copies to the ~~Director of Human Resources~~Personnel Director.

Injury leave is an absence from work arising from an ~~on-the-job~~on-the-job accidental injury. An employee injured on the job and in the line of duty shall be granted up to five days injury leave with pay within any 12-month period. Any employee injured on the job shall also be covered by and entitled to all benefits accruing under the Texas Workers' Compensation Act. Additionally, the City will permit the employee to make up the difference between the benefit payments made under the Act and the employee's regular pay from the employee's accrued leave entitlement (sick leave, personal leave and compensatory time), if any, for up to 180 consecutive calendar days from the date of injury. Under no circumstances, however, will the employee receive more than full regular pay while on injury leave. A doctor's written statement that the employee is unable to return to work shall be required for an employee to receive injury leave.

An employee may be requested to provide a "fitness for duty" certification before returning to work after the employee's workplace illness or injury. An employee may return to the employee's former position, if it is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which ~~he or she~~ the employee is qualified. If there is no open job for which he or she is qualified, then the employee will remain on an unpaid leave of absence after all accrued leave is exhausted. During this time, the employee shall periodically report to his or her supervisor to determine if there are new openings for which they may qualify. Under the City's automatic termination policy, employment will end automatically after an absence of six consecutive months, regardless of the reason for the absence. After an employee is terminated under the automatic termination policy, he or she may later reapply for any open position for which ~~he or she~~ they are ~~is~~ qualified.

An employee shall forfeit all rights to any injury leave benefits if the employee works, either part-time or full-time, for pay for any other person, including self-employment, while on city injury leave; the employee resigns for any reason while receiving injury leave; the employee is discharged for any reason; the employee retires or dies; the employee fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury; the employee refuses to perform light, partial or part-time duty when offered by the Division Director and which does not require ~~him or her~~ the employee to perform activities that are restricted by ~~his or her~~ their treating physician; the employee falsifies or misrepresents ~~his or her~~ their physical condition or capacity; the employee refuses to return to duty on the working day that ~~he or she~~ employee is released to duty by the treating physician; the employee fails to submit an acceptable physician's statement when requested by ~~his or her~~ their supervisor; and/or the employee has been injured as a result of ~~his or her~~ their failure to observe safety policies, procedures, or instructions as determined by the employee's Division Director.

8.13 Jury Leave

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued personal, holiday or compensatory leave; otherwise, a nonexempt employee's time off to testify will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a copy of the jury duty summons, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

8.14 Voting Leave

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon ten (10) days notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to personal leave, accrued compensatory time, or leave without pay for the period of time missed.

8.15 Catastrophic Leave

Upon the written recommendation of a Director, the City Manager may grant leave with pay to an employee when an illness or injury incapacitates the employee or his/her immediate family member and such incapacity requires that the employee take time off from work for an extended period of time. In no event shall any employee be entitled to more than 160 hours catastrophic leave for any one incident; further, in no event shall any employee be entitled to catastrophic leave for more than three separate incidents during their employment with the City.

8.16 Pandemic Event Leave Policy; Administrative Leave With or Without Pay

(a) Notwithstanding other provisions contained in this "Employee Personnel Policies and Procedures Handbook," when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the "Pandemic Event Leave Policy," attached as Exhibit B, shall take effect. The goal of the "Pandemic Event Leave Policy" is to allow the City Manager the flexibility to adjust scheduling, pay, leave, working conditions, and telecommuting, in order to help sick employees recuperate from illness, allow employees to work from home for their safety, and allow employees to care for dependents or sick relatives, while maximizing the continuity and effectiveness of city government. The "Pandemic Event Leave Policy" shall remain in effect until the City Manager determines that the emergency or potential emergency is no longer a threat to the organization and the city employees, unless sooner terminated by the city council.

(b) Directors may grant special leaves of absence without pay for periods not exceeding two (2) weeks subject to approval by the City Manager. The City Manager may grant special leaves of absence with or without pay for periods not exceeding two (2) weeks, for extenuating circumstances. No leave will be granted under this policy, however, for the purpose of enabling

employees to accept outside employment. There shall be no accrual of benefits while on leave without pay.

(c) Police and Detention Officers – in accordance of the Local Government Code Chapter 180; the following policy will be followed as it relates to Police Officers and Detention Officers

Definitions:

(1) “Detention Officers” means an individual appointed or employed by for the care and custody of individuals incarcerated in a county or municipal jail.

(2) “Health Authority” has the meaning assigned be section 121.021, Health and Safety Code.

(3) “Peace Officer” mans an individual described by Article 2.12, Code of Criminal of Procedure, who is elected for, employed by, or appointed by a City.

Conditions.

The paid leave and benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty by his or her supervisor or the county health authority. Quarantine and isolation benefit periods shall follow the most current guidance from the Centers for Disease Control (CDC) or the county public health authority. The City reserves the right to require proof of such an order and deny paid leave or benefits if an employee fails to provide proof within a reasonable time.

If ordered to isolate or quarantine under this policy, the employee must remain in their home (isolation) or wear a mask (quarantine) as indicated by the CDC guidelines. Failure to follow those guidelines may result in disciplinary action, up to and including termination.

Benefits.

If an employee is ordered to quarantine or isolate under the conditions set above, the employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the employee would customarily be provided on paid leave.

Reimbursement for Expenses.

If an employee is ordered to quarantine under the conditions stated above, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation, as outlined below by submitting a reimbursement request to the department director within three (3) days after returning from the leave ordered under this policy. The City may require that receipts or proof of payment be submitted with the request and reserves the right to deny any request that it deems unreasonable or unrelated to quarantine.

Allowed reimbursements are as follows:

1. Lodging at a motel within 10 miles of the city limits at a rate not to exceed \$75 per day for up to five days if ordered by the City to quarantine or isolate at a location other than the employee’s own residence.
2. Transportation to a medical or testing facility up to \$25 per appointment or mileage reimbursement at the IRS mileage reimbursement rate if ordered by the City to use transportation other than a city-owned vehicle and/or the employee’s own personal vehicle.

3. Medical treatment is covered by the City's insurance for eligible employees and therefore will not be reimbursed.

Effect on Paid Leave Balances.

The City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for quarantine under this policy.

8.17 Physical Incapacity

If the Department Director and the ~~Director of Human Resources~~Personnel Director, based on the assessment of a medical doctor licensed to practice in the State of Texas, determines that an employee is not able to perform the required physical duties or tasks of his or her present position with or without reasonable accommodation (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to his or her full duty with the City until a medical doctor states in writing that the employee is able to perform all the required and essential physical tasks or duties of the position with or without reasonable accommodation.

If a job vacancy exists during the 180 calendar days that the employee is qualified for and can physically perform, the City Manager shall offer the employee that position. The employee has the choice to either accept or decline the offered position.

