



RITA G. JONSE, MAYOR
GENE KRUPPA, PLACE 1
MARIA AMEZCUA, PLACE 2
ANNE WEIR, MAYOR PRO TEM, PLACE 3
ZINDIA PIERSON, PLACE 4
DEJA HILL, PLACE 5
TODD SHANER, PLACE 6

CITY COUNCIL REGULAR MEETING AGENDA

WEDNESDAY, JANUARY 17, 2018

7:00 P.M.

CITY COUNCIL CHAMBERS, 105 E. EGGLESTON ST.

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three minutes per person. Comments on specific agenda items must be made when the item comes before the Council. To address the City Council, please complete the white card and present it to the City Secretary prior to the meeting. **NO ACTION MAY BE TAKEN BY THE CITY COUNCIL DURING PUBLIC COMMENTS.**

CONSENT AGENDA

The following Items will be enacted by one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the item will be removed from the consent agenda and considered separately.

1. Consideration, discussion, and possible action to approve the City Council Minutes of the January 3, 2018, Regular Meeting. Lluvia Tijerina,
City Secretary
2. Consideration, discussion, and possible action on the acceptance of the December 2017 Departmental Reports: Thomas Bolt,
City Manager
 - Development Services – Scott Dunlop
 - Police – Chief Ryan Phipps
 - Municipal Court – Sarah Friberg
 - Public Works – Mike Tuley
 - Finance – Lydia Collins

PUBLIC HEARING

- | | |
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| 3. Conduct a public hearing regarding the creation of a Public Improvement District – EntradaGlen. | Thomas Bolt,
City Manager |
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REGULAR AGENDA

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|---|---------------------------------------|
| 4. Consideration, discussion, and possible action on the creation of a Public Improvement District – EntradaGlen. | Thomas Bolt,
City Manager |
| 5. Consideration, Discussion, and possible action on an ordinance amending Article 4.08, Chapter 4 of the Manor Code of Ordinances to prohibit the use of Electronic Cigarettes and E-Cigarettes in food products Establishments, Bars, Hotel and Motel rooms with certain exceptions, and within 15 Feet of any opening to a place where smoking is prohibited; Providing for an exception for certain retail service establishments; and Providing for certain related matters. | Thomas Bolt,
City Manager |
| 6. Consideration, discussion, and possible action on a final plat Shadowglen 19B, fifty (50) lots on 9 acres more or less, located near Shadowglen Trace and Stoneridge Meadow Dr. Owner: SG Land Holdings. Applicant: Kimley-Horn. | Scott Dunlop,
Planning Coordinator |
| 7. Consideration, discussion, and possible action on a concept plan for Manor Heights South Phases 1-2, two hundred sixty-four (264) single family lots on 127 acres more or less, located near Bois D’Arc Road and Tower Lane. Owner: Sky Village Kimbro Estates LLC. Applicant: Kimley-Horn. | Scott Dunlop,
Planning Coordinator |
| 8. Consideration, discussion, and possible action on a first reading of an ordinance rezoning Abstract 315 Survey 63 Gates G, 7 acres more or less, locally known as 12805 E US Hwy 290, from Interim Single Family Residential (R-1) district zoning to Light Industrial (IN-1) district zoning. | Scott Dunlop,
Planning Coordinator |
| 9. Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 13 Utilities, Article 13.01 to add provisions for underground utilities. | Scott Dunlop,
Planning Coordinator |
| 10. Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.03, Section 6.03.131 Duties of Owner or Occupant to add provisions for graffiti. | Scott Dunlop,
Planning Coordinator |
| 11. Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 3 Building Regulations, Article 3.09 Landscaping and Screening to add definitions and provisions for residential landscaping and screening and Article 3.10, Section 3.10.014(h)(2) adding provisions for existing billboard signs. | Scott Dunlop,
Planning Coordinator |
| 12. Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 4 Business Regulations adding Article 4.09 to regulate used automotive parts, boat salvage yard, vehicle storage facilities, and metal recycling entities. | Scott Dunlop,
Planning Coordinator |
| 13. Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 1 General Provisions, Article 1.05 Boards, Commissions and Committees adding provisions for a quorum and attendance. | Scott Dunlop,
Planning Coordinator |

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|---|---------------------------------------|
| 14. Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Appendix A Fee Schedule amending fees for multi-family permits, residential reinspections, consultation deposits, refunds, and towing and wrecker services. | Scott Dunlop,
Planning Coordinator |
| 15. Consideration, discussion, and possible action on the development of policies governing Public Improvement Districts and Tax Increment Reinvestment Zones. | Thomas Bolt,
City Manager |

EXECUTIVE SESSION

The City Council will now Convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:

Section 551.071 Consultation with Attorney, Section 1.05, Texas Disciplinary Rules of Professional Conduct, and Section 551.087 Deliberations regarding Economic Development Negotiations to consult with legal counsel regarding legal issues associated with PID and TIRZ regulations and policies and to deliberate the economic development incentives for business prospects that seek to locate in the City

OPEN SESSION

The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.

ADJOURNMENT

In addition to any executive session already listed above, the City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, January 12, 2018, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Lluvia Tijerina
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail ltijerina@cityofmanor.org.



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Lluvia Tijerina, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the City Council Minutes of the January 3, 2018, Regular Meeting.

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

January 3, 2018, City Council Regular Meeting Minutes

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the City Council Minutes for the January 3, 2018, Regular Meeting.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



**CITY COUNCIL
REGULAR SESSION MINUTES
JANUARY 3, 2018**

PRESENT:

Rita G. Jonse, Mayor

COUNCIL MEMBERS:

Gene Kruppa, Mayor Pro-Tem, Place 1 (Absent)
Maria Amezcua, Place 2
Anne R. Weir, Place 3
Zindia Pierson, Place 4
Deja Hill, Place 5
Todd Shaner, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia Tijerina, City Secretary
Scott Dunlop, Planning Coordinator
Tracey Vasquez, HR Coordinator

REGULAR SESSION – 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Manor City Council was called to order by Mayor Rita G. Jonse at 7:00 p.m. on Wednesday, January 3, 2018, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

At the request of Mayor Jonse, Vicky McFarland with the Chamber of Commerce, led the Pledge of Allegiance.

PUBLIC COMMENTS

Jeffery Lewis, 11308 Terrace Meadow Way, Manor, Texas, spoke before City Council regarding his nomination for the Travis Central Appraisal District Board. Mr. Lewis discussed his educational background and work experience. He is requesting City Council's support and nomination to serve on the Texas Central Appraisal District Board.

No one else appeared to speak at this time.

CONSENT AGENDA

1. **Consideration, discussion, and possible action to approve the City Council Minutes of the December 20, 2017, Regular Meeting.**
2. **Consideration, discussion, and possible action on the second and final reading of an ordinance rezoning Lot 2 Manor Storage Plat, locally known as 12421 US Hwy 290 E, 3 acres more or less from Interim Agricultural (A) district zoning to Medium Commercial (C-2) district zoning. Owner: Manor Plaza LLC. Applicant: Gil Engineering Associates, Inc.**

The discussion was held regarding the findings of a substantial change in circumstances of the property.

Ordinance No. 500: An Ordinance of the City of Manor, Texas, Amending the Zoning Ordinance by Rezoning a Parcel of Land from Interim Agricultural (A) to Medium Commercial (C-2); Making Findings of Fact; and Providing for Related Matters.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua, the Council voted six (6) For and none (0) Against to approve and adopt all items on the consent agenda. Council Member Hill abstained. The motion carried unanimously.

REGULAR AGENDA

3. **Consideration, discussion, and possible action on a petition for disannexation for 2.317 acres, Abstract 154 Survey 52 Caldwell A C, locally known as 13330 Old Kimbro Rd, Manor, TX 78653.**

The City staff's recommendation was that the City Council deny a petition for disannexation for 2.317 acres, Abstract 154 Survey 52 Caldwell A C.

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt explained the disannexation for the property and stated all state requirements regarding notice were met and completed by the City.

Council Member Weir inquired if the property owner was served with the disannexation letter. City Manager Bolt confirmed letters were mailed out to property owners by Planning Coordinator Dunlop.

Mayor Jonse stated the annexation process was a lengthy process and the City held public hearings. City Manager Bolt stated the City held public hearings and two (2) ordinance readings for the annexation.

The discussion was held regarding the annexation process.

Council Member Amezcua inquired if the property would receive City services now. City Manager Bolt discussed the agreement that was signed by the annexed property owners and stated because the agreement was not signed by this property owner to delay the annexation process they are now within the City limits.

MOTION: Upon a motion made by Council Member Shaner and seconded by Council Member Weir, the Council voted six (6) For and none (0) Against to deny a petition for disannexation for 2.317 acres, Abstract 154 Survey 52 Caldwell A C. The motion carried unanimously.

4. Consideration, discussion, and possible action on proposed changes to the City of Manor Personnel Policies and Procedures Handbook.

The City staff's recommendation was that the City Council approve the proposed changes to the City of Manor Personnel Policies and Procedures Handbook with regard to On-all and Call-back compensation.

Tracey Vasquez, HR Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt explained the proposed changes to the City of Manor Personnel Policies and Procedures Handbook.

The discussion was held regarding the call-back compensation provisions.

MOTION: Upon a motion made by Council Member Shaner and seconded by Council Member Pierson, the Council voted six (6) For and none (0) Against to approve the proposed changes to the City of Manor Personnel Policies and Procedures Handbook with regard to On-all and Call-back compensation. The motion carried unanimously.

5. Consideration, discussion, and possible action on an ordinance amending sections 1.06.032 and 1.06.063 of Article 1.06, Chapter 1, of the Manor Code of Ordinances to comply with Charter provisions regarding the appointment of the City Secretary and the Director of Development Services.

The City staff's recommendation was that the City Council approve the ordinance amending sections 1.06.032 and 1.06.063 of Article 1.06, Chapter 1, of the Manor Code of Ordinances to comply with Charter provisions regarding the appointment of the City Secretary and the Director of Development Services.

City Manager Bolt explained the amendment to the ordinance regarding appointment of the City Secretary and Director of Development Services.

MOTION: Upon a motion made by Council Member Hill and seconded by Council Member Amezcua, the Council voted six (6) For and none (0) Against to approve Ordinance No. 501: An Ordinance of The City Of Manor, Texas, Amending Sections 1.06.032 And 1.06.063 of Article 1.06, Chapter 1, of the Manor Code of Ordinances to comply with Charter provisions regarding the appointment of the City Secretary and the Director of Development Services; Providing for conflicting ordinances; Providing for Severability; Providing an Open Meetings Clause and Establishing an Effective Date. The motion carried unanimously.

6. **Consideration, Discussion, and Possible action on an ordinance amending Chapter 4 of the Manor City Code by adding Article 4.08 to prohibit smoking in food products establishments, bars, hotel and motel rooms with certain exceptions, and within 15 feet of any opening to a place where smoking is prohibited; providing for an offense if the owner or person in control of an establishment fails to post no smoking signs, advise a patron that smoking is not allowed, or request a patron to leave after having been advised that smoking is not allowed; providing for an exemption for outdoor seating areas of food product establishments.**

The City staff's recommendation was that the City Council approve an ordinance amending Chapter 4 of the Manor City Code by adding Article 4.08 to prohibit smoking in food products establishments, bars, hotel and motel rooms with certain exceptions, and within 15 feet of any opening to a place where smoking is prohibited; providing for an offense if the owner or person in control of an establishment fails to post no smoking signs, advise a patron that smoking is not allowed, or request a patron to leave after having been advised that smoking is not allowed; providing for an exemption for outdoor seating areas of food product establishments.

City Manager Bolt discussed the proposed smoking ordinance.

Council Member Amezcua inquired about the deadline for establishments and if there would be establishments grandfathered in. City Manager Bolt stated establishments would not be grandfathered in and there would be a deadline. He stated the Police Department would be involved regarding the notice to establishments.

The discussion was held regarding the deadline notice and the nonsmoking signs for establishments.

Council Member Weir inquired about the steps for the offense if an establishment did not comply. City Manager Bolt stated the judge would determine the process of the offense.

Council Member Pierson inquired about the time that would be given to establishments to comply with new ordinance. City Manager Bolt stated the ordinance will take effect upon approval and the Police Department will take charge of notifying establishments if approved.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua, the Council voted five (5) For and one (1) Against to approve Ordinance No. 502: An ordinance of the City of Manor, Texas, amending Chapter 4 of the Manor City Code by adding Article 4.08 to prohibit smoking in Food Products Establishments, Bars, Hotel And Motel Rooms with Certain Exceptions, and Within 15 Feet of any Opening to a Place where Smoking is Prohibited; Providing for an offense if the owner or person in control of an establishment fails to post No Smoking Signs, advise a patron that smoking is not allowed, or request a patron to leave after having been advised that smoking is not allowed; Providing For an exemption for outdoor seating areas of food product establishments with a caveat that a three (3) week notice will be given to establishments to comply with the ordinance effective today. Council Member Hill voted against. The motion carried.

7. Consideration, discussion, and possible action on a resolution nominating a candidate for the Board of Directors of the Travis Central Appraisal District.

The City staff's recommendation was that the City Council approve a resolution nominating a candidate for the Board of Directors of the Travis Central Appraisal District.

City Manager Bolt explained the criteria for the board.

