

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

ADRIAN GASPAR, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
JOHN COX, COUNCIL PLACE 3
MELODY HANSON, MAYOR PRO-TEM COUNCIL PLACE 4
LARRY AKERY, COUNCIL PLACE 5
LEW SHUFFLER, COUNCIL PLACE 6



DELORES MARTIN, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 2-8-2016

WORKSHOP

Mayor Martin called the workshop of the Manvel City Council to order at 6:07 p.m.
Those in attendance were:

Present: Mayor Delores M Martin
Council Member, Place 1 Adrian Gaspar
Council Member, Place 2 Lorraine Hehn
Council Member, Place 3 John Cox
Council Member, Place 4 Melody Hanson
Council Member, Place 5 Larry Akery
Council Member, Place 6 Lew Shuffler

Absent:

Also Present: City Manager Kyle Jung
City Attorney Bobby Gervais
City Secretary Tammy Bell

Presentation by AISD on the CTE Center Project.

Discussion on any subject addressed on the agenda for February 8, 2016.

Mayor Martin closed the workshop of the Manvel City Council at 7:12 p.m.
Those in attendance were:

ORDER OF BUSINESS

REGULAR SESSION

CALL TO ORDER

Mayor Martin called the meeting of the Manvel City Council to order at 7:17 p.m.
Those in attendance were:

- Present:** Mayor Delores M Martin
 Council Member, Place 1 Adrian Gaspar
 Council Member, Place 2 Lorraine Hehn
 Council Member, Place 3 John Cox
 Council Member, Place 4 Melody Hanson
 Council Member, Place 5 Larry Akery
- Absent:** Council Member, Place 6 Lew Shuffler
- Also Present:** City Manager Kyle Jung
 City Attorney Bobby Gervais
 City Secretary Tammy Bell

INVOCATION

PLEDGE –

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible".

CITIZEN COMMENTS: "COMMENT CARD" REQUIRED

Karen Kinlaw – 8701 Masters, Manvel

Spoke in support of the Manvel Economic Development Corporation and the projects completed by the MEDC over the last 10 years.

Joe Bolduc – 8203 Magnolia, Manvel

Spoke in support of Council Member Gaspar and agenda item # 14 reminding the council to be mindful of what the role of government is.

PUBLIC HEARING:

TO HEAR INPUT FROM THE PUBLIC REGARDING A REQUEST FOR AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN TRACT OF LAND LOCATED AT 2695 COUNTY ROAD 58, MANVEL, TEXAS, SUCH TRACT CONSTITUTING APPROXIMATELY 12.84 ACRES OF LAND, BEING A PART OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 78, H.T. & B. R. R. SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 2 AT PAGE 98 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, FROM OPEN SINGLE FAMILY RESIDENTIAL DISTRICT (OSFR) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP), PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE #53113 STORAGE FACILITY, 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 Martin opened the public hearing at 7:27 p.m.

1st call for comments – None

2nd call for comments –

Clay McDaniel, property owner in favor of proposed rezone.

3rd call for comments – None

Mayor Martin closed the public hearing at 7:30 p.m.

1. CITY MANAGER UPDATE

Update on current events and city issues.

- 1) The Permit Clerk position has been filled. Beverly Stephenson started on February 8, 2016.
- 2) The Public Works generator that was approved in the budget has been installed.

REGULAR AGENDA

**** Order of the agenda changed ****

Per the request of Council Member Hanson, executive session item moved up in the order of the agenda and discussed in open session;

Mayor Martin opened the executive session at 7:32 p.m.

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code § 551.071 – “Consultation with Attorney” and pursuant to Texas Government Code, Sec. 551.074. Personnel Matters - to deliberate the conduct and duties of a public officer; to hear a complaint on a public officer (Mayor Martin and Council Member Hanson). Requested by Council Member Hehn.

Council Member Hanson stated the following:

On Monday morning February 1ST, I drove the Mayor to the Huntingdon Towers in Houston to meet with the Joy family regarding their desire to donate land for a city park. The land in question is the site where Eddie’s Country Ballroom was located. At no point did the Mayor try to bypass you as a council; she was merely attempting to get important information to you. Twice in fact, I heard Mayor Martin say that they needed to submit something to council for consideration. Nothing clandestine occurred.