- 1) If the offer is accepted, it is recognized and understood that the employee may have to take a reduction in salary.
- 2) Any employee so reassigned will be compensated at a pay rate in the pay range of the position to which the employee has been reassigned.

8.18 Modified Duty; Absence Rule; Reinstatements; COBRA

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department ~~Director of Human Resources~~Personnel Director to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the approval of modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, administrative leave, or personal leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment. No employee on modified duty will work overtime.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the ~~Director of Human Resources~~Personnel Director. The ~~Director of Human Resources~~Personnel Director will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the ~~Director of Human Resources~~Personnel Director.

Absences. An employee who is unable to return to full duty status with or without a reasonable accommodation within 180 days may be separated for incapacity.

If an employee does not perform actual work for the City for a period of 180 calendar days, the employee shall be deemed to have forfeited his or her position unless such termination is contrary to applicable federal or state law (e.g., military leave). A person in this status may apply for positions with the City for which ~~he or she~~ they areis qualified and physically able to perform. An employee who is unable to return to work in full duty status within six months of an injury may be separated for incapacity.

Reinstatements. In the event a former employee is rehired within 180 calendar days after their date of termination, the employee will retain the seniority the employee had achieved for purposes of longevity pay and leave accruals. The rate of pay will be determined based on the pay scale classification for the new position.

COBRA. To the extent not otherwise required by state or federal law, once an employee has exhausted his or her accrued leave benefits, the employee shall no longer be paid a salary or wages by the City, and the employee shall no longer accumulate sick leave or annual leave. The employee may continue to receive ~~his or her~~ worker's compensation benefits and may retain the City's health insurance if he or she pays the rate as established by the City under the Consolidated Omnibus Budget Reconciliation Act (COBRA.). Such coverage shall be limited to the minimum lengths of time established by COBRA.

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at city hall.

8.19 Breaks

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions. As authorized, an employee is allowed a paid rest break of up to fifteen (15) minutes for each four (4) hours of work that is not interrupted by a meal period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Employees are encouraged to take a meal break of at least 30 minutes every day.

Lactation Breaks. Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child as long as providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted: The following practices are not permitted uses of rest or meal breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest or meal ~~break period time.~~

8.20 Certification Pay

In addition to regular pay, certification pay is available to all certified police officers, dispatchers, and court staff as authorized by the City Council, as follows:

Certification

Annual Certification Pay

Intermediate	\$ 600.00 per year (\$25.00/paycheck for 24 pay periods
Advanced	\$ 1200.00 per year (\$50.00/paycheck for 24 pay periods
Masters	\$ 1800.00 per year (\$75.00/paycheck for 24 pay periods

An eligible employee should be paid only for the highest level of certification held.

In addition to regular pay, certification pay is available to ~~utility~~ employees who accomplish classification levels based on certain testing requirements and qualifications as ~~follows:~~approved by the Department Director and City Manager.

Wastewater Treatment		Collection Systems		Waterworks	
Class A	\$	Class I	\$	Class A	\$
Class B	\$	Class II	\$	Class B	\$
Class C	\$	Class III	\$	Class C	\$
Class D	\$			Class D	\$

Annual certification pay amounts will be divided by 26 and paid during normal pay periods.

8.21 On-Call/Call Back Compensation

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

8.22 Payroll Deductions

The following deductions are authorized for payroll deductions:

- (1) Social security contributions;
- (2) Income withholding taxes;
- (3) Medicare contributions
- (4) Contributions to the Texas Municipal Retirement System;
- (5) Presently authorized medical insurance premiums;
- (6) Presently authorized "other insurance" premiums;
- (7) United States savings bonds;
- (8) Contributions to an individual retirement annuity or deferred compensation plan;

- (9) Association or Union dues; and
- (10) Required child support payments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law. A reasonable administrative fee may be collected as authorized by law.

8.23 Performance Management Process

The City uses a thorough performance management process for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance management process provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance management process as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

Schedule. Regular full and part-time employees hired are eligible for:

- A performance review after six (6) months of their initial orientation period; and
- Annual performance evaluation before the end of the fiscal year (September 30).

Newly transferred or promoted employees who are serving their initial orientation period shall also receive periodic evaluations during their orientation period.

Department Directors and Council appointees are not governed by the above schedule. The City Manager's office establishes a performance evaluation system for Director-level positions. The City Council establishes a performance evaluation system for Council appointees.

Supervisory Responsibilities. All performance evaluation information must be written where required and forwarded to the ~~Director of Human Resources~~Personnel Director for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the ~~Director of Human Resources~~Personnel Director for filing in the employee's official personnel file and provide the employee a copy.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.

~~Director of Human Resources~~Personnel Director Responsibilities. The ~~Director of Human Resources~~Personnel Director will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The ~~Director of Human Resources~~Personnel Director is responsible for maintaining original evaluation documents in the official personnel files.

Employee Responsibilities. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

8.24 Telephone Contact

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.

All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

8.25 Police Officer 7(k) Exemption

Notwithstanding the foregoing, the City has adopted the "7(k) exemption" of the Fair Labor Standards Act (FLSA) and provides for a maximum ~~86-80~~ hour pay period for police officers. Any and all of the rules and regulations contained herein still apply where not in conflict with this section 8.23. If there is any conflict between this section and the general rules and regulation of this Handbook, this section 8.2~~53~~ shall prevail.

FLSA: The FLSA requires that all covered nonexempt employees be paid overtime pay at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay

is required when the number of hours worked exceeds the number of hours that bears the same relationship to 171 (police) as the number of days in the work period bears to 28. For example, law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Work week: For most non-exempt employees, the City's work period is defined as the seven (7) days period beginning at 12:01 ~~a.m.~~pm ~~Monday-Friday~~ and ending at ~~midnight-Sunday~~12:00 pm Friday. For non-exempt fulltime paid police officers, the work period shall be a 14-day period beginning ~~Monday-Friday~~ at 12:01 ~~am~~pm and ending at ~~midnight-Sunday~~12:00 pm Friday. Overtime worked will be paid the next pay period after being earned. Police officers shall receive overtime after ~~86~~80 hours worked during a 14-day work period.

Holidays: Most non-exempt employees working on city holidays are compensated at straight time plus 8 hours, unless the employee has already worked 40 hours in that pay period. For purposes of administering the 14-day work period, police officers will be compensated for working city holidays at straight time, unless the hours worked result in more than ~~86~~80 total hours in the work period. Holiday compensation will be provided through an hourly holiday bank system.

Holiday bank system: For most non-exempt employees, holidays are accumulated on a monthly basis but for purposes of administering the 14-day work period, police officers will be provided "front loaded" holiday hours allocated in advance, which must be taken as follows:

This holiday leave must be taken as follows:

- 32 hours between January 1 to April 30
- 32 hours between May 1 to September 30
- 40 hours between October 1 to December 31

If an employee fails to take the holiday leave between the above scheduled times, the employee will lose the right to take the leave.