Mayor Jonse thanked Jeffery Lewis for wanting to represent the City of Manor area.

MOTION: Upon a motion made by Council Member Weir and seconded by Council Member Hill, the Council voted six (6) For and none (0) Against to approve Resolution No. 2018-01: A Resolution of the City of Manor, Texas nominating Jeffery Lewis as a candidate for the Board of Directors of the Travis Central Appraisal District. The motion carried unanimously.

8. Consideration, discussion, and possible action on the reappointment of Commissioner Keith Miller to Place 6 on the Planning and Zoning Commission.

The City staff's recommendation was that the City Council approve the reappointment of Commissioner Keith Miller to Place 6 on the Planning and Zoning Commission for a two-year term.

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

Council Member Shaner inquired about Mr. Miller's term on the Planning and Zoning Commission. City Manager Bolt stated Mr. Miller had served a two-year term.

MOTION: Upon a motion made by Council Member Shaner and seconded by Council Member Pierson, the Council voted six (6) For and none (0) Against to approve the reappointment of Commissioner Keith Miller to Place 6 on the Planning and Zoning Commission for a two-year term. The motion carried unanimously.

9. Consideration, discussion, and possible action on a First Amendment to the Amended and Restated Development Agreement for the Sky Village Subdivision (n/k/a "Manor Heights").

The City staff's recommendation was that the City Council approve a First Amendment to the Amended and Restated Development Agreement for the Sky Village Subdivision (n/k/a "Manor Heights"); and authorize the City Manager to finalize language related to wastewater improvements and execute the final First Amendment the Sky Village Development Agreement.

City Manager Bolt discussed the proposed first amendment to the amended and restated development agreement for the Sky Village Subdivision.

The discussion was held regarding the area that is being proposed and negotiations on the remaining lots.

City Manager Bolt stated there were issues with the wastewater line sizes that are being reviewed and the agreement will be revised.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Weir, the Council voted six (6) For and none (0) Against to approve a First Amendment to the Amended and Restated Development Agreement for the Sky Village Subdivision (n/k/a "Manor Heights"); and authorize the City Manager to finalize language related to wastewater improvements and execute the final First Amendment the Sky Village Development Agreement. The motion carried unanimously.

Mayor Jonse adjourned the regular session of the Manor City Council into Executive Session at 7:25 p.m. Wednesday, January 3, 2018, in accordance with the requirements of the Open Meetings Law.

EXECUTIVE SESSION

The City Council convene into Executive Session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in Section 551.074 Personnel Matters - *Discussion of City Manager's Evaluation*, at 7:25 p.m., on Wednesday, January 3, 2018, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 7:43 p.m. on Wednesday, January 3, 2018.

OPEN SESSION

The City Council reconvened into Open Session pursuant to the provisions of Chapter 551 Texas Government Code at 7:43 p.m. on Wednesday, January 3, 2018, in the Council Chambers of the Manor City Hall.

Mayor Jonse opened the floor for action to be taken on the items discussed in the Executive Session.

There was no action taken on the items discussed during Executive Session.

ADJOURNMENT

MOTION: Upon a motion made by Council Member Amezcua and seconded by Council Member Pierson, the Council voted six (6) For and none (0) Against to adjourn the regular session of the Manor City Council at 7:44 p.m. on Wednesday, January 3, 2018. The motion carried.

These minutes approved by the Manor City Council on the 17th day of January 2018.

APPROVED:

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 3, 2018

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the acceptance of the December 2017 Departmental Reports.

BACKGROUND/SUMMARY:

- Development Services – Scott Dunlop
- Police – Chief Ryan Phipps
- Municipal Court – Sarah Friberg
- Public Works – Mike Tuley
- Finance – Lydia Collins

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Departmental Monthly Reports

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve and accept the December 2017 Departmental Reports.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

**DEVELOPMENT SERVICES DEPARTMENT REPORT
PROJECT VALUATION AND FEE REPORT**

December 1 - 31, 2017

Description	Projects	Valuation	Fees	Detail
Commercial Demolition	1	\$140,000.00	\$392.00	
Commercial Tenant Finish -Out	1	\$450,000.00	\$2,765.25	Dental Dentures and Implants
Educational Remodel/Repair	1	\$3,343,955.00	\$25,262.69	
Residential Accessory	1	\$1,300.00	\$200.00	
Residential Deck/Patio	1	\$4,280.32	\$165.00	
Residential Driveway	1	\$2,000.00	\$97.00	
Residential Electrical	1	\$82,289.00	\$416.00	
Residential Irrigation	2	\$5,000.00	\$214.00	
Residential New	74	\$15,425,984.47	\$351,619.40	
Residential Plumbing	2	\$7,013.00	\$236.00	
Residential Swimming Pool/Spa	1	\$39,000.00	\$245.00	
Totals	86	\$19,500,821.79	\$381,612.34	

Total Certificate of Occupancies Issued: 58

Total Inspections(Comm & Res): 946

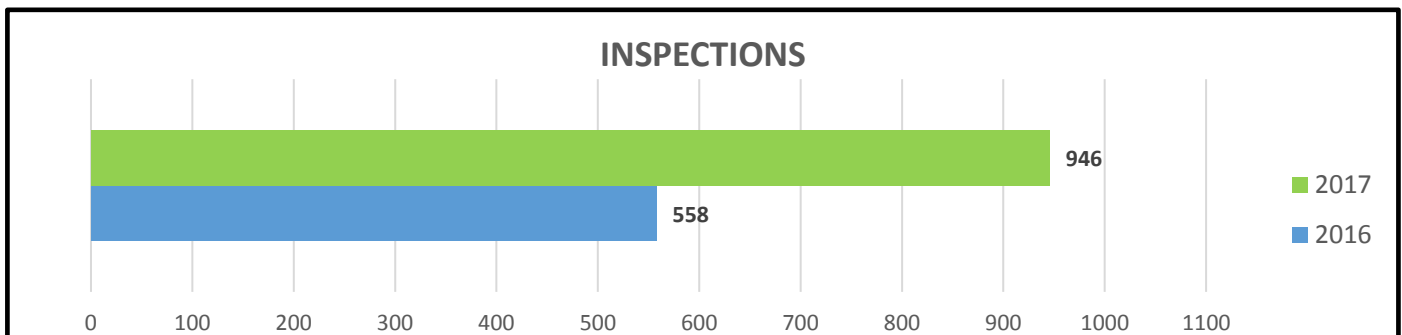
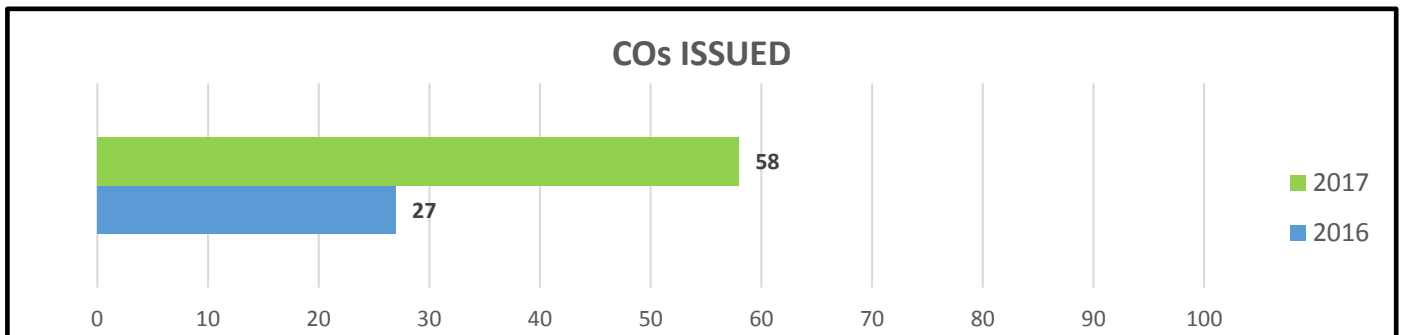
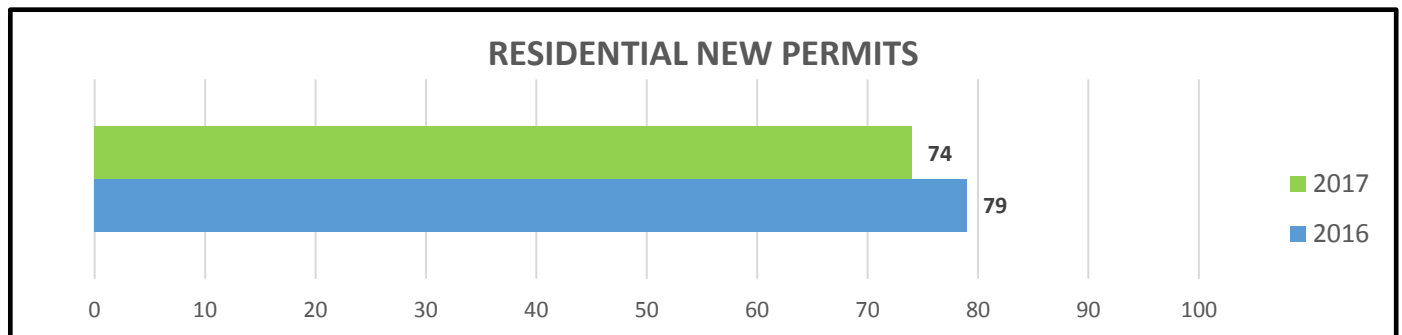
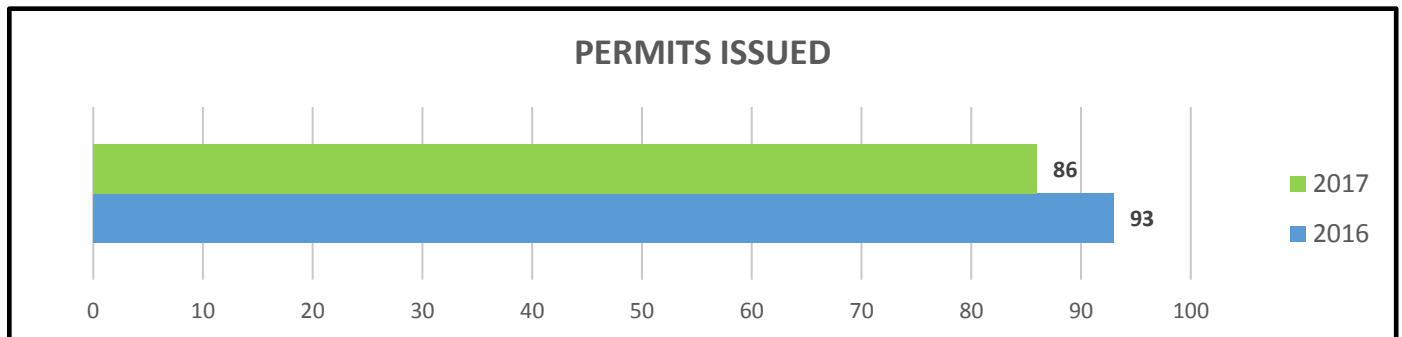
Tom Bolt, City Manager





DECEMBER 2017

DEPARTMENT OF DEVELOPMENT SERVICES
THOMAS BOLT, DIRECTOR





Manor Police Department

Monthly Council Report

Ryan S. Phipps - Chief of Police

Date of Meeting:

1/17/2018

December 2017

Activity	Reported Month	Same month Prior year	Percentage difference	
Calls for Service	1311	1410	7.0↓	Patrol Car Rental Last Month \$4797.50 YTD \$66,556.50
Average CFS per day	42.2	45.4	7.0↓	
Open Cases	32	39	17.9↓	
Charges Filed	58	69	15.9↓	
Alarm Responses	41	35	17.1↑	
Drug Cases	25	26	3.8↓	
Family Violence	2	11	81.8↓	
Arrests Fel/Misd	5Fel/53Misd	22Fel/63Misd	77.2↓ Fel/15.8↓ Misd	
Animal Control	38	20	90.0↑	
Traffic Accidents	27	31	12.9↓	
DWI Arrests	17	16	6.2↑	
Traffic Violations	484	672	27.9↓	
Ordinance Violations	7	16	56.2↓	
Seizures	N/A	N/A	N/A	
Laboratory Submissions	2	11	81.8↓	

Notes:

*DNA- DATA NOT AVAILABLE



Manor Police Department

Monthly Council Report

Ryan S. Phipps - Chief of Police

Date of Meeting:

1/18/2017

END OF YEAR

Activity	2017	2016	Percentage difference
Calls for Service	16691	15332	8.8↑
Average CFS per day	45.7	42	8.8↑
Open Cases	453	289	56.7↑
Charges Filed	866	758	14.2↑
Alarm Responses	495	429	15.3↑
Drug Cases	215	260	17.3↓
Family Violence	90	129	30.2↓
Arrests F/M	192FEL/695MISD	130FEL/804MISD	47.6↑FEL/13.5↓MISD
Animal Control	372	444	16.2↓
Traffic Accidents	365	379	3.6↓
DWI Arrests	100	76	31.5↑
Traffic Violations	7223	6395	12.9↑
Ordinance Violations	431	211	104.2↑
Seizures	N/A	N/A	N/A
Laboratory Submissions	117	82	42.6↑

