



**MINUTES  
MANOR CITY COUNCIL MEETING  
201 E. PARSONS STREET  
MANOR, TEXAS 78653  
October 17, 2012, 7:00 P.M.**

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**Council Members Present:**

Mayor, Jeff Turner  
Place 1, Jim Hooker  
Place 2, Gil Burrell  
Place 4, Danny Scarbrough, Mayor Pro-Tem  
Place 5, Rebecca Davies  
Place 6, Gene Kruppa

**City Staff Attending:**

Steve Shanks, City Manager  
Tom Bolt, Assistant City Manager  
Robert Snyder, Chief of Police  
Michael Tuley, Public Works Director  
Lydia Collins, Finance Director  
Vanessa Drimalas, Court Clerk

Place 3, Rita Jonse, Absent

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT.

The meeting was called to order by Mayor Turner at 7:00 p.m. who announced that a quorum of the City Council was present.

PLEDGE OF ALLEGIANCE

VISITOR AND CITIZEN'S FORUM

No citizens signed up to speak during the forum.

CONSENT AGENDA

1. Approval of the minutes:
  - a. September 05, 2012 Special/Public meeting
  - b. September 19, 2012 regular meeting

Action by Council was postponed on agenda item no. 1.

2. Departmental Reports

- a. *Court Clerk, Vanessa Drimalas gave the fiscal year 2011-2012 Court report to Council. Ms. Drimalas reported the total number of violations, noting a decrease in filed city ordinance violations; an increase in completed cases compared to last fiscal year; total dismissals; a decrease in warrants issued and the total amount of court costs and fine amounts collected in the last fiscal year.*

- b. **Public Works** Director, Michael Tuley, presented to Council the Utility Department Report. Mr. Tuley gave the total number of meters in the City of Manor and estimated population. Nine new meters were set the month of September. Mr. Tuley, reported total number of gallons produced by wells and total purchased. City Manager, Steve Shanks, reminded everyone about the new change this month to one cycle billing, making every bill due every 15<sup>th</sup> of the month. Fifteen inspections were made by the City of Austin Health Inspection Department. Mr. Tuley, also reminded Council that this coming weekend, city wide clean-up would continue and everyone was welcome to volunteer.
- c. The **Development** Report was given by Assistant City Manager, Tom Bolt. Mr. Bolt presented a year-end report showing total number of permits issued. There were 196 projects which consisted of site plans, zoning applications, subdivisions, and building permits. In the Fiscal year 2011-2012, a total of 1,358 were issued, which is considerably higher than previous years. Certificates of occupancy for last year were 74 – most of them being residential. He also showed Council a chart that described comparisons among Texas cities, which showed the City of Manor as having a 70 percent increase in the number of permits issued. Council Member Burrell asked Mr. Bolt if it was correct to say that three years ago, Bell Farms Subdivision had approximately 50 percent in foreclosure. Mr. Bolt responded that there were quite of few in that situation however now homes are being sold to qualified people. Mayor Turner stated these were good news having a lead in Travis County in homes being built as far as percentages go.
- d. The final report was given by Robert Snyder, Chief of **Police**. It was reported to Council that on average in the month of September, each officer responded to about 23.4 calls a day. He briefly described the different types of calls that officers responded to, such as suspicious circumstances, animal related calls and city ordinance violations. Chief Snyder also commended Officer Stigent for receiving an award for his outstanding participation in keeping our streets safe from drunk drivers. The police department's report also included several other significant incidents that Chief Snyder went over with Council.

### 3. Financial Report

Ms. Lydia Collins, City of Manor **Finance** Director, reported to Council totals on revenues, expenditures, and pertinent finance information for the month of September 2012. Council Member Scarbrough asked if the funds under "tourism" reflected funds for the Manor Fest. Ms. Collins replied that it did not. City Manager, Steve Shanks, explained that "tourism funds" did not come from events such as this one. Capital projects fund and special revenue and expenditures remained the same.

### REGULAR AGENDA

4. Consider and act upon on a Resolution authorizing the City Manager to file with the Texas Comptroller of Public Accounts a letter stating that the City is authorized by the State to exercise the power of eminent domain and providing a list of all authorities for the use of eminent domain.

City Manager, Steve Shanks, explained to Council that this resolution just came about this year after the 82<sup>nd</sup> Legislative session under Senate bill 18. Municipalities must provide a clarification in a letter stating that authority is held and eminent domain is exercised by that City and must present a list of all authorities for the use of eminent domain. Council Member Burrell asked if having 'eminent domain' meant that if the City wanted a piece of property, it could have it appraised and paid out to the owner. City Manager, Steve Shanks, clarified that having eminent domain, also meant that if the City believed a property was necessary for the city to complete plans for the public good, it could use its authority of eminent domain. He explained that it has been ruled that eminent domain powers cannot be used for a private developer's benefit.

A motion was made by Council Member Scarbrough and seconded by Council Member Burrell to pass a Resolution to authorize the City Manager to file with the Texas Comptroller of Public Accounts a letter stating that the City is authorized by the State to exercise the power of eminent domain and providing a list of all authorities for the use of eminent domain. The motion carried unanimously 6-0.