Employees will start to accrue holiday leave after their initial hire date. Holidays prior to the initial hire date will not be counted as leave.

Benefit time use will be hour for hour (Example: 24-hours taken off would require 24-hours of vacation/holiday to be used).

8.26 Mental Health Leave

PURPOSE

The purpose of this policy is to provide guidance in accordance with Texas Government Code Chapter 614, Section 614.015 regarding the use of Mental Health Leave for authorized peace officers employed by the City of Manvel.

DEFINITIONS

“Peace Officer” means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Manvel.

“Traumatic event” – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

1. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
2. Incidents involving multiple casualties which may include shootings or traffic accidents;
3. Line of duty death or suicide of a department member;
4. Death of a child resulting from violence or neglect;
5. Officer(s) involved shooting of a person.
6. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer’s employment.
7. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

Requesting Mental Health Leave

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that ~~he or she~~ they seek mental health leave and the assistance of a mental health professional.

Confidentiality of request

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to ~~himself or herself~~ themselves or others and department personnel must confer with mental health professionals.

Duration of Mental Health Leave

An officer directly involved in a traumatic event may request up to three (3) working days of mental health leave which is equivalent to 36 hours.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three (3) working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

IX. EDUCATION INCENTIVES AND OTHER BENEFITS

9.01 Education Incentives

City employees who are interested in continuing their education in a job-related field may be eligible for tuition reimbursement payments in accordance with the following policies.

The employee must inform the City Manager, in advance, of the specific courses the employee will take and the specific school, college or university to be attended. Each “online” class must be expressly pre-approved.

It will be the employee's responsibility to register and successfully complete the course(s) with a grade of "B" or better on each course taken.

Tuition reimbursement payments for employees will be subject to the following limitations:

- 1) The City will not pay for more than ~~six~~ twelve (12) semester hours per semester per employee;
- 2) Payments will be limited to tuition only;
- 3) The City will not make payments for any fees (e.g. student lab, etc.), I.D. cards, books, parking permits, travel expenses unless specifically authorized in writing by the City Manager;
- 4) No employee may receive both City tuition payments and G.I. Bill benefits for the same schooling;
- 5) No employee may receive City tuition benefits for courses not directly related to a major approved by ~~the individual's Director and~~ the City Manager. The course must be for bona fide purpose of preparing the employee for advancement through upgrading the employee to a higher skill level and not directly related to the employee's current job;
- 6) The tuition reimbursement will be paid to the student after the completion of the course with documentation that the course was successfully completed with a grade of “B” or better. No tuition reimbursement payment will be made to the student if the course was not successfully completed or a grade lower than “B” was received for the course;
- 7) No payments will be made for courses enrolled in by an employee who has worked for the City less than six months at the time of enrollment unless an exception is approved in writing by the City Manager; and
- 8) Any employee who resigns or retires within ~~one year~~ two years of receiving tuition reimbursement for a course or courses at the City's expense will be liable for repayment of the City payment(s).

X. CONDUCT; RATIONALE FOR DISCIPLINE; GROUNDS FOR DISMISSAL

10.01 General Rules for Conduct

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

Progressive Discipline: In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
- written reprimand
- probation
- suspension (without pay)
- demotion
- last chance agreement
- discharge

Documentation: All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the ~~Director of Human Resources~~Personnel Director for review, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by ~~Director of Human Resources~~Personnel Director: Any proposed disciplinary action in excess of an oral warning must be reviewed by the ~~Director of Human Resources~~Personnel Director prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights: Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Grievance Policy). However, positions classified as Director level and above are employed at the will and pleasure of the City Manager, with the concurrence of the City Council, and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

Prohibited Activities: Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of tobacco use policy
- Violation of safety or health rules and failure to immediately report an on the-job injury/accident
- Profanity, abusive language, or racial slurs
- Unauthorized disclosure of confidential information
- Harmful, negative, disgraceful, malicious, or manipulative gossip
- Violation of any provision of the City Charter
- Violation of City or departmental policies, codes of conduct, rules and procedures
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others
- Unsatisfactory performance or conduct
- Inefficiency, incompetence or neglect of duty
- Fighting, provoking or instigating a fight, or threatening violence

- Disruptive activity in the workplace
- Engaging in a work stoppage
- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property
- Insubordination or other disrespectful or unprofessional conduct
- Discourteous treatment of the public
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle)
- Violation of local, state or federal law
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts or potentially conflicts with City interests
- Acceptance of payment of any kind for activities related to City Employment
- Failure or refusal to follow lawful orders
- Sleeping on the job
- Dishonesty, including misrepresentation during the hiring process
- An accumulation of minor infractions

Disciplinary Meeting: A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the ~~Director of Human Resources~~Personnel Director and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

Administrative Leave: During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

10.02 Outside Employment

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform the job with the City are also prohibited.

By accepting and performing outside or self-employment, the employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from travel to or from, or performance of another job. Further, an employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the ~~Director of Human Resources~~Personnel Director.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith-based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

10.03 Incident Reports

An employee shall immediately report to his or her supervisor any incident that involves either (1) personal injury to any person, or (2) any damage or loss to City property or the property of others.

The employee's supervisor shall notify the Division Director or City Manager immediately of any incident that involves personal injury to the employee or any other person.

An employee and the employee's supervisor shall reduce the above reports of personal injury or damage of property to writing within one (1) working day of the incidents and send the reports to the Division Director and the ~~Director of Human Resources~~Personnel Director.

10.04 Arrests, Confinements and Indictments

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee, who fails to report to work at the employee’s regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered, and that adversely affects their ability to perform their job, may result in disciplinary action, up to and including termination.

Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the ~~Director of Human Resources~~Personnel Director. An employee on administrative leave may, in the City’s sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense that may conflict with their ability to perform their job, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

10.05 Code of Conduct

A. Conflict of Interests - Without prior written approval by the City Manager no employee of the City may:

- i. Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City and its related entities;
- ii. Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- iii. Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- iv. Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- v. Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City, or
- vi. Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

B. Bribery - No employee of the City may accept or agree to accept:

- i. Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a city employee;
- ii. Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding;
- iii. Any benefit as consideration for a violation of a duty imposed by law on a city employee; or
- iv. Any benefit that is a political contribution in violation of state law.