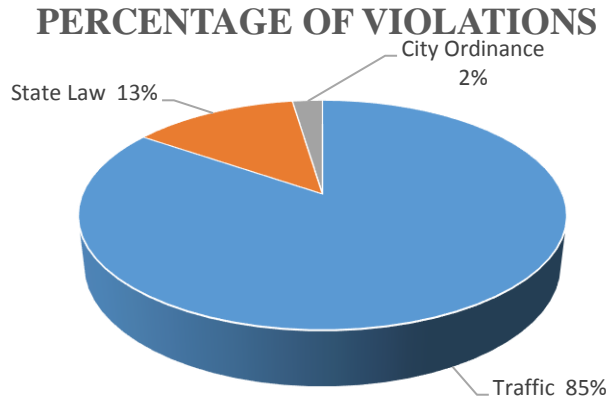
Notes:

*DNA- DATA NOT AVAILABLE

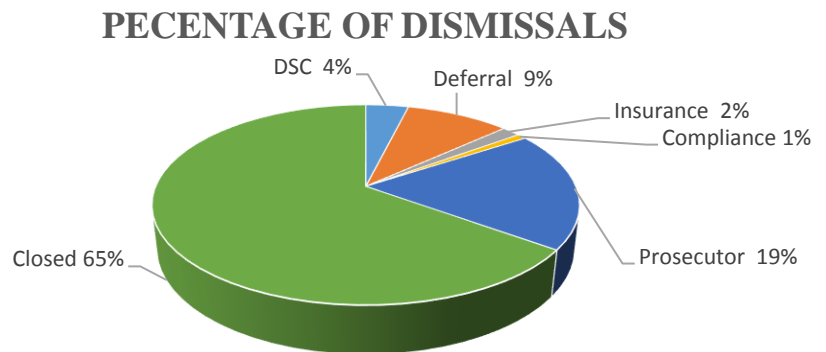
City of Manor Municipal Court

DECEMBER 2017

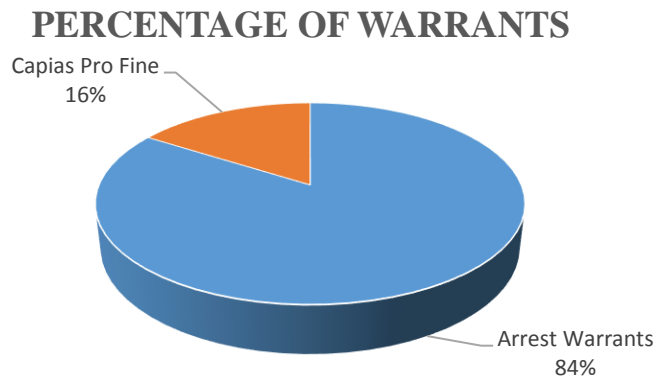
Violations Filed	Dec-17	Dec-16
Traffic	356	370
State Law	55	29
City Ord.	10	45
Total	421	444



Dismissals	Dec-17	Dec-16
DSC	23	26
Deferral	56	43
Insurance	10	11
Compliance	5	20
Prosecutor	115	42
Closed	388	379
Total	597	521



Warrants	Dec-17	Dec-16
Arrest Warrants	168	116
Capias Pro Fine	32	47
Total	200	163



Money Collected in December 2017

Kept By City	\$25,741.32
Kept By State	\$15,257.96
Total	\$40,999.28

Money Collected in December 2016

Kept By City	\$34,623.52
Kept By State	\$16,658.54
Total	\$51,282.06



PUBLIC WORKS DEPARTMENT December Report

Street and Public, Parks, and Maintenance Department

In the month of December, the Public Parks and Maintenance Department mowed all City facilities, alleys, and right of ways. They cleaned and maintained all City's facilities and parks. They performed all maintenance on City vehicle's and heavy equipment. In December, the Street Department repaired streets, curbs, and signs.

Water and Wastewater Department

In December, the Water Department performed daily maintenance on the water system, repaired water mains, set water meters and tested the water daily.

In December, the Wastewater Department performed daily maintenance on the wastewater plant. They cleaned and unstopped wastewater mains.

Water Production & Purchase

In the month of December, 17% of the water we supplied to our residents was from our wells, and we purchased 83% from EPCOR and Manville WSC. In December, the estimated population of residents in the City of Manor is 10,290. Estimated Population for ShadowGlen is 2,680 residents.

Subdivision Inspections

- Street Inspections- 7
- Water Inspections- 7
- Wastewater Inspections- 8



Streets and Parks Monthly Report December 2017

12/1/2017-12/31/2017 Daily Duties and Projects

12/1/2017- City staff continued to install decorations for the holidays. A 25' lit tree was installed at Jennie Lane Park for the holidays.

12/1/2017- The Old Manor Tower was lit with red and green to show some Christmas spirit.

12/7/2017- The City staff installed new plumbing inside of Jennie Lane bathrooms after vandals ripped toilets and sinks off the wall. City staff spent 8 hours repairing all the issues.

12/7/2017- As we all know it snowed this day in December, City crews ensured that all bathrooms, facilities, and irrigation systems were turned off due to freezing temperatures.

12/12/2017- City staff removed multiple trees under Old Manor Tower to improve the appearance of the tower.

12/12/2017- City staff traveled through the City filling in all pot holes on all streets.

12/13/2017- City staff removed all old flags and replaced with new flags. All old flags are collected and will be retired properly.

12/14/2017- City staff installed 120 bags of mulch at City hall to improve the appearance and health of the plants.

12/14/2017- City staff removed 3 large sections of road on S. Caldwell St. We had a great opportunity with one of the leading contractors. Mr. Larry Welch came down while we were on this project and taught us a few tricks of the trade, to ensure we were doing everything properly. It was a great experience and we learned a lot!

12/20/2017- City staff went around to all parks where playground surfacing was present and they tilled all surfacing. This ensures that all kids are safe in case of a fall.

12/20/2017- City purchased a salt spreader, it attaches to the receiver hitch to the streets truck. It will allow us to spread sand/salt for ice on our roads.



12/26/2017- City staff installed more “dead-end” signs in the Bell Farms subdivision. City Staff is planning to replace all dead-end signs.

12/27/2017- City installed 330’ of 6’ high fence around the west and north side of the Manor Cemetery. The east side of the cemetery fence is the only side that has not been replaced. The east side will be replaced when the new sewer plant is built. All new fence is black fabric chain link.

Inspections /New subdivision Walkthroughs and Pre-con meetings

12/4/2017- A punch list was created on Presidential Heights phase 2 for all areas that will need to be corrected and repaired before the City accepts responsibility.

12/5/2017- Pre-con meeting for the 2016 drainage project starting this month at the west side of old downtown.

12/6/2017- Stone Water phase 3 expired on December 20th, Streets division did their routine walk-through to notate any areas that need repair before the warranty expires.

12/8/2017- Pre-con meeting in ShadowGlen phase 2.

12/11/2017- A construction schedule was created for the Downtown Drainage Improvement Project to ensure all contractors stay on schedule and finish the project on time.

12/12/2017- Pre-con: Manor Commons SE Commercial Phase 1

12/18/2017- The one-year warranty for the 2016 Paving Improvements on Blake Manor was up on Thursday, December 21. The Streets division did their routine walk-through to notate any issues that will need repair.



Water Monthly Report December 2017

For the month of December, the Water Department had 35 service calls, 4 repair jobs, 9 maintenance jobs, 7 inspections, replaced 56 old meters with digital read meters in the Greenbury subdivision and flushed all dead-end mains.

Service calls include: Low water pressure calls, meter leaks, line locates, brown water calls, disconnect water services, connect water services, and meter change outs.

Repair Calls:

Burnet and Brenham St. - Repaired a 3/4 service line break by FZ,TM,JN 12-14-17.

210 West Townes St.- Repaired a 3/4 service line break by FZ,JN 12-15-17.

11606 Lapoynor St.- Repaired a broken angle stop by JN,TM,CD 12-26-17.

11604 Lapoynor St.- Repaired a broken angle stop by TM,CD,JN 12-26-17.

Maintenance:

11300 E. HWY 290 (in front of Manor Kids Dentist) - Located water and wastewater mains for S and S Cable by JT,FZ 12-1-17.

Clearwell - Changed cl2 bottles 150 lbs. by RM,TM 12-5-17.

2016 Drainage Improvement Project- Located utilities- Flagged and marked water mains and services on Bastrop and Caldwell St. to Eggleston St. Cross streets from Murray to Eggleston St. in between Lexington to Bastrop St. by JT,FZ,JN 12-5-17.

Bac T Samples - First set of 5 Bac T samples dropped off at Aqua Tech Lab by RM,TM 12-11-17.

Lapoynor and FM 973 - Exercise 12" valve by JT,TM 12-12-17.

Burton and FM 973 - Exercise 12" valve and 6" valve and 8" valve by FZ,JN 12-12-17.

Bac T samples - Second set of 5 samples dropped off at Aqua Tech Lab by RM,TM 12-20-17.

Las Entradas South by Chevron - Located utilities for Bluebonnet Electric by JT,FZ 12-20-17.

Wendy's at Manor Commons 1" irrigation meter and 1 1/2 meter for business -1 1/2 meter Id-60989724 reading-0000.

1" irrigation meter Id-54042386 ecoder-1546550496 reading-0000 dropped meters off with Lalo with Colby Construction by JT 12-28-17.

Inspections:

Presidential Glen phase 7 - Dry utility density testing with DNT Construction by JT 12-4-17.

Stonewater Phase 3 - 1-year warranty inspection by JT 12-11-17.

Lagos Phase 1 by CRU Construction- Pressure test water main passed by RM 12-14-17.

Manor Commons SE Commercial Phase 1 - Start up meeting by JT,AV 12-14-17.

ShadowGlen Phase 2 at Misty Groves Blvd- Start up meeting by JT,AV 12-14-17.

290 at FM 973 - Flow test fire hydrant with Capital Hydrant LLC by JT,RM 12-28-17.

Wendy's at Manor Commons- Water tap and service by Colby Construction by JT 12-29-17.



Wastewater Monthly Report December 2017

For the month of December, the Wastewater Department had 8 service calls, 1 repair job, 9 maintenance jobs and 8 inspections.

Service calls include: Sewer clog/backups, replacing broken clean out cap, and replacing lids.

Repair Calls:

16605 Jaron Dr.- Repaired service line where City side meets customer side (roots broke service main). Replaced cleanout cap and lid by FZ,JN,CD 12-18-17.

Maintenance:

WWTP- Ordered 5 bottles of 150 lb. cl2 bottles from Brenntag for WWTP by JT 12-1-17.

Stonewater Lift Station - Cleaned grease off floats by RM,TM 12-5-17.

WWTP- Replaced filters in blower's number 1 and 2 by RM,TM,JR 12-5-17.

WWTP- Ordered 4 air filters for blowers 1 and 2 from air filters incorporated by JT 12-6-17.

WWTP- After hours call high aeration alarm received by JT - Blew center well out in clarifier by CD 12-6-17.

2016 Drainage Improvement Project- Located utilities- Flagged and marked wastewater mains and services on Bastrop and Caldwell St. to Eggleston St. Cross streets from

Murray to Eggleston St. in between Lexington to Bastrop St. by JT,FZ,JN 12-5-17.

Stonewater Lift Station - Added radiator coolant to generator by RM,TM 12-7-17.

Presidential Glen Lift Station - Added radiator coolant to generator by RM,TM 12-7-17.

Wilbarger Plant- Repaired leaking dresser coupling on aeration line that goes from the blower room to aeration chamber by JT,FZ 12-12-17.

Inspections:

Lagos Phase 1 - Vacuumed test manholes and pressure test mains by CRU Construction by RM 12-12-17.

Lagos Phase 1 - Pulled mandrels in wastewater main by RM 12-14-17.

Manor Commons- Wendy's wastewater tap by Colby Construction 12-18-17 by JT.

Lagos phase 1 - Bore and casing under FM 973 at Lapoynor St. for wastewater main connection by Chasco Construction by JT 12-18-17.

Stonewater North- Pulled mandrels with Austin Engineering passed by RM 12-15-17.

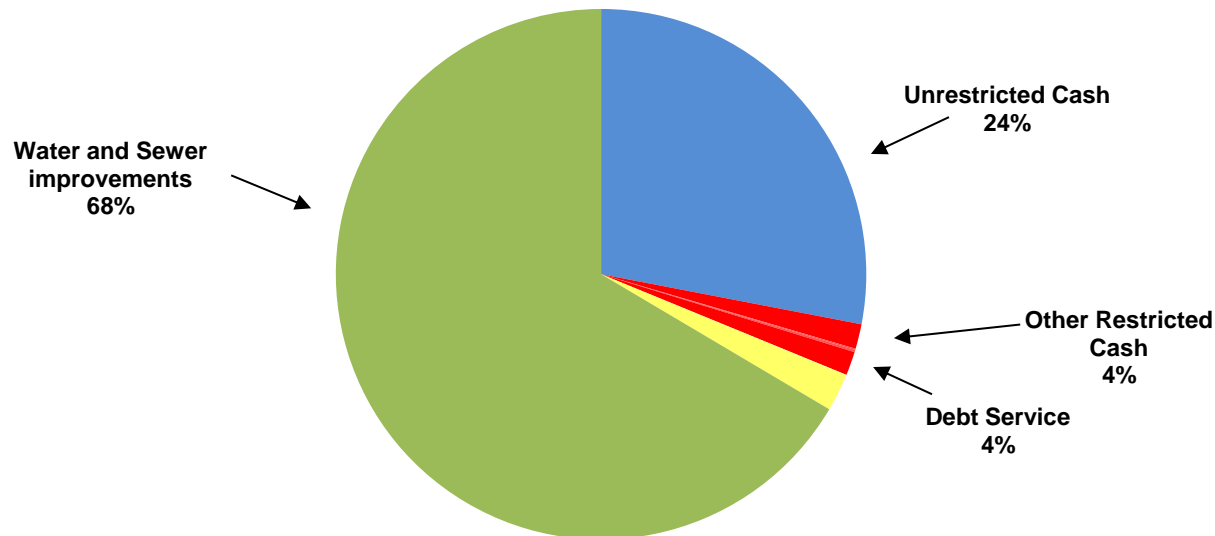
Wendy's at Manor Commons- Wastewater service by Colby Construction by JT 12-27-17.