I want to make it clear:

A quorum was not present, no documents were exchanged, we agreed to nothing, we signed nothing, no bribes were offered or accepted. According to the Charter, we have done nothing wrong. The City Manager and City Attorney knew about this meeting and at no time did they caution me about attending. The City Manager understood that the Mayor would report back to him when she returned from the meeting, he could then report to council and the Parks Board as necessary. I fail to see why this accusation warranted an Executive Session. Calling the Mayor and I into Executive Session gives the appearance of impropriety. I can assure you, this accusation is baseless.

2. **Consideration and possible action to approve a variance from Chapter 62, Article IV, Sec 62-108 (b) (2) of the Subdivision Ordinance as stated in Manvel’s Code of Ordinances, as requested by Cathy Fontenot to allow for the front of the lots to maintain the current widths of 140’ and 60’ respectively; and 60-108 (a)(9) to allow for Lot 2 to remain a “flag” lot for property located at 9108 Quail Ridge Drive, Manvel Tx 77578.**

Mayor Delores Martin made a motion to approve. Council Member, Place 1 Adrian Gaspar seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

3. **Consideration and possible action to approve the first of two readings of Ordinance 2016-O-01;**
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN TRACT OF LAND LOCATED AT 2695 COUNTY ROAD 58, MANVEL, TEXAS, SUCH TRACT CONSTITUTING APPROXIMATELY 12.84 ACRES OF LAND, BEING A PART OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF SECTION 78, H.T. & B. R. R. SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 2 AT PAGE 98 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, FROM OPEN SINGLE FAMILY RESIDENTIAL DISTRICT (OSFR) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP), PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE #53113 STORAGE FACILITY, 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 Delores Martin made a motion to approve. Council Member, Place 1 Adrian Gaspar seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

4. **Consideration and possible action to approve on first reading, Ordinance 2016-O-02;**
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A GENERAL ELECTION ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING TWO COUNCIL MEMBERS: ONE EACH FOR PLACE 4, AND PLACE 6; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Delores Martin made a motion to approve. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

5. **Consideration and possible action to approve Ordinance 2016-O-03;**

AN ORDINANCE AMENDING ORDINANCE NO. 2015-O-32, ADOPTING THE CITY OF MANVEL, TEXAS, GENERAL AND ENTERPRISE (UTILITY) FUND BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016 TO PROVIDE FOR VARIOUS REVENUES, EXPENDITURES AND EXPENSES 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 THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Mayor Delores Martin made a motion to approve. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

- 6. Consideration and possible action to approve a Memorandum of Understanding (MOU) between the City of Manvel and the Manvel Economic Development Corporation for the installation of an 8” gravity sewer line approximately 2300 lf from Spillane Road at Large Road to the C1 Ditch, including manholes, and corresponding appurtenances and installation of a Sanitary Sewer Lift Station.**

Mayor Delores Martin made a motion to approve. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

- 7. Consideration and possible action to approve Resolution 2016-R-02;**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING THE CITY MANAGER OR FINANCE DIRECTOR TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY’S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP

Mayor Delores Martin made a motion to approve Resolution 2016-R-02 for option one in the agreement. Council Member, Place 1 Adrian Gaspar seconded the motion.

The motion carried with a vote:

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Vote: 6-0
Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery
No: None
Absent: Council Member, Place 6 Lew Shuffler
Abstained: None

- 8. Consideration and possible action to approve a Professional Services Agreement between the City of Manvel and Burditt for preparation of a Master Parks Plan.
- 9. Consideration and possible action to approve a Professional Services Agreement between the City of Manvel and Freese and Nichols for preparation of a Master Wastewater Plan.
- 10. Consideration and possible action to approve a Professional Services Agreement between the City of Manvel and Freese and Nichols for preparation of a Master Water Plan.
- 11. Consideration and possible action to approve a Developer Agreement between the City of Manvel and Stripes LLC., in regard to the construction of the "Stripes" establishment located a the northwest corner of S.H.6 and FM 1128.