C. Acceptance of Gifts – No employee of the City may:

- i. solicit, accept, or agree to accept any benefit from a person the official or employee knows is subject to regulation, inspection or investigation by the official or the city.
- ii. solicit, accept, or agree to accept any benefit from a person with whom the official or employee knows litigation is pending or contemplated by the official or the city.
- iii. (for a city employee who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government) solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- iv. (for a city official or employee who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision) solicit, accept, or agree to accept any benefit from a person the official or employee knows is interested in or likely to become interested in any matter before the official/employee or tribunal.
- v. The above does not apply to:

Fees prescribed by law to be received by the city employee or any other benefit to which the employee is lawfully entitled and for which he has given legitimate consideration;

Gifts or other benefits conferred on account of kinship or personal, professional or business relationships independent of the employee's status with the city;

Certain honorariums in consideration of legitimate services; or

Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law;

D. Tampering with governmental records – No employee of the City may make a false entry in, or false alteration of, a governmental record, or to make, present or use any record, document or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

E. Misuse of official information - No employee of the City may:

- (i) in reliance on information to which an employee has access by virtue of their employment, and that has not been made public:
 - a. acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - b. speculate or aid another to speculate on the basis of the information; or
 - c. coerce another into suppressing or failing to report that information to a law enforcement agency.
- (ii) with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - a. the employee has access to by means of his employment; and
 - b. has not been made public.

F. Official Oppression; Abuse of Official Capacity –

- (i) It shall be a violation for a city employee, acting under color of his employment, to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.
- (ii) It shall be a violation for a city employee, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misuse government property, services, personnel, or anything of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

G. Political contributions to city campaigns. City employees are prohibited from making any contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate to a city office.

H. Gift in favor of appointment. Persons seeking appointment to or promotion in the administrative service of the city are prohibited from directly or indirectly giving, rendering or paying any money, service or other valuable thing to another for or on account of or in connection with his appointment or promotion, or any examination conducted therefor.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

XI. DRUG AND ALCOHOL POLICY; COMMERCIAL DRIVERS

11.01 Purpose and Scope of Drug and Alcohol Policy

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Tobacco and Vaping Use Prohibited. The use of all tobacco and vaping products (including smokeless) inside city-owned or leased buildings and city-owned or leased vehicles or equipment is prohibited. Additionally, smoking and vaping are prohibited within 25 feet outside entrances, exits, wheelchair ramps (serving any entrance or exit), operable windows, and ventilation systems of enclosed areas where tobacco and vaping use is prohibited, so as to ensure that smoke and vapors do not enter those areas.

Any employee who violates this policy is subject to discipline, up to and including termination.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except possession under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy only when in possession of confiscated alcohol and/or drugs while carrying out their official duties. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Rehabilitation/Treatment.

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - A. Initial negative test for drugs and/or alcohol before returning to work;
 - B. A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - C. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - D. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the

two years following the employee's return to work following treatment;

E. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the ~~Director of Human Resources~~Personnel Director. The employee must meet with the ~~Director of Human Resources~~Personnel Director to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the ~~Director of Human Resources~~Personnel Director to receive assistance or referrals to appropriate resources in the community.

Testing

Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedures.

Testing of Applicants. All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs: (1) after a workplace injury or accident or "near miss," when reasonable suspicion exists; (2) where reasonable suspicion exists even where no accident or injury occurred; or (3) in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.

2. Police Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing

(e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.

5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

6. A positive test result is a violation of the City's Drug and Alcohol Policy and may result in disciplinary action up to and including termination of employment.

7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for Commercial Drivers for additional information.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's Department Director and the ~~Director of Human Resources~~Personnel Director. If the Department Director is unavailable within a reasonable period of time, the ~~Director of Human Resources~~Personnel Director may, with sole discretion, authorize the testing of an employee. If the ~~Director of Human Resources~~Personnel Director is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the ~~Director of Human Resources~~Personnel Director; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or

duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

11.02 Commercial Drivers

Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the ~~Director of Human Resources~~Personnel Director will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy. Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun.

All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT or City regulations in any way, the more stringent regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor or subcontractor engaged by the City or an employee of such contractor or subcontractor. Refer to the ~~Director of Human Resources~~Personnel Director for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

Use Following An Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

1. Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

2. Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that ~~he/she~~ they requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
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An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received

directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

a. **Post-Accident Alcohol Testing.** If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the ~~Director of Human Resources~~Personnel Director by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the ~~Director of Human Resources~~Personnel Director.

b. **Post Accident Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the ~~Director of Human Resources~~Personnel Director.

3. **Reasonable suspicion testing.** Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the ~~Director of Human Resources~~Personnel Director. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the ~~Director of Human Resources~~Personnel Director.

a. **Reasonable Suspicion Alcohol Testing.** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the ~~Director of Human Resources~~Personnel Director. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol

test was not administered; this report must be promptly forwarded to the ~~Director of Human Resources~~Personnel Director.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

b. Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the ~~Director of Human Resources~~Personnel Director.

4. Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

5. Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the

City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing.

Consequences of a Positive Alcohol Test. An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave or other accrued leave during the treatment period.)

Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

Drug Testing Procedures. Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. "Split" urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City's ~~Director of Human Resources~~Personnel Director. The second test will be at the driver's own expense.

Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms "drug," "drugs" or "controlled substances" are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Policy.

Review of Drug Test Results. All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. A confirmed positive result for illegal drugs will result in termination of employment. The termination cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance.

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the ~~Director of Human Resources~~Personnel Director. Management and supervisory personnel who are authorized to

have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, *i.e.*, an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site. With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions. Anyone with questions regarding this policy should contact the ~~Director of Human Resources~~Personnel Director.

XII. EMERGENCY OPERATIONS PROCEDURES

12.01 Emergency Operations

This policy will be in effect whenever the Mayor or the Mayor's designee declares that emergency conditions warrant either in preparation for or as a reaction to, a potentially disastrous event. Each emergency situation is unique and this policy is intended for overall guidance only. Upon declaration of an emergency, Directors are authorized to release employees in Tiers 2-3 from duty as outlined below.

12.02 Emergency Operations; Classification and Staffing

Directors are responsible for appointing individual classifications to each of their employees. Every City employee will have one of the following classifications. Any employee classification can be immediately or temporarily reclassified upward or downwards depending on the needs of the City.

“Tier 1” – ESSENTIAL – Employees with specific responsibilities who remain in the City on the job or at a designated location during an emergency and are authorized to remain during a mandatory evacuation.

“Tier 2” – RE-ENTRY ESSENTIAL – Employees who must return to supplement or relieve Tier 1 employees immediately upon roads becoming accessible.

“Tier 3” – NON-ESSENTIAL – Employees whose presence is not essential in carrying out the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual under normal operations after emergency status has ended.

Employees not at work are responsible for remaining in contact with their supervisor regarding assignments, and to stay abreast of the situation by monitoring radio and television for instructions or by calling the Emergency Operations Center.

12.03 Emergency Preparation Phase

City property will be secured and protected and other actions will be taken as necessary in individual departments. Directors will reconsider and reschedule or cancel, if necessary, all personal leave requests of Tier 1 and Tier 2 employees who are on personal leave, or are scheduled for personal leave. When assigned tasks under the Preparation Phase are completed in accordance with the Departmental Emergency Plan, Tier 2 and Tier 3 employees released from duty may choose to evacuate. Tier 1 employees will be allowed to secure their property and make arrangements for their families as scheduled by the Director. Each employee of the City shall have a hurricane evacuation plan for his/her family well in advance of an approaching storm.