Wendy's at Manor Commons - Wastewater service by Colby Construction by JT 12-28-17.

Lagos Phase 1 - Density test service line trenches by Chasco Construction.

**CITY OF MANOR, TEXAS
CASH AND INVESTMENTS
As of December 2017**

CASH AND INVESTMENTS	GENERAL FUND	UTILITY FUND	DEBT SERVICE FUND	SPECIAL REVENUE FUNDS	CAPITAL PROJECTS FUND	TOTAL
Unrestricted:						
Cash for operations	\$ 3,460,791	\$ 5,990,976			\$ 428,572	\$ 9,880,339
Restricted:						
Tourism				533,192		533,192
Court security and technology	27,192					27,192
Rose Hill PID				47,511		47,511
Customer Deposits		511,075				511,075
Park	8,537					8,537
Debt service			805,786			805,786
Capital Projects						
Water and sewer improvements		17,699,541		5,743,005		23,442,545
TOTAL CASH AND INVESTMENTS	\$ 3,496,520	\$ 24,201,592	\$ 805,786	\$ 6,323,708	\$ 428,572	\$ 35,256,178



Overview of funds:

\$ 74,524.93 sales tax collected
 GF is in a favorable status.
 UF is in a favorable status
 DSF is in a favorable status
 CIP Fund is in a favorable status



AGENDA ITEM NO. ³_____

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Conduct a public hearing regarding the creation of a Public Improvement District – EntradaGlen.

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☒ NO

STAFF RECOMMENDATION:

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



AGENDA ITEM NO. ⁴_____

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the creation of a Public Improvement District – EntradaGlen.

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☒ NO

STAFF RECOMMENDATION:

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending Article 4.08, Chapter 4 of the Manor Code of Ordinances to prohibit the use of Electronic Cigarettes and E-Cigarettes in food products Establishments, Bars, Hotel and Motel rooms with certain exceptions, and within 15 Feet of any opening to a place where smoking is prohibited; Providing for an exception for certain retail service establishments; and Providing for certain related matters.

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance No. 502A

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve an ordinance amending Article 4.08, Chapter 4 of the Manor Code of Ordinances to prohibit the use of Electronic Cigarettes and E-Cigarettes in food products Establishments, Bars, Hotel and Motel rooms with certain exceptions, and within 15 Feet of any opening to a place where smoking is prohibited; Providing for an exception for certain retail service establishments; and Providing for certain related matters.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 502-A

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING ARTICLE 4.08, CHAPTER 4 OF THE MANOR CODE OF ORDINANCES TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES AND E-CIGARETTES IN FOOD PRODUCTS ESTABLISHMENTS, BARS, HOTEL AND MOTEL ROOMS WITH CERTAIN EXCEPTIONS, AND WITHIN 15 FEET OF ANY OPENING TO A PLACE WHERE SMOKING IS PROHIBITED; PROVIDING FOR AN EXCEPTION FOR CERTAIN RETAIL SERVICE ESTABLISHMENTS; AND PROVIDING FOR CERTAIN RELATED MATTERS.

WHEREAS, the City Council of the City of Manor, Texas (the “City Council”) has previously adopted Ordinance No. 502, an ordinance regulating smoking in food products establishments and other structures within the City of Manor, Texas (the “City”);

WHEREAS, the City Council has determined that Ordinance No. 502 as codified should be amended to regulate electronic and e-cigarettes;

WHEREAS, the City Council has determined that prohibiting smoking and the burning of tobacco-related products is reasonable and necessary to protect the health, welfare, and safety of its citizens and visitors to the City; and

WHEREAS, the City Council has determined that it is necessary to regulate electronic and e-cigarettes in the same manner as the smoking and the burning of tobacco-related products;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Article 4.08, Section 4.08.001. Chapter 4, Business Regulations, Article 4.08, Smoking Ordinance, Section 4.08.001 of the Manor Code of Ordinances is hereby amended by adding the following definitions:

Electronic cigarette or e-cigarette. Any product containing or delivering nicotine or any other substance intended for human consumption that can be activated or used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vapor cigarette, vape pen, or under any other product name or description.

Smoke or Smoking. The lighting, holding, inhaling and exhaling of the smoke of a tobacco or nicotine product, including but not limited to, the carrying or holding of a lighted pipe, cigar, cigarette of any kind, activated electronic cigarette or e-cigarette, or any other lighted smoking equipment or device.

Section 3. **Amendment of Article 4.08, Section 4.08.002.** Chapter 4, Business Regulations, Article 4.08, Smoking Ordinance, Section 4.08.002 of the Manor Code of Ordinances is hereby amended by amending subsection (a) in its entirety to read as follows:

Sec. 4.08.002 Smoking Prohibited in Certain Public Areas

- (a) A person commits an offense if he smokes or possesses a burning tobacco or other plant product, or an activated electronic cigarette or e-cigarette, in any of the following:
- (1) A public library, or museum;
 - (2) Hearing rooms, conference rooms, meeting rooms or any public service area of any facility owned, operated, or managed by the city in which public business is conducted, when the public business requires or provides an opportunity for direct participation or observation by the general public;
 - (3) Every publicly or privately-owned theater, auditorium, or other enclosed facility which is open to the public for primary purpose of exhibiting any motion picture, stage drama, musical recital, athletic event, or any other performance or event, in all areas except either in that area commonly known as the lobby, or in areas not open to the public;
 - (4) An elevator used by the public;
 - (5) Any retail or service establishment serving the general public, including, but not limited to any department store, grocery store or drug store;
 - (6) Any food product establishment;
 - (7) Any bar, including a bar within a food products establishment;
 - (8) In or within 15 feet of any door, operable window/vent or other opening to a place where smoking is prohibited, except as provided for in section 4.08.004 below; or
 - (9) Hotels and motels, except as provided for in section 4.08.004 below.

Section 4. **Amendment of Article 4.08, Section 4.08.004.** Chapter 4, Business Regulations, Article 4.08, Smoking Ordinance, Section 4.08.004 of the Manor Code of Ordinances is hereby amended by amending subsection (a) in its entirety to read as follows:

Sec. 4.08.004 Exceptions

The following areas are exempted from the provisions of this ordinance:

- (a) A retail or service establishment which derives more than 50 percent of its annual gross sales from the sale of tobacco, tobacco products, smoking implements, electronic cigarettes or e-cigarettes, or electronic cigarette products.

Section 5. Conflicting Ordinances. Article 4.08, Sections 4.08.001, 4.08.002, and 4.08.004, Chapter 4, Manor Code of Ordinances, are amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 6. Savings Clause. All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances affecting the smoking or burning of tobacco products within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a final plat Shadowglen 19B, fifty (50) lots on 9 acres more or less, located near Shadowglen Trace and Stoneridge Meadow Dr. Owner: SG Land Holdings. Applicant: Kimley-Horn.

BACKGROUND/SUMMARY:

This plat was approved by our engineers on December 22nd. It should have been scheduled for the January 10th Planning Commission but was not put on the calendar due to a staff oversight. At staff's request the item was placed on the Council's agenda so the applicant does not have to wait until February 14th for the Commission's action. As a subdivision plat that meets our city standards, the Commission is obligated to approve it without change so sending the plat back to the Commission on February 14th will only delay the developer's approval.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Plat

Engineer Approval Letter

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council to approve a final plat Shadowglen 19B, fifty (50) lots on 9 acres more or less, located near Shadowglen Trace and Stoneridge Meadow Dr.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

DRAWING: L:\94-GLN\PM2\60024722\CADD\Notes\sect98\20 FINAL PLAT\SC198 FINAL PLAT.dwg PLOTTED: Mar 16, 2017 -- 9:11am

SHADOWGLEN
SECTION 19B
FINAL PLAT
SHEET 1 OF 4

NOTES:

1. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE DESIGN GUIDELINES OF SG LAND HOLDINGS, LLC. AND HIS/HER ASSIGNS.
2. LOT SETBACK REQUIREMENTS
FRONT YARD SETBACK 20 FT. FOR IRREGULARLY SHAPED LOTS
25 FT. FOR ALL OTHER LOTS
SIDE YARD SETBACK 5 FT.
STREET SIDE YARD SETBACK 15 FT.
REAR YARD SETBACK 10 FT.
3. WATER SERVICE AND WASTEWATER SERVICE TO BE PROVIDED BY WILBARGER CREEK MUD NO. 1
4. A 15' ELECTRICAL, NATURAL GAS, PROPANE, CABLE T.V. TELEPHONE, AND INTERNET EASEMENT IS HEREBY DEDICATED ALONG AND ADJACENT TO ALL STREET RIGHTS OF WAY.
5. FOR ADDITIONAL INFORMATION ON ADJACENT PROPERTY OWNERS SEE TABLE ON SHEET 4.

SG LAND HOLDINGS LLC,
A DELAWARE LIMITED
LIABILITY COMPANY
(A PORTION OF A CALLED
276.88 ACRES) (PARCEL 2)
DOC# 2012217281
O.P.R.T.C.T.

35' DRAINAGE ESMT
DOC # 2016100116
O.P.R.T.C.T.

SCALE: 1"=100'

LEGEND

- SET IRON ROD
- SET CONCRETE MONUMENT
- FOUND CONCRETE MONUMENT
- FOUND IRON ROD
- SIDEWALK

PROPOSED ACREAGE AND USAGE

NEW STREETS	LINEAR FEET	R.O.W. WIDTH
FALLSPRINGS WAY	496.95	50'
KIRA LANE	873.19	50'
MAPLE LEAF WAY	350.67	
TOTAL=	1720.81	TOTAL= 2,079 R.O.W ACRES
DESCRIPTION/USE	LOTS	ACRES
RESIDENTIAL BLOCK A	20	2.489
RESIDENTIAL BLOCK F	5	0.859
RESIDENTIAL BLOCK H	24	3.682
OPEN SPACE 43-BLOCK A	1	0.042
TOTAL=	50 LOTS	7.072 ACRES

SHADOWGLEN PHASE 2
SECTION 19B
FINAL PLAT
SHEET 2 OF 4

ENGINEER'S CERTIFICATION

I, ALLISON KENNAUGH, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAN IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF THE CITY OF MANOR, TEXAS SUBDIVISION ORDINANCE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 48453004854, TRAVIS COUNTY, TEXAS, DATED AUGUST 18, 2014, COMMUNITY #481028.

ALLISON KENNAUGH
REGISTERED PROFESSIONAL ENGINEER NO. 114356



SURVEYOR'S CERTIFICATION

I, DARRELL D. WHITE, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAN COMPLIES WITH THE SURVEYING RELATED PORTIONS OF THE CITY OF MANOR, TEXAS SUBDIVISION ORDINANCE, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

DARRELL D. WHITE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4818

STATE OF TEXAS
COUNTY OF TRAVIS

WHEREAS, SO LAND HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE OWNER OF 9.152 ACRES OF LAND OUT OF THE WILLIAM STANDERFORD SURVEY NO. 69 AND SUMNER BACON SURVEY NO. 62 OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING A CALLED OF A 202.996 ACRE TRACT OF LAND, AS CONVEYED TO US BY DEED RECORDED IN DOCUMENT NO. 2012217281 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID HAVING BEEN APPROVED FOR SUBDIVISION, PURSUANT TO THE PUBLIC NOTIFICATION & HEARING PROVISION OF CHAPTER 212 AND 232 OF THE LOCAL GOVERNMENT CODE.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT WE THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAN, AND DESIGNATED HEREIN AS "SHADOWGLEN PHASE 2 SECTION 19B" OF THE CITY OF MANOR, TRAVIS COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY SUBDIVIDE SAID 9.152 ACRES OF SAID LAND IN ACCORDANCE WITH THE ATTACHED MAP OR PLAN TO BE KNOWN AS "SHADOWGLEN PHASE 2 SECTION 19B", AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, PUBLIC EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS DAY OF _____, 20____, A.D.

SO LAND HOLDINGS, LLC
A DELAWARE LIMITED LIABILITY COMPANY
13509 SHADOWGLEN BLVD
MANOR TEXAS 78663

BY _____
TITLE _____

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON OR AGENT WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC IN AND FOR
TRAVIS COUNTY, TEXAS
MY COMMISSION EXPIRES:

CITY OF MANOR ACKNOWLEDGMENTS

THIS SUBDIVISION IS LOCATED WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF MANOR ON THIS _____ DAY OF _____, 20____.

