

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 3/14/2016

WORKSHOP

Mayor Martin called the workshop of the Manvel City Council to order at 6:01 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

Discussion on Resolution 2011-R-10 - Rules of Procedure for Meetings of the City Council.

Direct staff on negotiations procedures of the City Council. (Requested by Council Member Hanson)

No action. The consensus is to have better communication between the city council and city staff.

Discussion and direction to staff on scheduling a City Council Planning Retreat.

Mayor Martin scheduled the planning retreat for March 29, 2016 at Orchard Park from 6:00 p.m. to 9:00 p.m. Cristoff Spealer will be the facilitator.

Update by Progressive Waste Solutions on the CPI-U (Consumer Price Index) adjustment.

The CPI-U adjustment will be a 1.9% increase.

Presentation on Shu-Chem SH 6 Water Main Reimbursement Request and Council will provide appropriate direction to the staff.

Presentation attached.

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Council Member Hanson stated that the MEDC has not voted to approve the portion of the project for the offsite segment.

Council Member Gaspar has no problem with doing a 380 agreement.

Council Member Akery is ok with Phase 1 of the proposed project.

Council Member Cox is not in favor of the 380

Council Member Hehn is ok with the proposal if it will benefit both entities.

Discussion on any subject addressed on the agenda for March 14, 2016.

None

Mayor Martin closed the workshop of the Manvel City Council at 6:57 p.m.

ORDER OF BUSINESS

REGULAR SESSION

CALL TO ORDER

Mayor Martin called the meeting of the Manvel City Council to order at 7:07 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: None

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

Gary Gordon, 9435 Gates Loop, Manvel TX

Spoke in favor of the Manvel Seafood and the building of a new facility. Mr. Gordon pleaded with the city council to stop holding progress up. This is the best restaurant in town, asking "why is it that every time Johnny Lowe comes before the city council, the council is against him"?

Mark Lowe, Manvel TX

City Council needs to wake up; business owners are throwing their hands up and relocating. Manvel is the "hole in the donut". The council needs to stop out costing businesses from coming to Manvel. The city is headed in the wrong direction.

Derek Hehn, 37 Terra Bella, Manvel TX

Spoke in favor of the Almost Heaven Park Site.

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Melissa Sifuentes, 20 Oakland Park Dr, Manvel TX
Self introduction as candidate for Manvel City Council Place 4.

Frank Hagdorn, 6919 Charlotte, Manvel TX

Spoke on behalf of a petition to fund a Business Liaison position.

Mr. Hagdorn stated that the City adopted a Home Rule Charter 4 years ago, and yet there has been no new development in the way of businesses since. You always hear “City on the Rise” but there is no growth here. Business opens, business close, that is not growth. The problem is how businesses are being received when they enter City Hall. The question needs to be asked, what is stopping these developers from coming this way? Are we so demanding that we are losing all prospects? City Council needs to give direction to the City Manager on where they want the city to be. Have a liaison to help this process. When the City Council is voting to set new rules, you need to ask yourself, “Would I do this”?

PROCLAMATION
Fair Housing Month

1. CITY MANAGER UPDATE

Update on current events and city issues.

a) City electric rate – contract for 2018-2022

With the execution of the new contract for city electric services, the new rate will be 3.5 cents/kwh thru Gexa, a savings of 4.2 cents/kwh.

REGULAR AGENDA

**Mayor Martin requested to change the order of the agenda, moving agenda items # 6, #7, and #8 to the top of the agenda. **

2. Presentation and Consideration and possible action to approve a Professional Services Agreement between the City of Manvel and Burditt Consultants LLC for preparation of a Master Parks Plan and consideration and possible action to approve ordinance 2016-O-09 amending the budget to fund the agreement. (Tabled 2/8/2016, 2/22/2016).

AN ORDINANCE AMENDING ORDINANCE NO. 2015-O-32 ADOPTING THE CITY FISCAL YEAR 2016 BUDGET ENDING SEPTEMBER 30, 2016, BY AMENDING THE CAPITAL PROJECTS FUND BUDGET FOR THE APPROPRIATION OF ADDITIONAL FUNDS FOR A MASTER PARKS PLAN.

Mayor Delores Martin made a motion to approve. Council Member, Place 6 Lew Shuffler seconded the motion.

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None

Absent: None

Abstained: None

3. Consideration and possible action to appoint the following to the Zoning Board of Adjustment (ZBOA) Board:

Pos # 1 George Collins – Term 3/2016-3/2018

Pos # 2 Lewis Rockwell – Term 3/2016-3/2017

Pos # 3 Debra Davison – Term 3/2016-3/2018

Pos # 4 Candace Crist – Term 3/2016-3/2017

Pos # 5 Maureen DelBello – Term 3/2016-3/2018

Mayor Delores Martin made a motion to approve George Collins, Lewis Rockwell, Debra Davison, and Maureen DelBello. Candace Crist requested to be removed as a candidate. Council Member, Place 6 Lew Shuffler seconded the motion.

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None

Absent: None

Abstained: None

4. Consideration and possible action on approval to proceed with the City Hall “Front Parking Lot Expansion” project.

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

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None

Absent: None

Abstained: None

5. Discussion on Capital Improvement Plan Goals and Land Use Assumptions and Capital Improvement Plan for Water & Wastewater Impact Fees.