12.04 Essential Services Phase

This phase occurs during the emergency situation. Only those employees whose assigned functions are necessary for the benefit of the general public during the emergency situation will work during the Essential Service Phase. Tier 1 employees will not be authorized to evacuate.

Shifts during the Essential Services Phase will be established according to departmental needs. Employees who are assigned on call status must advise supervisors of locations where they can be contacted at all times. Employees released from work will follow instructions regarding evacuation and shelter, as applicable.

If additional days are needed by the employee after the declaration to return to duty, the employee may request personal leave time or compensatory time off for personal emergency recovery. However, that request may be denied if the situation warrants.

Employees who do not remain on, or return to, duty when so ordered are subject to disciplinary action up to and including termination.

12.05 Return to Duty Phase

By reporting to work on the return-to-duty date and/or time specified by the Mayor, each employee meets their responsibility to work with other City employees as a team in helping to restore the community to normal service levels following a disaster period. Employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-work date.

12.06 Departmental Responsibilities

Directors shall:

- Review this Emergency Policy with their employees annually and identify each position in which employees in their department are required to work during an emergency. This list of positions and employees who occupy them must be maintained and posted on the department's official bulletin board or circulated to all their employees.
- Develop, post, communicate and circulate to all their employees the Standard Operating Procedures (SOPs) under each phase of an emergency, and annexes to the City's Emergency Plan pertinent to that department(s).
- Hold an annual meeting to reiterate to employees their individual responsibilities and to inform them of any changes in this policy or the SOP.
- Ensure that all job descriptions state the Emergency Classification of their positions.
- Complete the "Emergency Preparedness Employee Classification Form" for every employee.

Each employee must be provided with a copy of his or her Tier classification form. The original must be forwarded to the Human Resource Department.

12.07 Supervisor Duties

Supervisors shall:

- Assist with the responsibility of the consistent and fair implementations of this policy.
- Document and initiate any disciplinary action resulting from any violations of this policy.

12.08 Employee Duties

All City Employees shall know his/her responsibility under this policy because compliance with this policy is mandatory and be responsible for complying with waiver request procedures as outlined in this policy.

12.09 Waivers

If an employee has personal circumstances that would affect his or her ability to work during any phase of this Policy, then the employee must notify his or her Director upon employment or within 30 days of the onset of the extenuating circumstances. The requests will be reviewed and approved/disapproved by the City Manager. Documentation of qualifying circumstances shall accompany the request.

12.10 Inclement Weather/Emergency Closing

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to personal leave or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, or if a mandatory evacuation has been declared, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department

Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

12.11 Compensation during Emergencies

Policy Summary

When an emergency impacts City employees' work schedules and status during emergency conditions and a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, the City Manager may grant emergency administrative leave with pay immediately prior to and/or after the occurrence of a disaster, whether natural or man-made.

If it is determined that a civil emergency condition exists, including, but not limited to, riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the Mayor and/or City Manager may suspend all provisions of the City of Manvel's Personnel Rules except for those sections concerning Safety and Wages and Discipline.

Scope

This policy applies to all non-exempt and exempt employees.

A. Declaration of Emergency

Notification of State of Emergency: When a state of emergency is imminent or has been declared, the Mayor and/or City Manager or **designee** will notify all employees through department directors or managers of such declaration.

B. Emergency Periods

Pre-Impact Period This is the time period prior to the impending disaster and includes emergency response activities and preventive measures by the City of Manvel's departments in preparing for the impending emergency. This period begins when the City Emergency Operations Center is activated because a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, or for other good cause by the City's Emergency Management Coordinator or City Manager.

Emergency Period This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. During this period, the City Manager may designate key essential personnel to take mandatory shelter in the City Emergency Response Operations Center. The Emergency Period begins when the City is closed for **normal** business and ends when the Mayor and/or City Manager declares it safe for all employees to return to work.

Post Impact/Recovery Period This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. This period begins when the Mayor and/or City Manager declares it safe for all employees to return to work, and ends when the Mayor and/or City Manager declares the period is over.

No one is excused from work until the Mayor and/or City Manager, through the department directors, authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued. Employees must return to work as soon as an emergency is over to participate in the Post Impact/Recovery Period. Employees excused from work during an emergency will be on emergency paid administrative leave.

Emergency paid administrative leave will start when the employee is excused by his/her Department Director and will continue until the Mayor and/or City Manager declares it is safe for all employees to return to work. Employees are expected to return to work on their next scheduled day or shift following the Mayor and/or City Manager's declaration. If an employee fails to show up for work or cannot show up for other reasons then the time lost will be Leave of Absence Without Pay, unless other paid leave (vacation, sick, etc.) is approved.

The City of Manvel recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state of local emergency. When evacuation of personal residences is required, Emergency Essential employees will be permitted and expected to make arrangements for their families like any other citizen, including the use of authorized shelters. The Emergency Essential Employees may be granted up to 4 hours of administrative leave for this purpose. Employees who are not able to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director **or designated supervisor** as soon as possible and utilize appropriate leave time.

During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge.

C. Employee Status

Prior to a declaration of a civil emergency, Department Directors shall, designate "Emergency Essential" and "Emergency Non-Essential" personnel. All personnel shall be advised of their status as of **January 1st** each year. Individual employee status may change, as the needs of the City change during the civil emergency, or at the discretion of the Department director.

"Emergency Non-Essential" – After a needs assessment is made, some employees may be temporarily excused from work, concurrently or successively, as determined by the type of emergency event, those will be designated as "Emergency Non-Essential." They will be placed on Emergency Paid Administrative Leave pursuant to this policy.

“Emergency Essential” – Each department director is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as “Emergency Essential.” “Emergency-Essential” employees may be required to be available immediately before (Pre-Impact), during (Emergency)—e.g., those within the Emergency Operations Center—and/or after the disaster or emergency condition (Post-Impact/Recovery) to perform duties directly related to the emergency conditions, as determined by City.

“Post-Impact/Recovery Assigned” – Post-emergency, all City employees are considered Post-Impact/Recovery Assigned employees. All City employees are to return to work after the Mayor or City Manager declares it is safe. After the return to work, some employees may be further identified as “Essential Recovery,” while others may be temporarily excused from work. The City Manager and each department or function is responsible for identifying those employees who are essential to the quick restoration of critical services to the community. These employees designated as “Essential Recovery” employees are required to work during periods after the emergency when other employees may be dismissed on leave or furlough.