ACCEPTED AND APPROVED FOR RECORD BY THE PLANNING AND ZONING COMMISSION, CITY OF MANOR, ON THIS _____ OF _____, 20____, A.D.

APPROVED: _____ ATTEST: _____
CHAIRMAN CITY SECRETARY

ACCEPTED AND APPROVED FOR RECORD BY THE CITY COUNCIL, CITY OF MANOR, ON THIS _____ OF _____, 20____, A.D.

APPROVED: _____ ATTEST: _____
MAYOR CITY SECRETARY

STATE OF TEXAS
COUNTY OF TRAVIS

COMMISSIONERS COURT RESOLUTION

IN APPROVING THIS PLAN BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAN AND IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, AND SAID COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THOROUGHFARES OR ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH. THE ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF THE ROADS OR STREETS IN REAL ESTATE SUBDIVISIONS DOES NOT OBLIGATE THE COUNTY TO INSTALL TRAFFIC MARKING SIGNS, AS THIS IS CONSIDERED TO BE A PART OF THE DEVELOPER'S CONSTRUCTION BUT THAT ERECTING SIGNS FOR TRAFFIC CONTROL, SUCH AS FOR SPEED AND STOP AND YIELD SIGNS SHALL REMAIN THE RESPONSIBILITY OF THE COUNTY.

THE OWNER(S) OF THE SUBDIVISION SHALL CONSTRUCT THE SUBDIVISION'S STREET AND DRAINAGE IMPROVEMENTS (THE "IMPROVEMENTS") TO COUNTY STANDARDS IN ORDER FOR THE COUNTY TO ACCEPT THE PUBLIC IMPROVEMENTS FOR MAINTENANCE OR TO RELEASE FISCAL SECURITY POSTED TO SECURE PRIVATE IMPROVEMENTS. TO SECURE THIS OBLIGATION, THE OWNER(S) MUST POST FISCAL SECURITY WITH THE COUNTY IN THE AMOUNT OF THE ESTIMATED COST OF IMPROVEMENTS. THE OWNER(S) OBLIGATION TO CONSTRUCT THE IMPROVEMENT TO COUNTY STANDARDS AND TO POST THE FISCAL SECURITY TO SECURE SUCH CONSTRUCTION IS A CONTINUING OBLIGATION BINDING THE OWNER(S) AND THEIR SUCCESSORS AND ASSIGNS UNTIL THE PUBLIC IMPROVEMENTS HAVE BEEN ACCEPTED FOR MAINTENANCE BY THE COUNTY, OR THE PRIVATE IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ARE PERFORMING TO COUNTY STANDARDS.

THE AUTHORIZATION OF THIS PLAN BY THE COMMISSIONERS COURT FOR FILING OR THE SUBSEQUENT ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, TEXAS, OF ROADS AND STREETS IN THE SUBDIVISION DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET NAME SIGNS OR ERECT TRAFFIC CONTROL SIGNS, SUCH AS SPEED LIMIT, STOP SIGNS, AND YIELD SIGNS, WHICH IS CONSIDERED TO BE PART OF THE DEVELOPER'S CONSTRUCTION.

STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF THE COUNTY COURT, OR TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT ON _____ DAY OF _____, 20____, A.D., THE COMMISSIONERS' COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THE PLAN AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE _____ DAY OF _____, 20____, A.D.

DANA DEBEAUVOR, CLERK OF COURT
TRAVIS COUNTY, TEXAS

BY _____
DEPUTY

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M., RECORDS OF SAID COUNTY AND STATE IN DOCUMENT NUMBER _____.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS _____ DAY OF _____, 20____, A.D.

DANA DEBEAUVOR, COUNTY CLERK,
TRAVIS COUNTY, TEXAS

BY _____
DEPUTY

WATER AND WASTEWATER:

THE TRACT OF LAND SHOWN HEREIN IS WITHIN THE BOUNDARIES OF WILBARGER CREEK M.U.D. NO. 1 AND SAID M.U.D. HAS WATER AND WASTEWATER SERVICE AVAILABLE UPON COMPLETION OF FACILITIES BY THE DEVELOPER

DATE _____ M.U.D. ENGINEER _____

GENERAL NOTES:

1. PROPERTY OWNER OR HIS/HER ASSIGNS SHALL PROVIDE FOR ACCESS TO THE DRAINAGE EASEMENT AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY CITY OF MANOR, WILBARGER CREEK MUD NO. 1, AND TRAVIS COUNTY, FOR INSPECTION OR MAINTENANCE OF SAID EASEMENT.
2. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE OWNER OR HIS/HER ASSIGNS.
3. A 15' ELECTRICAL, NATURAL GAS, PROPANE, CABLE T.V. TELEPHONE, AND INTERNET EASEMENT IS HEREBY DEDICATED ALONG AND ADJACENT TO ALL STREET RIGHTS OF WAY.
4. PUBLIC SIDEWALKS, BUILT TO THE CITY OF MANOR STANDARDS, ARE REQUIRED ALONG ALL STREETS WITHIN THE SUBDIVISION. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE ADDING LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
5. DRIVEWAY AND DRAINAGE CONSTRUCTION STANDARDS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TRAVIS COUNTY STANDARDS UNLESS OTHERWISE SPECIFIED AND APPROVED BY TRAVIS COUNTY.
6. PRIOR TO BEGINNING ANY CONSTRUCTION, A TRAVIS COUNTY BASIC DEVELOPMENT PERMIT SHALL BE OBTAINED AND POSTED ON THE JOB SITE. DEVELOPMENT OUTSIDE OF APPROVED CONSTRUCTION BOUNDARIES IS PROHIBITED WITHOUT A REVISED PERMIT.
7. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF MANOR AND TRAVIS COUNTY. ALL LOTS IN THIS SUBDIVISION NOT DESIGNATED AS SINGLE FAMILY WILL BE MAINTAINED BY SHADOWGLEN RESIDENTIAL COMMUNITY AND ITS SUCCESSORS AND ASSIGNS.
8. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE DESIGN GUIDELINES OF SHADOWGLEN RESIDENTIAL COMMUNITIES, LTD AND HIS/HER ASSIGNS.
9. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO THE WILBARGER CREEK MUD NO. 1 WATER AND WASTEWATER SYSTEM.
10. A TRAVIS COUNTY DEVELOPMENT PERMIT IS REQUIRED PRIOR TO SITE DEVELOPMENT OF ANY LOTS IN THIS SUBDIVISION.
11. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES, LANDSCAPING OR OTHER OBSTRUCTIONS SHALL BE ALLOWED WITHIN ANY DRAINAGE EASEMENT SHOWN HEREON EXCEPT AS SPECIFICALLY APPROVED BY THE CITY OF MANOR AND TRAVIS COUNTY.
12. ALL STREETS, DRAINAGE IMPROVEMENTS, SIDEWALKS, WATER AND WASTEWATER LINES, AND EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO CITY OF MANOR STANDARDS.
13. EROSION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON INDIVIDUAL LOTS, INCLUDING DETACHED SINGLE FAMILY IN ACCORDANCE WITH SECTION 1.4.0 OF THE MANOR ENVIRONMENTAL CRITERIA MANUAL.
14. ALL STREETS IN THIS SUBDIVISION WILL BE CONSTRUCTED TO CITY OF MANOR URBAN STREET STANDARDS. ALL STREETS WILL BE CONSTRUCTED WITH CURB AND GUTTER.
15. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF MANOR AND/OR TRAVIS COUNTY.
16. THE COVENANTS, CONDITIONS AND RESTRICTIONS ASSOCIATED WITH THIS SUBDIVISION ARE RECORDED UNDER DOCUMENT NUMBER 2003066593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.
17. OPEN SPACE LOT 43 SHOWN HEREON IS DESIGNATED AS "COMMON AREA" AS DEFINED UNDER THE SUBDIVISION COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED UNDER DOCUMENT NUMBER 2003066593 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY. THESE LOTS WILL BE "OWNED AND MAINTAINED" BY THE HOMEOWNERS ASSOCIATION.

CITY OF MANOR SUBDIVISION VARIANCES

1. AN AERIAL PHOTOGRAPH MAY BE SUBMITTED AT THE PRELIMINARY PLAT STAGE RATHER THAN A TRUE SURVEY.
2. AN INVENTORY OF SIGNIFICANT TREES THAT IDENTIFIES THE NUMBER OF SIGNIFICANT TREES BY CATEGORY (TREES 18 INCHES IN CALIPER AND LARGER AND TREES BETWEEN 8 AND 18 INCHES IN CALIPER) TO REMAIN DURING CONSTRUCTION AND THE NUMBER OF SIGNIFICANT TREES IN EACH CATEGORY DESIGNATED TO BE REMOVED DURING CONSTRUCTION SHALL BE SUBMITTED WITH CONSTRUCTION PLANS.
3. THE NUMBER OF REPLACEMENT TREES THAT WILL BE INSTALLED, WITHOUT THE IDENTIFICATION OF THE PARTICULAR LOCATION AT WHICH THE REPLACEMENT TREES SHALL BE INSTALLED, SHALL BE SUBMITTED WITH CONSTRUCTION PLANS.
4. SIGNIFICANT COTTONWOOD, HACKBERRY OR MESQUITE TREES REMOVED SHALL BE REPLACED AT A RATE OF 50% PER CALIPER INCH WITH AN APPROVED HARDWOOD TREE. ALL OTHER SIGNIFICANT TREES MUST BE REPLACED AT THE RATIOS DEFINED IN THE CITY'S SUBDIVISION ORDINANCE.
5. ALL DRAINAGE IMPROVEMENTS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF AUSTIN'S DRAINAGE CRITERIA MANUAL ("DCM"), AS CURRENTLY AMENDED, SAVE AND EXCEPT: (i) THOSE PROVISIONS OF THE DCM SET OUT IN SECTION 41(b)(i) OF THE CITY OF MANOR ORDINANCE NO. 159; (ii) PARAGRAPH 1.2.6 OF THE DCM; (iii) PARAGRAPH 2.2.1.A AND 2.2.1.E OF THE DCM; AND (iv) ANY OTHER PROVISIONS OF THE DCM THAT WOULD CAUSE THE FLOOD PLAIN DELINEATION TO BE DIFFERENT FROM THE 100-YEAR FLOODPLAIN ESTABLISHED BY FEMA. THE LOCATION OF THE 100-YEAR FLOODPLAIN SHALL BE THE LOCATION ESTABLISHED BY FEMA.
6. THE LOT SIZE, HEIGHT AND PLACEMENT, LOT COVERAGES, PARKING, AND LANDSCAPING FOR EACH LOT SHALL BE AS SET FORTH IN THE MINIMUM DEVELOPMENT STANDARDS FOR LOTS WITHIN THE MASTER LAND PLAN AND OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF AS SET FORTH IN THE PLU VARIANCES FOR LOTS WITHIN THE PLU AND THE CORPORATE BOUNDARIES OF THE CITY.
7. LOTS SHALL NOT BE REQUIRED TO FACE A SIMILAR LOT ACROSS THE STREET.
8. SIDE LOT LINES SHALL NOT BE REQUIRED TO PROJECT AWAY FROM THE FRONT LOT LINE AT APPROXIMATELY RIGHT ANGLES TO STREET LINES AND RADIAL TO CURVED STREET LINES.
9. THE AREA WITHIN THE CITY'S TERRITORIAL JURISDICTION ZONED DISTRICT "D-S" SHALL SATISFY THE CITY'S PARKLAND DEDICATION REQUIREMENTS FOR ALL LAND SHOWN WITHIN THE PLU OR THE MASTER LAND PLAN. ALL PROPERTY IDENTIFIED AS OPEN SPACE ON THE PLU PLAN OR ON THE MASTER LAND PLAN SHALL BE DEDICATED TO THE CITY OR TO A MUNICIPAL UTILITY DISTRICT.
10. THE AREA OF NON-RECTANGULAR LOTS SHALL BE PROVIDED WITH THE FILING OF A FINAL PLAT.