**Mayor Martin requested to change the order of the agenda, moving agenda items # 6, #7, and #8 to the top of the agenda. **

6. Consideration and possible action to direct staff on concerns with city policy on infrastructure requirements. (Requested by Council Member Hanson).

Council Member Hanson stated that she was surprised that the city has such burdensome ordinances on businesses; these ordinances are ok for developers of subdivisions but not business owners. Council Member Hanson would like staff to exclude businesses from these requirements.

Council Member Hehn stated the city needs to move faster, look at the thoroughfare definition, the city needs to build these roads.

Council Member, Place 4 Melody Hanson made the motion to direct staff bring back an amended ordinance removing the infrastructure requirements on property less than 5 acres. Council Member, Place 1 Adrian Gaspar seconded the motion.

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None
Absent: None
Abstained: None

7. Discussion and possible action regarding a liaison to meet with incoming businesses and developers (Requested by Mayor Martin after discussion with Frank Hagdorn and concerned business and property owners).

Mayor Martin stated that unless the city council works together on amending the current rules that are in place, a liaison position will not do any good.

Mayor Delores Martin made a motion to discuss the possibility of a liaison position during the budget process. Council Member, Place 1 Adrian Gaspar seconded the motion.

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None
Absent: None
Abstained: None

8. Update status of amendment to Development Agreement with Sedona Lakes MUD #1 regarding proposed Almost Heaven Park. (Requested by Council Member Hanson)

Brazoria County Commissioner Precinct 2 Ryan Cade addressed the City Council on the importance of park space and offered to be of any assistance needed.

**9. Consideration and possible action to approve the first of two readings of Ordinance 2016-O-05
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS BY AMENDING CHAPTER 17, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, TECHNICAL CODES, SECTION 17-256(3) "AMENDMENTS TO RESIDENTIAL BUILDING CODE," TO AMEND THE LOCAL AMENDMENT PERTAINING TO PERMITTING OF CARPORTS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY OF VIOLATION CONSTITUTING A SEPARATE OFFENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

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

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None
Absent: None
Abstained: None

10. Consideration and possible action to approve Resolution 2016-R-04;

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING A SCHEDULE OF FEES, RATES, DEPOSITS, AND OTHER CHARGES FOR ZONING, PLATTING, BUILDING AND OTHER RELATED MATTERS; AND ADOPTING A SCHEDULE OF FEES FOR FIRE PREVENTION PERMITS ISSUED BY THE CITY; REPEALING ALL RESOLUTIONS IN CONFLICT HERE WITH; AND OTHER RELATED MATTERS. (CARPORTS).

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

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None

Absent: None

Abstained: None

11. Consideration and possible action to approve Resolution 2016-R-05;

A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MARCH 14, 2016 FOR ALL CITY EMPLOYEES, TO PROVIDE FOR FLSA 7K EXEMPTION FOR POLICE OFFICER PAY PERIODS TO ALLOW FOR 86 HOUR PAY PERIODS; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

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

The motion carried with a vote:

Vote: 7-0

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, and Council Member, Place 6 Lew Shuffler.

No: None

Absent: None

Abstained: None

12. Consideration and possible action to approve Ordinance 2016-O-08

AN ORDINANCE ESTABLISHING THE DEPARTMENT OF UTILITIES AS A NEW DEPARTMENT OF THE CITY; AMENDING AND ADOPTING A NEW ORGANIZATION CHART; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

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

The motion carried with a vote:

Vote: 7-0

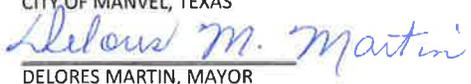
Yes: Mayor Delores M Martin, Council Member, Place 1 Adrian Gaspar, Council Member, Place 2 Lorraine Hehn, Council Member, Place 3 John Cox, Council Member, Place 4 Melody Hanson, Council Member, Place 5 Larry Akery, and Council Member, Place 6 Lew Shuffler.

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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, and Council Member, Place 6 Lew Shuffler.
No: None
Absent: None
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 March 14, 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.

SH 6 Water Main Reimbursement Agreement Outline

Offsite Segment

- Shu-Chem will advance fund, design, and construct the proposed water main extension.
- Approximately 2,000 linear feet
- Estimated cost: \$375,000
- The MEDC will reimburse Shu-Chem for the full actual cost upon completion of the water main
- Shu-Chem will waive all interest if reimbursement paid upon completion of the water main

Onsite Segment

- Shu-Chem will advance fund, design, and construct the proposed water main extension.
 - Phase 2: Approximately 1,500 linear feet
 - Phase 3: Approximately 2,200 linear feet
- Estimated Cost:
 - Phase 2: \$275,000
 - Phase 3: \$425,000
 - Total: \$700,000
- Shu-Chem will expedite the Phase 3 segment to build simultaneously with Phase 2.
- The City of Manvel will reimburse Shu-Chem for the full actual cost, plus interest, through a Chapter 380 property tax reimbursement agreement over the entire Shu-Chem property.
 - The City property taxes generated from incremental land, improvements, and personal property value will be dedicated to the reimbursement; 2015 will be the base year value
 - The City will dedicate the general fund portion of the tax rate to the 380 agreement; the city will retain the debt service portion of the tax rate.
 - Rollback taxes collected will be contributed on the same basis as current taxes.
 - Agreement will terminate upon the earlier of Shu-Chem being fully reimbursed, plus interest, or a maximum of 12 years.
 - Reimbursement fully dependent upon adequate new value being generated by Shu-Chem.