Emergency Duty Assignment: In the event of an emergency, the Mayor and/or City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

D. Compensation for Hours Worked During a Declared State of Emergency – Non-Public Safety / Non-Emergency Management Personnel

During declared emergency status, the exempt employees shall receive their regular salary except during the Emergency Period when key essential exempt employees are required to reside in the City Emergency Operations Center. *The exempt-status employee(s) base salary will be computed to arrive at an hourly rate; then the City shall pay the exempt-status employee(s) 1 times their hourly rate for each hour of mandatory residency in the City Emergency Operations Center (EOC).* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as “time worked” for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt employees authorized to perform work for the benefit of the City shall be paid at a rate of one and one-half times (1.5x) base straight pay for all hours worked during the declared emergency conditions, when other employees are allowed administrative leave, until the Mayor or City Manager declares that it is safe for all employees to return to work. After such time, the employee will be paid according to the normal pay policy. During the period when essential employees are required to reside in the City’s Emergency ~~Operations Center~~Operations Center, they shall be paid one- and one-half times (1.5x) their normal rate of pay for all hours worked and one times (1x) their normal rate of pay for all non-

work hours. Mandatory residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave and if they do not have sufficient accruals will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation, etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

E. Compensation for Hours Worked During a Declared State of Emergency – Public Safety / Emergency Management Personnel

When the Police Department or Emergency Management exempt personnel are ordered to reside, take shelter, in City Emergency Operation Centers during a declared emergency, they shall be paid for all hours while under mandatory residency requirement in excess of their normal work schedule. *The exempt-status employees' base salary will be computed to arrive at an hourly rate. The City shall pay the exempt-status employees 1 times (1x) their hourly rate for each hour while under the mandatory residency period.* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as "time worked" for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt (hourly, overtime eligible) employees shall be paid at a rate of one-time (1x) base straight pay. When Public Safety / Emergency Management employees are under mandatory residency at the Emergency Operations Center, non-exempt employees shall be paid at a rate of one and one-half (1.5x) base rate for all hours worked and one times (1x) for all non-work hours. Mandatory residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager. After discontinuing mandatory residency in the Emergency Operations Center, the employee will be paid according to the City's normal pay policy.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave. If accrued leave is exhausted the employee will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

F. Summary of Emergency Periods

<u>Pre-Impact Period</u>	<u>Emergency Period</u>	<u>Post Impact/Recovery Period</u>
This is the time period prior to the impending disaster. This period includes emergency response preparation activities and preventive measures by the City of Manvel departments in preparing for the impending emergency.	This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended.	This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions, and some City services may be suspended.
Starts –City activates EOC or state of emergency or state of disaster is declared	Starts – City is closed for business	Starts – Mayor and/or City Manager declares all clear
Ends –City closes for business or emergency conditions pass and City resumes normal operations	Ends -- Mayor and/or City Manager declares all clear	Ends -- As determined by Dept. Directors with Mayor and/or City Manager approval. This may vary by department.

XIII. SEPARATIONS FROM SERVICE; REINSTATEMENTS

13.01 Separations

The City designates all employee separations as one of the following types:

Resignation. An employee who intends to resign is requested to notify the supervisor and/or the ~~Director of Human Resources~~Personnel Director in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the ~~Director of Human Resources~~Personnel Director.

Retirement. An employee who intends to retire is requested to notify the Department Director, supervisor, and the ~~Director of Human Resources~~Personnel Director, in writing at least 2 weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

Dismissal/Termination. The City may terminate an employee's employment consistent with this policy and state and federal law. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated. Additionally, if an employee walks off the job without approval of their supervisor this will be considered job abandonment, and the employee will be terminated.

Long-Term Absence. Any employee who is absent from work for more than 180 days in a year, for whatever reason, will be terminated. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a modified duty capacity) but is unable to perform the essential functions, with or without reasonable accommodation, of the actual position after a period of 60 days will be returned to off duty status. The City may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend the leave using any available paid leave balance, or be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's reasonable accommodation obligations under the Americans with Disabilities Act.

Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or

other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

13.02 Layoffs/ Reorganizations

The City may layoff an employee, transfer an employee to another position, or demote an employee because of changes in duties or organization or lack of work or funds. The City will decide the order of layoff or reorganization among employees based on demonstrated job performance and efficiency and seniority. Layoffs, transfers and demotions resulting from reorganizations are not disciplinary actions.

13.03 Incapacity

An employee may be separated for incapacity or medical reasons when the employee no longer meets the standards of fitness required for the position.

13.04 Exit Interview; Return of City Property; Final Payments

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The ~~Director of Human Resources~~Personnel Director shall complete an Exit Interview Form, and the supervisor also completes a form. Exit interviews are conducted confidentially by the ~~Director of Human Resources~~Personnel Director. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the ~~Director of Human Resources~~Personnel Director of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property (including city-issued ID cards), completion of necessary paperwork, and other requirements of separation.

13.05 Reinstatement

The City may recall to work a person whom it laid off. Employees who left City employment in good standing to enter duty with the armed forces of the United States shall be eligible for reinstatement according to applicable Texas and federal laws.

13.06 Retirement

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Manvel currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched with the required IRS rates for employers by the City for this benefit. Participation by every employee is a condition of employment.

XIV. DISCIPLINARY POLICIES

14.01 Disciplinary Guidelines

The following disciplinary guidelines are advisory and the City Manager may alter, combine, or bypass any or all of the listed procedures when the City Manager deems such action appropriate. The City Manager may use the methods described below to enforce and maintain proper standards of discipline and personal conduct among employees. The methods described below should be used in the manner deemed most effective for meeting the described management goals.

14.02 Disciplinary Process

Oral Reprimand or Warning. An oral reprimand or warning may be used by managers to identify violations and indicate needed improvement. A written record of this warning may be maintained within the employee's department.

Written Reprimand or Warning. A written reprimand, which is normally the second step in the disciplinary procedure, shall be signed by both the employee and the supervisor and may be maintained within the department. If an employee refuses to sign, the supervisor shall have a witness sign that a copy was given to the employee. The employee's signature indicates receipt of the document only, not acceptance of its contents. This document should include identification of the violation, indication of the necessary improvement, and information concerning further disciplinary action that may result.

Disciplinary Suspension. An employee may be suspended without pay. An employee who is suspended shall be given written notice of the reasons for the action. A copy shall be forwarded immediately to the Director of Personnel to be made a part of the employee's official personnel history record. Following completion of the suspension period, the employee will be automatically reinstated. However, an employee may be terminated without prior disciplinary action. Exempt employees may be issued disciplinary suspensions in accordance with the Fair Labor Standards Act and the appropriate regulations.

Administrative Suspension. During an investigation, hearing, or trial on any civil or criminal charge, an employee may be suspended upon recommendation by the Director with approval of the City Manager. The administrative suspension may be for the duration of the proceedings, or any appropriate portion thereof as would be in the best interest of the City. The employee may be administratively suspended with or without pay. The City may take further action including dismissal or reinstatement, at any point in the process, as determined by the City Manager.