METES AND BOUNDS DESCRIPTION
9.152 ACRES OUT OF
WILLIAM STANDERFORD SURVEY NO. 69
AND SUMNER BACON SURVEY NO. 62,
TRAVIS COUNTY, TEXAS

DESCRIPTION OF 9.152 ACRES OF LAND LOCATED IN THE WILLIAM STANDERFORD SURVEY NO. 69, AND SUMNER BACON SURVEY NO. 62, TRAVIS COUNTY, TEXAS AND BEING OUT OF A CALLED 202.996 ACRE TRACT CONVEYED TO SO LAND HOLDINGS LLC, A DELAWARE LIMITED LIABILITY COMPANY AS RECORDED IN DOCUMENT NUMBER 2012217281 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, (D.P.R.I.T.G.), SAID 9.152 ACRES TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS BEING REFERENCED TO TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE:

BEGINNING AT A POINT WHOSE NORTHERING IS 10107713.096 AND WHOSE EASTING IS 3177578.232 ;
THENCE BEARING N 19-8-51.250 W A DISTANCE OF 19.905 FEET ;
THENCE BEARING N 28-37-30.234 W A DISTANCE OF 232.891 FEET ;
THENCE BEARING N 28-39-34.986 W A DISTANCE OF 42.297 FEET ;
THENCE BEARING N 30-27-59.883 W A DISTANCE OF 43.323 FEET ;
THENCE BEARING N 34-27-43.844 W A DISTANCE OF 90.000 FEET ;
THENCE BEARING N 48-34-45.612 W A DISTANCE OF 92.803 FEET ;
THENCE BEARING N 25-18-59.003 W A DISTANCE OF 87.163 FEET ;
THENCE BEARING N 11-27-56.254 W A DISTANCE OF 101.011 FEET ;
THENCE BEARING N 53-26-24.872 E A DISTANCE OF 37.618 FEET ;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 795.000 FEET, A DELTA ANGLE OF 19° 08' 41.71", AND WHOSE LONG CHORD BEARS N 44-7°-26.117 E A DISTANCE OF 264.409 FEET ;
THENCE BEARING N 34-33-53.271 E A DISTANCE OF 38.798 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.000 FEET, A DELTA ANGLE OF 55° 56' 39.20", AND WHOSE LONG CHORD BEARS N 62-31°-24.820 E A DISTANCE OF 23.452 FEET ;
THENCE BEARING N 79-42-37.758 E A DISTANCE OF 37.425 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.000 FEET, A DELTA ANGLE OF 27° 12.97", AND WHOSE LONG CHORD BEARS S 68-50°-52.387 E A DISTANCE OF 33.603 FEET ;
THENCE BEARING N 63-22°-44.077 E A DISTANCE OF 50.000 FEET ;
THENCE BEARING N 28-37°-15.924 E A DISTANCE OF 232.891 FEET ;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 89° 58' 59.91", AND WHOSE LONG CHORD BEARS S 71-37°-15.946 E A DISTANCE OF 28.284 FEET ;
THENCE BEARING S 26°-37°-15.923 E A DISTANCE OF 50.000 FEET ;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 89° 00' 00.00", AND WHOSE LONG CHORD BEARS S 18-22°-44.123 W A DISTANCE OF 28.284 FEET ;
THENCE BEARING S 26°-37°-15.907 E A DISTANCE OF 50.000 FEET ;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 90° 00' 00.00", AND WHOSE LONG CHORD BEARS S 71-37°-15.877 E A DISTANCE OF 28.284 FEET ;
THENCE BEARING S 26°-37°-15.886 E A DISTANCE OF 50.000 FEET ;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 89° 58' 59.91", AND WHOSE LONG CHORD BEARS S 18-22°-44.077 W A DISTANCE OF 28.284 FEET ;
THENCE BEARING S 26°-37°-15.901 E A DISTANCE OF 68.480 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 225.000 FEET, A DELTA ANGLE OF 08° 31' 25.22", AND WHOSE LONG CHORD BEARS S 22-21°-33.299 E A DISTANCE OF 33.442 FEET ;
THENCE BEARING N 60-59-47.508 E A DISTANCE OF 147.613 FEET ;
THENCE BEARING N 61-31°-25.252 E A DISTANCE OF 41.819 FEET ;
THENCE BEARING S 7-9-43.723 W A DISTANCE OF 61.427 FEET ;
THENCE BEARING S 10-13-47.798 W A DISTANCE OF 163.859 FEET ;
THENCE BEARING S 21-38-36.754 W A DISTANCE OF 110.778 FEET ;
THENCE BEARING N 69-27°-23.340 W A DISTANCE OF 88.714 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 90° 00' 00.00", AND WHOSE LONG CHORD BEARS N 24-41°-14.973 W A DISTANCE OF 28.284 FEET ;
THENCE BEARING N 69-41°-14.957 W A DISTANCE OF 50.000 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 90° 00' 00.00", AND WHOSE LONG CHORD BEARS S 65-18°-45.093 W A DISTANCE OF 28.284 FEET ;
THENCE BEARING N 69-41°-14.882 W A DISTANCE OF 16.815 FEET ;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 225.001 FEET, A DELTA ANGLE OF 37° 13' 09.00", AND WHOSE LONG CHORD BEARS N 87-17°-47.688 W A DISTANCE OF 136.135 FEET ;
THENCE BEARING S 75-5-39.813 W A DISTANCE OF 7.923 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.000 FEET, A DELTA ANGLE OF 84° 47' 02.64", AND WHOSE LONG CHORD BEARS N 62-30°-48.481 W A DISTANCE OF 26.968 FEET ;
THENCE BEARING S 69-52°-42.849 W A DISTANCE OF 50.000 FEET ;
THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 425.000 FEET, A DELTA ANGLE OF 00° 37' 43.90", AND WHOSE LONG CHORD BEARS S 19-48°-25.203 E A DISTANCE OF 4.665 FEET ;
THENCE BEARING S 70°-30°-26.739 W A DISTANCE OF 110.691 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 398664.70843 SQUARE FEET (9.15208 ACRES), MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND CONVEYANCES OF RECORD.

TRAVIS COUNTY NOTES

1. BEFORE BEGINNING CONSTRUCTION ACTIVITIES ON A SUBDIVISION LOT, THE OWNER MUST OBTAIN A TRAVIS COUNTY DEVELOPMENT PERMIT AND, WHEN APPLICABLE, IMPLEMENT A STORM WATER POLLUTION PLAN (SWPP). THE SWPP REQUIRES IMPLEMENTATION OF TEMPORARY AND PERMANENT BEST MANAGEMENT PRACTICES, INCLUDING EROSION AND SEDIMENT CONTROL, FOR PROTECTION OF STORM WATER RUNOFF QUALITY, IN ACCORDANCE WITH THE TRAVIS COUNTY CODE.
2. AN ACTIVITY THAT MAY ADVERSELY AFFECT A TREE OF EIGHT INCHES OR MORE IN TRUNK DIAMETER (MEASURED AT FOUR FEET HEIGHT ABOVE THE GROUND) IN A RIGHT-OF-WAY ACCEPTED FOR MAINTENANCE BY TRAVIS COUNTY MUST COMPLY WITH ALL STANDARDS AND REQUIREMENTS IN THE TRAVIS COUNTY CODE.

SHADOWGLEN PHASE 2
SECTION 19B
FINAL PLAT
SHEET 4 OF 4



Date: Friday, December 22, 2017

ALLISON KENNAUGH
KIMLEY-HORN
10814 JOLLYVILLE RD, BLDG 4 SUITE 300
AUSTIN 78759
allison.kennaugh@kimley-horn.com

Permit Number 2017-P-1090-FP
Job Address: , Manor 78653

Dear ALLISON KENNAUGH,

We have conducted a review of the final plat for the above-referenced project, submitted by ALLISON KENNAUGH and received by our office on December 21, 2017, for conformance with the City of Manor Subdivision Ordinance 263B. The Plat appears to be in general compliance with City Ordinance requirements and we therefore take no exception to their approval as presented.

Review of this submittal does not constitute verification that all data, information and calculations supplied by the applicant are accurate, complete or adequate for the intended purpose. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not City Engineers review the application for Ordinance compliance. Please call if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Pauline M. Gray".

Pauline Gray, P.E.
Staff Engineer
Jay Engineering Company, Inc.



AGENDA ITEM NO. 7

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a concept plan for Manor Heights South Phases 1-2, two hundred sixty-four (264) single family lots on 127 acres more or less, located near Bois D'Arc Road and Tower Lane. Owner: Sky Village Kimbro Estates LLC. Applicant: Kimley-Horn.

BACKGROUND/SUMMARY:

This is the concept plan for the South portion of Manor Heights. A development agreement amendment was approved on January 3rd which separated out this section from the overall development agreement that is still under discussion so the developer could move forward with these 264 lots.

Approved by P&Z 5-0

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Concept Plan
Engineer Approval Letter

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve a concept plan for Manor Heights South Phases 1-2, two hundred sixty-four (264) single family lots on 127 acres more or less, located near Bois D'Arc Road and Tower Lane.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE



CONCEPT PLAN BOUNDARY
PHASE LINE
PROPOSED RIGHT-OF-WAY
CITY LIMIT LINE

Kimley»»Horn

10814 JOLLYVILLE ROAD
AVALLON IV, SUITE 300
AUSTIN, TEXAS 78759
PH. (512) 418-1771
CONTACT: ALLISON J. KENNAUGH, P.E.

SKY VILLAGE KIMBRO ESTATES LLC,
2730 TRANSIT ROAD
WEST SENECA, NEW YORK 14224-2523
CONTACT: GORDON REGER

WATERSHED STATUS:

THIS SITE IS LOCATED IN THE COTTONWOOD CREEK WATERSHED.

FLOODPLAIN INFORMATION:

A PORTION OF THIS SITE LIES WITHIN THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48453C0485J, EFFECTIVE DATE AUGUST 18, 2014, TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

LEGAL DESCRIPTION:

127.220 ACRES OF LAND OUT OF 267.972 ACRES OF LAND LOCATED IN THE LEMUEL KIMBRO SURVEY, ABSTRACT NUMBER 456 AND THE A.C. CALDWELL SURVEY, ABSTRACT NUMBER 154, TRAVIS COUNTY, TEXAS AND BEING THE SAME 267,972 ACRE TRACT OF LAND CONVEYED TO SKY VILLAGE KIMBRO ESTATES, LLC, AS DESCRIBED IN DOCUMENT NUMBER 2016214460, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,

BENCHMARK NOTE:

BM #103 "X" SET ON BACK OF CURB ON WEST SIDE OF SHERRIBERRY WAY ± 40' SOUTH OF THE CENTERLINE OF KIRK RUBY. ELEV.=542.29'

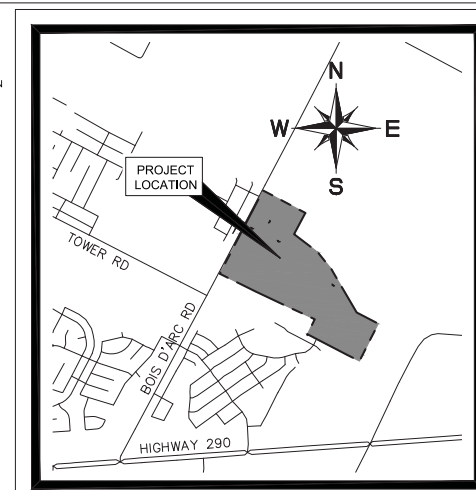
BM #104 "X" SET ON BACK OF CURB ON NORTHWEST CORNER OF CHARLES ABRAHAM AND
MARY OZBURN.
ELEV.=543.45'

MANOR HEIGHTS
SOUTH CONCEPT PLAN

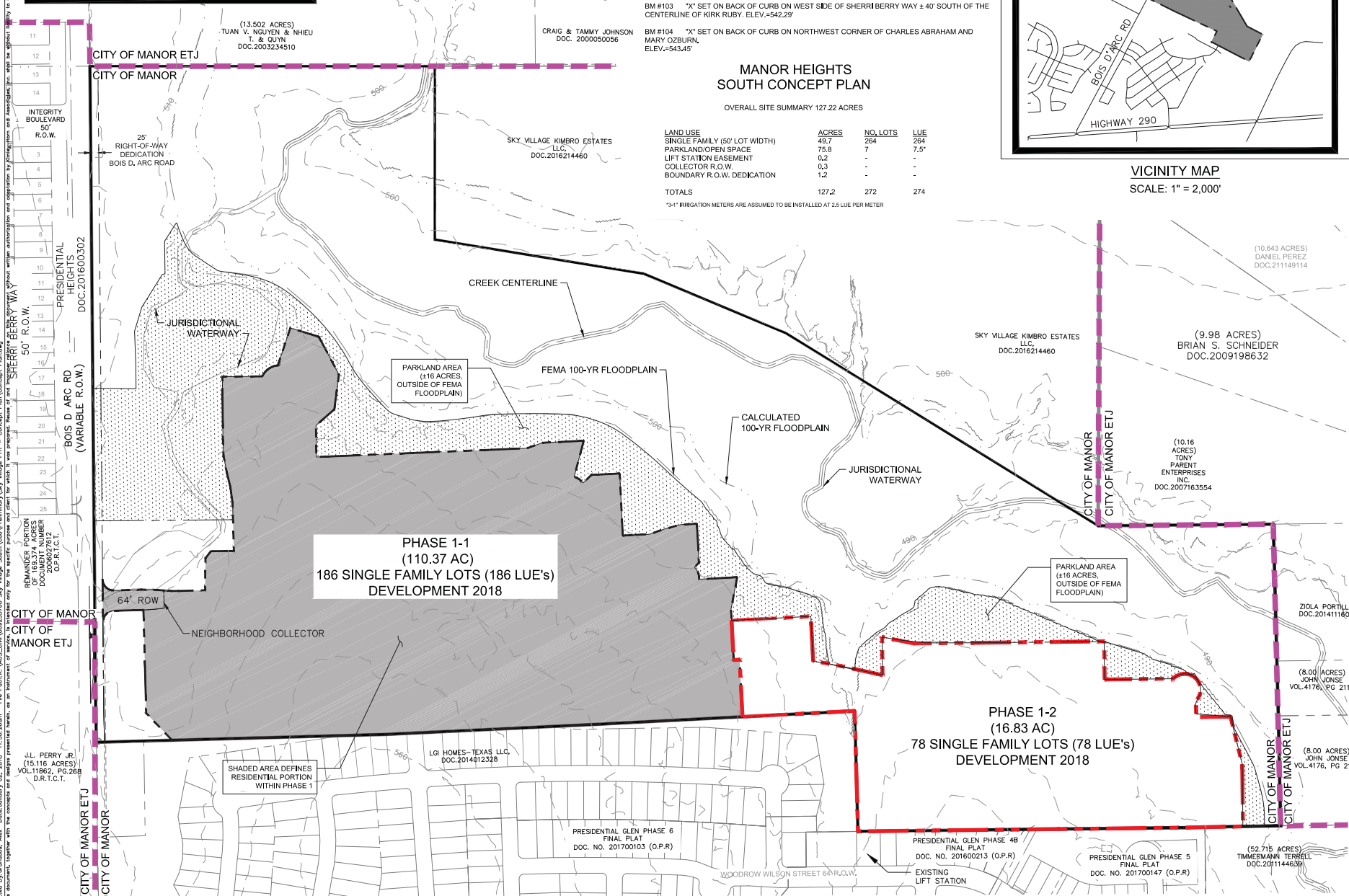
OVERALL SITE SUMMARY 127.22 ACRES

LAND USE	ACRES	NO. LOTS	LU
SINGLE FAMILY (50' LOT WIDTH)	49.7	264	264
PARKLAND/OPEN SPACE	75.8	7	7.5
LIFT STATION EASEMENT	0.2	-	-
COLLECTOR R.O.W.	0.3	-	-
BOUNDARY R.O.W. DEDICATION	1.2	-	-
TOTALS	127.2	272	274