Mayor Delores Martin made a motion to table agenda items # 8, #9, #10, and #11. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0
Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery
No: None
Absent: Council Member, Place 6 Lew Shuffler
Abstained: None

- 12. Consideration and possible action to approve a variance to section 62-41(24) and section 62-46 of the subdivision ordinance to allow permits to start 16 homes prior to the recording of the final plat for Lakeland Section 3;

6739 Lone Star Ridge	6706 Granger Lane	6635 Arrowhead Trail
6726 Granger Lane	6722 Granger Lane	6711 Sommerville Lane
6614 Abilene Court	6603 Abilene Court	
6627 Lone Star Ridge	6615 Lone Star Ridge	6602 Sommerville Lane
6618 Abilene Court	6723 Granger Lane	6606 Lone Star Ridge
6714 Granger Lane	6610 Arrowhead Trail	

Mayor Delores Martin made a motion to approve. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0
Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery
No: None
Absent: Council Member, Place 6 Lew Shuffler
Abstained: None

- 13. Consideration and possible action to direct staff on proposed pay increases.

Mayor Delores Martin made a motion to direct the Finance Officer to come back with more information on the impact this would cause on the budget. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

14. Consideration and possible action to direct staff regarding an exemption to the residential building requirements for carports. (Requested by Council Member Gaspar)

Mayor Delores Martin made a motion to table. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery

No: None

Absent: Council Member, Place 6 Lew Shuffler

Abstained: None

15. CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

- a. **Acceptance of the City Council Minutes dated January 25, 2016.**
- b. **Acceptance of second and final reading of Ordinance 2015-O-40;**

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY ESTABLISHING THE ZONING CLASSIFICATION OF LAND ANNEXED INTO THE CITY BY ORDINANCE NO. 2015-O-30 (AREA 14) AS OPEN-SINGLE-FAMILY RESIDENTIAL (O-SFR) DISTRICT SAID ANNEXED TRACTS BEING APPROXIMATELY 266.99 ACRES, MORE OR LESS, BEING LOCATED GENERALLY AS FOLLOWS: SOUTH OF CR 59, EAST OF CR 48, NORTH OF THE AMERICAN CANAL AND WEST OF THE SOUTHFORK SUBDIVISION, BRAZORIA COUNTY, TEXAS, (AREA 14); DESCRIBING SUCH TERRITORY; 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 Delores Martin made a motion to approve. Council Member, Place 3 John Cox seconded the motion.

The motion carried with a vote:

Vote: 6-0

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Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery
No: None
Absent: Council Member, Place 6 Lew Shuffler
Abstained: None

**** Order of the agenda changed****

Per the request of Council Member Hanson, executive session item discussed in open session above agenda item #2 at 7:32 p.m. Closed at 8:19 p.m.

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code § 551.071 – “Consultation with Attorney” and pursuant to Texas Government Code, Sec. 551.074. Personnel Matters - to deliberate the conduct and duties of a public officer; to hear a complaint on a public officer (Mayor Martin and Council Member Hanson). Requested by Council Member Hehn.

MAYOR AND COUNCIL COMMENTS

ADJOURN

Council Member, Place 3 John Cox made a motion to adjourn at 9:00 p.m. Council Member, Place 1 Adrian Gaspar seconded the motion.

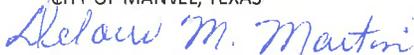
The motion carried with a vote:

Vote: 6-0
Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery
No: None
Absent: Council Member, Place 6 Lew Shuffler
Abstained: None

CERTIFICATION



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



DELORES MARTIN, MAYOR
CITY OF MANVEL, TEXAS

NOTICE TO THE PUBLIC OF POSSIBLE QUORUMS

A quorum of the Manvel Planning Development and Zoning Committee and the Manvel Economic Development Corporation may be in attendance at the February 8, 2016 meeting of the Manvel City Council. If such be the case, this notice shall serve as notice of meeting pursuant to the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. There will be no official City business or action of the aforementioned bodies taken during the meeting.