XV. GRIEVANCE POLICY

15.01 Grievance Eligibility

Except for Council appointees, an employee of the City who has been employed by the City for more than six (6) months and has completed their probationary period and who feels that disciplinary action has been improperly taken against them shall have the right to file a grievance. Disciplinary action shall mean a demotion, suspension, or termination. Actions or results which occur that are beyond the control of the City, or that relate to policy matters (such job eliminations or reductions in force) shall not be considered grounds for a grievance.

15.02 Grievance Administrator

The ~~Director of Human Resources~~Personnel Director will serve as the administrator of grievances and perform work incidental to the grievance policy.

15.03 Non-Termination Grievance Procedure

Step A

- 1) The employee informally discusses the grievance with his or her supervisor.
- 2) The supervisor decides what action, if any, will be taken in regard to the grievance.
- 3) If Step A does not result in a resolution of the grievance, the employee may proceed to Step B. Step B must be initiated within three working days after the informal discussion with his or her supervisor.

Step B

- 1) The employee prepares and gives to his or her supervisor a written statement giving the details of the grievance and stating the specific remedial action requested.
- 2) The supervisor reviews the facts of the grievance, makes a written decision as to what action, if any, is to be taken to resolve the grievance. The supervisor then communicates the decision to the employee within five working days after having received the grievance.

Step C

- 1) If the employee is not satisfied with the decision in Step B, or, if the supervisor fails to respond within five working days, the employee may submit a written copy of the grievance to the Director along with a copy of the decision made by the supervisor, or, a statement that the supervisor failed to provide a decision within the five-day limit if such is the case.
- 2) The Director reviews the details of the grievance and, within five working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the

grievance.

3) If the employee's immediate supervisor is the Director, Step C of the grievance procedure may be eliminated, and the employee may go immediately to Step D.

Step D

1) If the employee is not satisfied with the decision of the Director, or, if the Director fails to respond within five working days, the employee may within three working days after the expiration of the five days submit a copy of the grievance to the City Manager. Copies of any decisions made in Steps B and C, or statements of a failure of the supervisor or Director to respond where such is the case, are presented at this time.

2) The City Manager gathers any additional information that may be pertinent to the grievance and determines what action, if any, is to be taken to resolve the grievance. The City Manager's decision is final in any non-termination grievance.

15.04 Termination Grievance; City Manager Action

The City Manager may terminate an employee for one or more of the grounds contained in this Handbook or for other reasons deemed sufficient by the City Manager to warrant such action. If the City Manager discharges an employee, the City Manager shall, within five working days of the date of the termination, mail, deliver, or cause to be delivered, a written statement ("letter of termination") to the terminated employee

An employee who wishes to appeal the termination decision must appeal the decision in writing to the City Manager within five working days of receiving the letter of termination. The written appeal must include a short statement of the basis for the appeal. The City Manager may choose to meet with the appealing employee before rendering a decision on the appeal. The City Manager will respond to the employee in writing within five working days of the later of receipt of the appeal letter or the date of the meeting with the former employee. The City Manager's decision will state whether the termination is upheld, reversed, or modified. If the termination is reversed or modified, the City Manager will decide whether the employee is entitled to full back pay, partial back pay or no back pay. The City Manager will not hold any other type of hearing. The City Manager's decision is final in any termination grievance.

15.05 Stopping the Grievance Process

- a. Only the employee who has filed the grievance shall be able to stop the grievance procedure by either action or inaction.
- b. The grievance procedure shall be stopped if:
 - 1) The employee indicates ~~he-or-she~~ they are ~~is~~ satisfied with the action to resolve the grievance at any level of the grievance procedure; or
 - 2) The employee, for any reason, indicates that ~~he-or-she~~ they no longer wishes to continue the grievance procedure; or
 - 3) The employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step; or
 - 4) The employee has exhausted all available steps of the grievance procedure.

XVI. CITY PROPERTY

16.01 Issuance. The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

16.02 Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

16.03 Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

16.04 Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. or for any outside employment without prior written approval of the City Manager. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties or with approval of the City Manager. No smoking in city vehicles is permitted.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy, but will be regulated within the terms of the contract.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

16.05 Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation and ensure permitted passenger wear seatbelts.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the City Manager.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the City Manager.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- Employees involved in an accident while operating a city vehicle or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and /or City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the ~~Director of Human Resources~~Personnel Director.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

16.06 Personal Property. All employees shall be solely responsible for their personal property at all times. The City is not responsible for theft, loss, or damage to items of personal property.

XVII. TRAVEL

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

17.01 Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile; equivalent to the current IRS rate at the time, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

17.02 Travel Approval and Cash Advances. All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be approved by the City Manager as set out below.

17.03 Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

17.04 Meal Allowance. The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals for in state travel, a per diem allowance as outlined by the Texas Comptroller's office will be reimbursed. Even if supported by a receipt, reimbursement shall not exceed fifty (\$50) dollars for any one meal.

17.05 Long Distance Phone Calls. Reasonable and necessary long-distance business phone calls and computer related expenses for City business reasons only will be reimbursed.

17.06 Non-Allowable Expenses. Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

17.07 Request for Reimbursement and Return of Unexpended Funds. Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within ten (10) days on the City's expense form. Receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

17.08 Travel to Training. The current IRS rate mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

17.09 Expenses Not Covered in Policy. The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

17.10 Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

APPENDIX A

Charter Positions

Appointive offices

In addition to the elected officers, the other officers of the city shall be the city manager, city secretary, municipal court judge, and city attorney, and such other officers as the council may from time to time establish. The council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the city and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of city manager, city secretary, municipal court judge, and city attorney.

Removal of officers appointed by the city council shall be at the discretion of the council, by vote of the majority of the entire council.

At-will Positions

a. The City Council appoints the City Manager, City Attorney, and the Judge of the Municipal Court to serve as at-will employees or officers of the City.

b. The City Manager appoints, suspends, and/or removes all or one of the directors of the city departments, including the City Secretary, with the concurrence of the City Council. The City Manager appoints, suspends, and/or removes all other employees of the City.

Term Position

The City Council appoints the City Judge, who serves a three-year term to run concurrent with the term of the mayor and may be removed or replaced at any time at the discretion of the City Council.

Outside Employment

The City's Officers shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or adversely affect the person's job performance unless the Officer discloses the conflict in writing to the City Council prior to, or as soon as practicable, the existence of the conflict.

APPENDIX B

Pandemic Event Leave Policy

Policy Summary

During the occurrence of a pandemic event, the City of Manvel must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent, protect the health of the employees and citizens of the community, and reduce the impact on the workplace and city operations.

For this to be accomplished the City will allow the City Manager the flexibility to adjust workplace schedules, grant paid administrative leave, allow for negative sick leave accruals, and permit telecommuting, under certain conditions.

Policy

Notwithstanding other provisions contained in this “Employee Personnel Policies and Procedures Handbook,” when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the “Pandemic Event Leave Policy,” this Policy shall take effect.