*2-1" IRRIGATION METERS ARE ASSUMED TO BE INSTALLED AT 2.5 LUF PER METRE



VICINITY MAP
SCALE: 1" = 2,000'



Plotted By:Gronotos, Alex Date: January 02, 2018 11:30:26am File Path:K:\AUS_Civil\069255700 Sky Village South\Cad\Preliminary\Sky Village PH1 - Concept Plan\Concept Plan.dwg

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Date:

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Alex

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Growth

By:

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Plot:

1

Kimley» Horn

© 2017 KIMLEY-HORN AND ASSOCIATES, INC.
0814 JOLLYVILLE ROAD, AVALLON IV, SUITE 300, AUSTIN, TX 78759
PHONE: 512-418-1771 FAX: 512-418-1791
WWW.KIMLEY-HORN.COM
TEXAS REGISTERED ENGINEERING FIRM F-928

KHA PROJECT 069255700	DATE JANUARY 2018	SCALE: AS SHOWN	DESIGNED BY: BJB	DRAWN BY: AEG	CHECKED BY: AK
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CONCEPT PLAN

MANOR HEIGHTS
SOUTH
CITY OF MANOR
TRAVIS COUNTY, TEXAS

SHEET NUMBER
1

JAY ENGINEERING COMPANY, INC.

P.O. Box 1220 (512) 259-3882
Leander, TX 78646 Fax 259-8016

Texas Registered Engineering Firm F-4780

January 4, 2018

Mr. Tom Bolt
City Manager
City of Manor
P.O. Box 387
Manor, TX 78653

Re: Concept Plan Review for
Manor Heights South (Sky Village South)
City of Manor, Texas

Dear Mr. Bolt:

The Manor Heights South (Sky Village South) Concept Plan, submitted by Kimley-Horn and Associates, Inc. and received by our office on January 2, 2018, has been reviewed for completeness and compliance with the City of Manor Subdivision Ordinance. The Concept Plan appears to be in general compliance with City Ordinance requirements and we therefore take no exception to its approval as presented.

Review of this submittal does not constitute a verification of all data, information and calculations supplied by the applicant are accurate, complete, or adequate for the intended purpose. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not City Engineers review the application for Ordinance compliance. Please call if you have any questions or need additional information.

Sincerely,



Frank T. Phelan, P.E

FTP/s

Cc: Alex Granados, E.I.T., Kimley-Horn and Associates
Scott Dunlop, City of Manor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a first reading of an ordinance rezoning Abstract 315 Survey 63 Gates G, 7 acres more or less, locally known as 12805 E US Hwy 290, from Interim Single Family Residential (R-1) district zoning to Light Industrial (IN-1) district zoning.

BACKGROUND/SUMMARY:

This property is where ASCO is located on 290 across from Presidential Meadows. It was annexed in 2005 when our default zoning after annexation was Interim Single Family R-1. Since that time the owner has not pulled a permit with the City. They have filed a site plan to repave and increase their parking and sales area as well as improve the drainage on the property. This permit triggered a need to bring the zoning into compliance so they have filed for Light Industrial because they are a heavy machinery sales company.

Approved by P&Z 5-0

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 503

Subject property map

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance rezoning Abstract 315 Survey 63 Gates G, 7 acres more or less, locally known as 12805 E US Hwy 290, from Interim Single Family Residential (R-1) district zoning to Light Industrial (IN-1) district zoning.

PLANNING & ZONING COMMISSION: ☒ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 503

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A PARCEL OF LAND FROM SINGLE FAMILY RESIDENTIAL (R-1) TO LIGHT INDUSTRIAL (IN-1); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

Whereas, after giving ten days written notice to the owners of land within three hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

Whereas, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Ordinance. City of Manor Code of Ordinances Chapter 14 Exhibit A Zoning Ordinance ("Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property described in Exhibit "A" (the "Property"), from the current zoning district Single Family Residential (R-1) to zoning district Light Industrial (IN-1). The Property is accordingly hereby rezoned to Light Industrial (IN-1).

Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED FIRST READING on this the 17th day of January 2018.

PASSED AND APPROVED SECOND AND FINAL READING on this the 7th day of February 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse,
Mayor

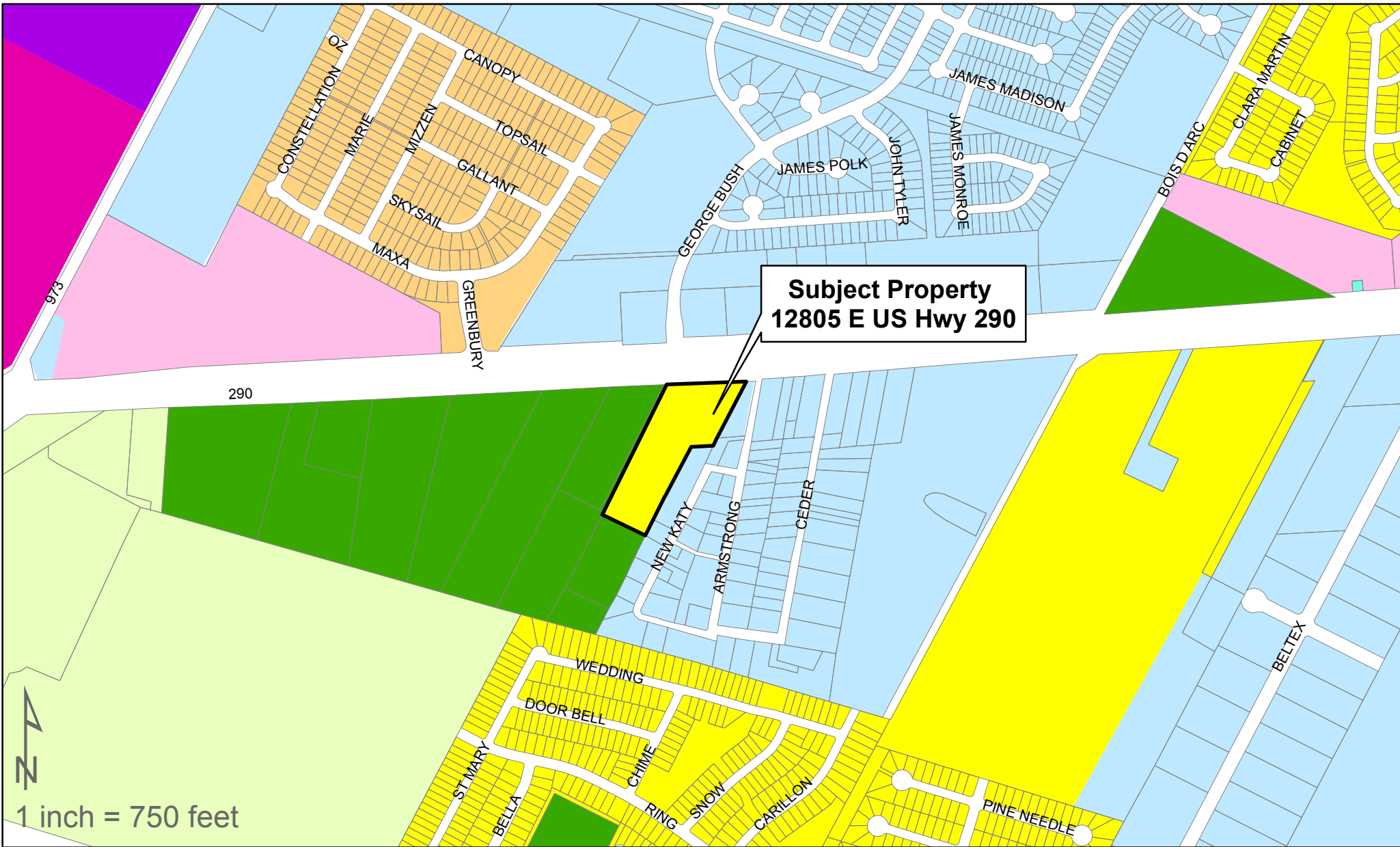
ATTEST:

Lluvia Tijerina,
City Secretary

EXHIBIT “A”

Property Legal Description:
ABS 315 SUR 63 Gates G ACR 7.015

Property Address:
12805 US Hwy 290 East, Manor, Texas 78653



Proposed Zoning **IN-1 Light Industrial** *Current Zoning - R-1 Single Family*

Zone		
 	R-1 - Single Family	 DB - Downtown Business District
 	R-2 - Single Family	 NB - Neighborhood Business
 	R-3 - Multi Family	 IN-1 - Light Industrial
 	R-4 - Multi Family Special	 IN-2 - Heavy Industrial
 	M-1 - Manufactured Housing	 I - Institutional
 	M-2 - Manufactured Housing Park	 PUD - Planned Unit Development
 	C-1 - Light Commercial	 A - Agricultural
 	C-2 - Medium Commercial	 Manor ETJ



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 13 Utilities, Article 13.01 to add provisions for underground utilities.

BACKGROUND/SUMMARY:

Our development standards do not directly state that new utilities must be underground. All of the new development has done this voluntarily, but there could be an time when a developer proposes over-head utilities and without language preventing it the city would have to accept them.

Additionally, these standards help the city score high enough to be designated as a scenic city through the Scenic Texas Program.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 504

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance amending the Manor Code of Ordinances, Chapter 13 Utilities, Article 13.01 to add provisions for underground utilities.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 504

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE
MANOR CODE OF ORDINANCES CHAPTER 13 UTILITIES, ARTICLE
13.01 GENERAL PROVISIONS TO ADD PROVISIONS FOR
UNDERGROUND UTILITIES; PROVIDING FOR CONFLICTING
ORDINANCES AND SEVERABILITY CLAUSES; AND PROVIDING FOR
AN EFFECTIVE DATE OF THIS ORDINANCE.**

WHEREAS, it is appropriate for the City to add and modify ordinances to better provide an attractive living environment and to protect the health, safety, morals, and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MANOR, TEXAS, THAT:

Section 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2: Amendment of Chapter 13, Article 13.01 adding Section 13.01.002 Installation of Utility and Service Lines as follows:

Section 13.01.002 Installation of Utility and Service Lines

- (a) Any person or utility installing or causing to be installed any utility or service line within the city shall install such utility or service line underground. Utility or service line shall include, but not be limited to water, wastewater, gas, electric, cable, internet, and propane lines. If above ground utilities are being replaced on side streets with above-ground utility service which intersects with a roadway with underground utilities, the first pole supporting the above ground service is placed on such side street at least one hundred (100) feet from the center of the roadway with the underground utilities.
- (b) In unique or unusual circumstances, a person may request an exception to the requirements of this section by submitting a written request for an exception to the planning department. The city engineer may grant an exception if an exception is required by applicable building codes or for public safety reasons. The city engineer's decision may be appealed in writing to the planning and zoning commission within ten days of the city engineer's decision. The commission's decision may be appealed to the city council within ten days of the commission's decision. The city council's decision will be final.

Section 3. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict and shall hereinafter read as provided herein. To the extent only, if any, necessary to accomplish the purposes of this ordinance, any such term, condition or provision of any ordinance of the city that is in conflict herewith is hereby repealed to the extent of such conflict.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication.

PASSED AND ADOPTED this the 17th day of January 2018

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.03, Section 6.03.131 Duties of Owner or Occupant to add provisions for graffiti.

BACKGROUND/SUMMARY:

Property owners are required to maintain their property in a variety of ways but keeping their buildings free of graffiti was omitted. This language would allow the city to compel property owners to clean or cover graffiti.