5. Approval of a Partial Release of Lien and acceptance of a supplemental deed of trust for the ShadowGlen Subdivision and authorization of the City Manager to approve and sign future Partial Releases of Liens as provided in the Supplemental Deed of Trust and as approved by the City Engineer and City Attorney.

City Manager, Steve Shanks, explained that in a large portion of our development agreement with ShadowGlen, there are certain deeds that are transferred to us, and there are deeds that are held by documents that guarantee certain conditions to take place. As this development takes place, these deeds of trust, different lots and blocks, will be substituted in and out of here. It's been several years since there has been development taking place that's caused them go forth with us having to change out some of the deeds we have in place in the trust. However, as the development now continues, this will be a more recurring matter.

A motion was made by Council Member Burrell and seconded by Council Member Hooker to approve a Partial Release of Lien and acceptance of a supplemental deed of trust for the ShadowGlen Subdivision and authorization of the City Manager to approve and sign future Partial Releases of Liens as provided in the Supplemental Deed of Trust and as approved by the City Engineer and City Attorney. Motion passed unanimously, 6-0.

6. Consider and act upon a Resolution authorizing the City Manager to execute a lease agreement with First Capital Equipment Leasing Corp., and associated documents for the lease of four (4) Police Department vehicles.

A motion was made by Council Member Davies and seconded by Council Member Scarbrough to pass a Resolution authorizing the City Manager to execute a lease agreement with First Capital Equipment Leasing Corp., and associated documents for the lease of four (4) Police Department vehicles. Motion passed unanimously, 6-0.

7. Consider and act upon a Resolution authorizing the City Manager to execute advance funding agreement(s) (AFA) with TxDOT and WalMart as required by TxDOT for improvements within the State right-of-way associated with the WalMart project.

City Manager, Steve Shanks, explained to Council that because TxDOT is the only one to do work within its right-of-ways, and will not enter into an agreement with a private developer, TxDOT drew up this agreement (AFA) with the City. The City then draws up an agreement with the private developer that states the same requirements as the one TxDOT drew up for the local government. Council Member Scarbrough verified with Mr. Shanks that all the City was being was a "pass-through" between WalMart and TxDOT. Mr. Shanks confirmed that the City was not going even collect administrative fees for this process.

A motion was made by Council Member Scarbrough and seconded by Council Member Kruppa to pass a Resolution authorizing the City Manager to execute advance funding agreement(s) (AFA) with TxDOT and WalMart as required by TxDOT for improvements within the State right-of-way associated with the WalMart project.

8. Discuss and consider various methods of community involvement in the funding of a playscape area for Jennie Lane Park.

City Manager, Steve Shanks, stated how the Jennie Lane Park needed a good renovation to make it be more appealing and kid-friendly. One possible funding method is getting the community involved either by volunteer work or financial help. Brick pavers at the park with the donor's name could be considered. Mr. Shanks asked for Council to think about new ideas for this park. Council Member Scarbrough suggested fundraisers. Council Member Davies suggested we could have donations for a tree with a plaque recognizing the donor. Mr. Shanks stated no pricing of this project has been done yet. Council Member Kruppa also suggested that even maintenance of the park could be donated by volunteers. Council Member Burrell discussed how he was concerned with the size of this park and the parking that is available. He would like to consider in the future to have a park where there isn't development and larger than the current park.

No action was taken by Council.

9. Discussion of "game rooms" and some current methods being used by local governments to regulate these enterprises and/or the equipment used.

City Manager, Steve Shanks, informed Council that this agenda item was brought to his attention by Council Member Burrell. Various cities, including the City of Manor, are now having to address this issue of game rooms popping up within our City. In the meantime, and when direction is received from the Attorney General or State on whether they are legal or not, some cities have resolved to regulate these game rooms by drawing an income from their usage. Mr. Shanks stated some cities have imposed an annual fee from \$500 - \$1,000 per machine with stickers to be placed on the back or side of the machine. Council Member Scarbrough asked if an ordinance might have to be done to regulate these game rooms. Mr. Shanks discussed this issue with our City Attorneys and they are able to draw up an ordinance to address this matter if Council decides to pass it along with tying the fees to infrastructure and economic development. Council Member Davies recommended these fees to tie to something that will discourage the usage of these machines. Mr. Shanks explained that because game rooms affect the quality or character of other development

that comes, having the fees tie to economic development would promote what the City of Manor is seeking.

It was resolved by Council to continue to go forward and discuss with our City Attorneys to draw up an ordinance to regulate these game rooms allowing the City to regulate and possibly charge user/machine annual fees. No action was taken by Council.


**10. CITY MANAGER'S REPORT**


- The Manor Fest was a success with a possible attendance of about 2,500 to 3,000 people.
- On Saturday, city-wide clean up with the help of staff and fire cadets.
- ShadowGlen Golf Club is going to meet to discuss pump station and its preliminary plans.

**11. Adjourn.**

A motion was made by Council Member Davies and seconded by Council Member Hooker to adjourn. Motion was approved unanimously, 6-0. Mayor Jeff Turner adjourned the Council Meeting at 8:33 p.m.

ATTEST:

  
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Steve Shanks, City Manager

  
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Jeff Turner, Mayor