The Policy will remain in effect until the City Manager determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

I. ADMINISTRATIVE LEAVE AND FLEXIBLE SCHEDULING.

A. In the event of a pandemic, the City Manager is authorized to adjust normal policies regarding workplace schedules and administrative leave. Specifically, the City Manager may:

- (1) Allow employees flexibility in their work schedule for work performed at the office;
- (2) Allow employees to work from home, in whole or in part, subject to the telecommuting policy below;
- (3) Provide for a minimal “skeleton crew” at city hall and/or city facilities, alternating employees where possible, to maximize the best possible city operations with due regard to safety of the employees and citizens;

(4) Provide for paid administrative leave for those employees who are ready and able to work, but due to the necessity of a “skeleton crew” order, or the closure of city hall or city work facilities, are unable to come to work and are unable to telecommute;

(5) Allow employees to use sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic;

(6) Grant negative sick leave, for those employees with no available accrued leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic but subject to the policy outlines below; and

(7) Make other reasonable accommodations for those employees with disabilities, as defined under the Americans with Disabilities Act (ADA).

B. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace.

C. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create “overtime” for any non-exempt employee, except where expressly approved by the employee’s supervisor.

D. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agent are encouraged to notify the City Manager as soon as possible, in order to seek an accommodation under the City of Manvel’s disability policy or this policy.

II. NEGATIVE SICK LEAVE.

A. The City of Manvel, in the event of a pandemic, will permit eligible employees who have no available sick leave (or other relevant personal leave) to realize a negative sick leave accrual balance under certain conditions. The goal is to enable employees who have no available sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic.

B. The policy shall apply to all full-time employees (exempt and non-exempt), who work a minimum of forty (40) hours per week on a regular basis.

C. If the leave qualifies as FMLA protected leave, the City of Manvel will require the employee to use paid sick leave, vacation leave or personal leave pursuant to its general policy for FMLA leave. Notwithstanding the foregoing, for leave taken in connection with the **Families First Coronavirus Response Act of 2020**, or other federal law mandating paid sick leave in certain instances, the negative sick leave may be used to compensate the employee

during an initial startup period that is unpaid leave, if the employee has no other available paid leave. The 80-hour accrual maximum still applies.

D. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave if a local pandemic event is determined by the City Manager or his/her designee. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.

E. Before an employee shall be allowed to enter a negative sick leave balance, they shall have exhausted all accrual balances of sick, vacation, floating holiday, and personal leave in addition to any compensatory time available to the employee. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.

F. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval by the employee's supervisor and the City Manager.

G. After the employee's negative sick leave has accrued, payback shall be settled by applying all earned vacation, sick, floating holiday or personal leave accruals against the negative balance until the balance is satisfied.

H. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.

I. During a pandemic the City of Manvel may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

III. TELECOMMUTING.

A. Background.

(1) Telecommuting is intended to be one of the flexible conditions that will help employees accomplish their work effectively without disruption to City services especially leading up to, during and immediately after a pandemic event. Telecommuting may be appropriate for some employees and jobs but not for others.

(2) Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the City of Manvel.

(3) The City of Manvel realizes a need to develop a formal process to implement telecommuting to during a pandemic, to preserve a safe work environment and for the well-being of the City of Manvel employees and citizens of the community.

B. Definitions.

(1) Telecommuting – an arrangement in which an employee regularly performs work at an alternate work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Manvel business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.

(2) Telecommuter – an employee who has an approved telecommuting work arrangement authorization on file and working from an approved alternate work site.

(3) Authorized Designee – a person who has been authorized by the City Manager to act in the City Manager capacity.

(4) Alternate Work Site – an employee will establish an appropriate work site within their home for work purposes. The City of Manvel will not be responsible for the costs associated with the initial setup of the employee's home office such as remodeling, furniture, etc.

C. Scope.

(1) Certain requirements for all telecommuting arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws, as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow telecommuting arrangements as an alternative to working at the employee's normal worksite in the event that there is a wide scale catastrophic event, in order to maintain the City's essential services, or at any other time determined by the City Manager or an authorized designee.

(2) A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Manvel. Telecommuting is not a formal, universal employee benefit or a condition of employment, but rather an alternate method of meeting the needs of both the City and the employee. The City of Manvel considers telecommuting to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

(3) The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with City of Manvel policies and procedures while working at the alternate work site.

(4) The Employee understands that telecommuting is a mutually agreed upon work alternative between the City and the Employee and the Employee will be required to obtain a written authorization from the City Manager, or designee. The City, with or without cause, can revoke or modify the Employee's participation as a telecommuter at any time.

(5) Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the workflow. Telecommuting will not affect an employee's compensation, benefits, work status or work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Manvel.

D. Procedures.

(1) Pandemic Event

In the event of a pandemic or potential pandemic that could impact our community, the City Manager, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

(2) Eligibility

All telecommuting arrangements must be authorized by the City Manager or an authorized designee. Before entering into any telecommuting arrangement, the Employee, the Employee's immediate supervisor (if any), and the City Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee, supervisor, and City Manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee, supervisor, and City Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee, supervisor, and City Manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

(3) An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to the City Manager may send written authorization.

(4) Determining positions that are appropriate for telecommuting

In making decisions about which positions are appropriate to designate or approve for telecommuting, department heads will analyze the duties of positions and how the work is performed. Generally, the following types of positions may be appropriate for telecommuting:

- Require independent work
- Require little face-to-face interaction with staff
- Require concentration
- Result in specific, measurable work products
- Can be monitored by output

(5) Guidelines of employee qualities that are appropriate for telecommuting

In making decisions about which employees are designated or approved for telecommuting, department heads will review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting. Generally, employees who are successful in telecommuting:

- Are able to work productively on their own
- Are self-motivated and flexible
- Are knowledgeable about the job
- Have a low need for social interaction
- Are dependable and trustworthy
- Have above average performance records
- Are organized
- Have good communication skills

(6) Equipment

On a case-by-case basis, City of Manvel will determine, with information supplied by the Employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. City of Manvel accepts no responsibility for damage or repairs to employee-owned equipment. City of Manvel reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter may be required to sign an inventory of all City of Manvel property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City unless other arrangements have been made.

City of Manvel will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. City of Manvel will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

(7) Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of all City information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(8) Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

(9) Time Worked; Overtime.

Telecommuting employees who are "non-exempt" (not exempt from the overtime requirements of the Fair Labor Standards Act) will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's Supervisor. Failure to comply with this requirement may result in the immediate termination of the Telecommuting work arrangement. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create "overtime" for any non-exempt employee, except where expressly approved by the employee's supervisor.

(10) Ad Hoc Arrangements

Nothing in the policy affects the normal temporary telecommuting arrangements that may be approved by the City Manager for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

IV. GENERAL

- A. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to the City of Manvel disciplinary action in accordance with the City of Manvel policies and procedures up to and including termination.
- B. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action.
- C. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.