Additionally, these standards help the city score high enough to be designated as a scenic city through the Scenic Texas Program.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 505

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance amending the Manor Code of Ordinances, Chapter 6 Health and Sanitation, Article 6.03, Section 6.03.131 Duties of Owner or Occupant to add provisions for graffiti.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 505

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE
MANOR CODE OF ORDINANCES CHAPTER 6 HEALTH AND
SANITATION, ARTICLE 6.03 LITTERING, NUISANCES, AND
UNSANITARY OR OBJECTIONABLE CONDITIONS, SECTION 6.03.131
DUTIES OF OWNER OR OCCUPANT TO ADD PROVISIONS FOR
GRAFITTI; PROVIDING FOR CONFLICTING ORDINANCES AND
SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE
DATE OF THIS ORDINANCE.**

WHEREAS, it is appropriate for the City to add and modify ordinances to better provide an attractive living environment and to protect the health, safety, morals, and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MANOR, TEXAS, THAT:

Section 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2: Amendment of Chapter 6, Article 6.03, Section 6.03.131 as follows:

Section 6.03.131 Duties of owner or occupant

It shall be unlawful for an owner, occupant, lessee or renter of any lot or parcel of ground within the city limits (herein cumulatively referred to as “owner” or “occupant”) to:

(1) Fail to maintain such property:

- (A) Free of accumulations of brush, earth and construction materials, garbage, litter, junk, refuse, rubbish, solid waste, trash, weeds, unwholesome matter and any other objectionable, unsightly, or unsanitary matter of whatsoever nature;
- (B) Free and clear from weeds and tall grass from the line of such property, including the sidewalks, to the established curb line next adjacent thereto;
- (C) Free of drain holes and depressions in which water collects, or to fail to regrade any lots, grounds or yards or any other property owned or controlled by the owner or occupant which shall be unwholesome or have stagnant water thereon, or which from any other cause is in such condition as to be liable to produce disease;
- (D) Free from filth, carrion or other impure or unwholesome matter of any kind, on any portion of the property under the owner’s or occupant’s control, including any house, building, establishment, lot, yard or ground owned or occupied, especially any such filth, carrion or other impure or unwholesome matter that exudes any noxious, foul or offensive odor that is detectable past or beyond the boundary of the property upon which the matter is located;

- (E) Free of discharge of sewage or hazardous wastes into the soil or subsurface soil without proper containment thereto;
 - (F) Free of graffiti or marks including, but not limited to, an inscription, slogan, drawing, painting, symbol, logo, name, character, or figure, made in any manner on public or private property, excluding commercial advertising or a mark placed in compliance with an ordinance, or state or federal law; or
 - (G) In any manner that is inconsistent with this article;
- (2) Suffer, allow or permit any person to bring or transport onto the property any filth, carrion, decaying animal or vegetable matter, or other impure or unwholesome matter of any kind that exudes any noxious, foul or offensive odor that is detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant; or
 - (3) Operate or conduct any business or activity on the property in a manner that causes or results in any noxious, foul or offensive odor that originates on the property, or that emanates from any source that such owner or occupant has suffered, allowed or permitted to come onto the property, being detectable past or beyond the boundary of the property that is under the ownership or control of the owner or occupant.

Section 3. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict and shall hereinafter read as provided herein. To the extent only, if any, necessary to accomplish the purposes of this ordinance, any such term, condition or provision of any ordinance of the city that is in conflict herewith is hereby repealed to the extent of such conflict.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication.

PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 3 Building Regulations, Article 3.09 Landscaping and Screening to add definitions and provisions for residential landscaping and screening and Article 3.10, Section 3.10.014(h)(2) adding provisions for existing billboard signs.

BACKGROUND/SUMMARY:

This amendment adds the pertinent definitions from the zoning ordinance to the landscaping section. Landscaping previously was under zoning, but when it became it's own section the definitions remained in the zoning chapter. Also added was a requirement that lawns on new residential houses be fully sodded, not just the front yards and front yard fences can be up to four feet rather than 3 feet.

For signage, existing billboards cannot be changed to digital and cannot be moved on or to another property - these standards help the city score high enough to be designated as a scenic city through the Scenic Texas Program.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 506

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance amending the Manor Code of Ordinances, Chapter 3 Building Regulations, Article 3.09 Landscaping and Screening to add definitions and provisions for residential landscaping and screening and Article 3.10, Section 3.10.014(h)(2) adding provisions for existing billboard signs.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 506

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE
MANOR CODE OF ORDINANCES CHAPTER 3 BUILDING
REGULATIONS, ARTICLE 3.09 LANDSCAPE AND SCREENING;
ARTICLE 3.10 SIGNS SECTION 3.10.014 SIGN STANDARDS;
PROVIDING FOR CONFLICTING ORDINANCES AND SEVERABILITY
CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS
ORDINANCE.**

WHEREAS, it is appropriate for the City to add and modify ordinances to better provide an attractive living environment and to protect the health, safety, morals, and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2: Amendment of Chapter 3, Article 3.09, Section 3.09.002 as follows:

Section 3.09.002 Definitions

As used in this article, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless the context clearly indicates otherwise:

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

Building means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Area means the gross area covered by a structure when placed on the lot.

Building Plot means the land, lot, lots or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

Building Setback Line means a line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

Caliper means the trunk diameter of a tree at three (3) feet above natural grade.

City means the City of Manor, Texas.

City Administrator means the Mayor of the City, or other chief administrative officer designated by ordinance, or his or her designated representative.

City Building Official or Building Official means the designated Building Official for the City or his or her designated representative

City Council or Council means the City Council of the City.

City Engineer means the City Engineer for the City or his or her designated representative.

City Limits or Within the City means the, or within the, incorporated boundaries of the City.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or Council, including but not limited to the City Engineer, to review, comment and/or report on zoning applications.

City Standard Details and Specifications means a library of City-approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

Commission means the Planning and Zoning Commission of the City.

Critical Root Zone means a circular area around a Significant Tree equal to one (1) foot in radius for each one (1) inch caliper, and the center of the circular area located at the trunk

Developed Area means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Developer means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Floodplain means that land which is lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the City and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream floodplain characteristics and insure continued adequate drainage of adjacent land.

Front Yard means a space extending the full width of the lot between any building setback line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Frontage Block means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Governing Body means the City Council of the City.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Impervious Cover means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Loading Space means an off-street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

Lot means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also: Legal Lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot Lines means the lines bounding a lot as defined herein.

Lot Width means the average horizontal distance at the front building setback line of a lot.

Natural Channel means the topography of a waterway prior to construction, [or] installation of improvements thereof.

Natural Drainage means a stormwater runoff conveyance system not altered by development.

Natural State means substantially the same conditions of the land that existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Open Space means an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

Overland Drainage means stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Parking Lot means a paved parking area to accommodate the vehicles which utilize any multiple-family, retail, commercial, office, business or industrial property.

Parking Space means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by eighteen and one-half (18-1/2) feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

Parking Structure or Garage means a structure devoted to the parking or storage of automobiles for a fee and may include a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

Planting Area means any area designed for landscape planting having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.

Primary Structure means a structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the primary structure.

Privacy Fence means an opaque fence or screen of wood, masonry or a combination thereof at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch and are dog-eared picketing.

Rear Yard means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Regulatory 100-Year Floodplain means the one hundred (100) year floodplain as defined by the Federal Emergency Management Act (FEMA).

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the City.

Required Yard means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Shrub means any self-supporting woody evergreen and/or deciduous species.

Side Yard means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Significant Tree means a living tree that the City desires to preserve to the greatest extent possible. All trees larger than eight (8) inches in caliper are significant trees.

Site Plan means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities, temporary and permanent erosion/sedimentation controls, and other structures to be constructed.

Street means any public or private right-of-way that affords the primary means of vehicular access to abutting property.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Street Side Yard means an area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right-of-way.

Tree means any self-supporting woody plant species that normally grows to an overall minimum height of fifteen (15) feet.

Tree Survey means a scaled drawing accurately showing the location, Caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

Vines means any woody or herbaceous plants, which may cling by twining, by means of aerial rootlets or by means of tendrils or which, may simply sprawl over the ground or other plants.

Watershed means area from which stormwater drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting stormwater from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Section 3: Amendment of Chapter 3, Article 3.09, Section 3.09.003 as follows:

Sec. 3.09.003 Landscaping and screening requirements

(a) Purpose.

(1) For the purpose of providing for the orderly, safe, attractive and healthful development of land located within the community and promoting the health, safety and general welfare of the community, it is deemed necessary to establish requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

(2) The regulations contained herein are necessary to enhance the community's ecological, environmental and aesthetic qualities.

(3) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well-being of the community and, therefore, it is proper that the use of such elements be required.

(4) The city experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this section to encourage the use of drought-resistant vegetation that does not consume large quantities of water.

(b) General requirements.

(1) Installation and plan. All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for all new development in any zoning district, save and except A, OS, R-1, and R-2 districts.

(2) Maintenance. The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and

watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this Section.

(3) Planting criteria.

(A) Trees. Trees shall be a minimum of two (2) inches in caliper measured three (3) feet above finished grade immediately after planting. A list of preferred landscape trees is included as exhibit A at the end of this article. If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen (15) foot diameter crown if the drip line area is maintained. A minimum area three (3) feet in radius is required around the trunks of all existing and proposed trees.

(B) Shrubs, vines and ground cover. Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one (1) gallon container size.

(C) Lawn grass. It is recommended that grass areas be planted with drought-resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass area may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion.

(D) Synthetic lawns or plants. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(E) Architectural planters. The use of architectural planters may be permitted in fulfillment of landscape requirements.

(F) Other materials. Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

(c) Landscape requirements.

(1) Minimum area. A minimum percentage of the total lot area of property on which development occurs after the effective date of this subsection shall be devoted to landscape development in accordance with the following schedule:

Zoning or Use

Percentage

(A)	Multifamily structures	20%
(B)	Open space	20%
(C)	Office and professional uses	15%
(D)	Commercial or retail uses	15%
(E)	Industrial or manufacturing uses	10%
(F)	Institutional uses	10%
(G)	Agricultural	None
(H)	Single-family residential	See subsection (c)(2) of this section

(2) Residential structures. Minimum landscape requirements for detached single-family residential structures shall be a minimum of two (2) two-inch trees, six (6) two-gallon shrubs and lawn grass extending from all sides of the structure to the front, rear, and side property lines. Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.

(3) Exceptions. Exceptions to these provisions may be granted to require a lesser amount of landscaping, by the commission, if the aesthetic, buffering and environmental intent of this article is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.

(4) Placement. Landscaping shall be placed upon that portion of a tract that is being developed. Fifty percent (50%) of the required landscaping area and required plantings shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the commission. Landscaping placed within public rights-of-way shall not be credited to the minimum landscape requirements by this section. Auto sales facilities, golf courses, and similar facilities may place up to ninety percent (90%) of required landscaping along the side or back property lines of the tract with approval of the commission.

(5) Credit for significant trees. In order to reward the preservation of significant trees, no more than fifty percent (50%) of the critical root zone shall be disturbed and/or distressed with impervious cover, and the remaining critical root zone shall consist of at least one hundred (100) square feet.

(6) Required plantings.

(A) Institutional (I): For every six hundred (600) square feet of required landscape area, two (2) trees and four (4) shrubs shall be planted for the first twenty thousand (20,000) square feet of required landscape area. For every six hundred (600) square feet of required landscaped area in excess of twenty thousand (20,000) square feet shall plant one-eighth (1/8) tree and three (3) shrubs.

(B) General office (GO), multifamily (R-3) (R-4): For every six hundred (600) square feet of required landscape area, two (2) trees and four (4) shrubs shall be planted for the first twenty thousand (20,000) square feet of required landscape area. For every six hundred (600) square feet of required landscaped area in excess of twenty thousand (20,000) square feet shall plant one-fourth (1/4) tree and three (3) shrubs.

(C) All other zoning districts, save and except, agricultural (A) and single-family (R-1) (R-2): For every six hundred (600) square feet of required landscaped area, two (2) trees and four (4) shrubs shall be planted.

(D) To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than fifty (50) feet away from the trunk of tree, unless otherwise approved by the commission.

(7) Replacement of required trees. In cases of death or removal of a tree planted pursuant to the terms of this section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this section is retained. (Ordinance 365, sec. 2, adopted 6/17/09)

(8) Replacement tree ratio.

(A) 1:2 for significant trees eighteen (18) caliper inches and larger;

(B) 1:1 for significant trees between eight (8) and eighteen (18) caliper inches; and

(C) Replacement trees shall not be required for the removal of trees smaller than eight (8) caliper inches. The removal of significant trees eighteen (18) caliper inches or larger requires commission approval.

(D) A fee-in-lieu, determined at the time of request, for this subsection may be granted by the city council.

(d) Screening requirements.

(1) Generally. In addition to the landscaping requirements of this section, the screening of off-street parking, loading spaces and docks, refuse, dumpster and outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots must be screened from view from the street or public rights-of-way. This subsection does not apply to areas of auto sales facilities where automobiles are displayed for sale. Automobiles displayed for sale in an auto sales facility must be kept clean and neatly parked on a paved area, with all wheels on the paved area.

(2) Approved screening techniques. Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.

(3) Privacy fences.

(A) All fences along a common property boundary shall be less than or equal to six (6) feet in height.

(B) Fences less than or equal to eight (8) feet in height shall be allowed for impeding access to hazardous facilities, including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards; where the slope of a line drawn perpendicular to the fence line averages twenty percent (20%) or more on either side of the fence over a distance no less than fifteen (15) feet; or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the commission.

(C) Fences less than or equal to four (4) feet in height shall be allowed in front yards for lots one (1) acre in size, or less, or as otherwise approved by the commission.

(D) No fence or other structure more than thirty percent (30%) solid or more than four (4) feet high shall be located within twenty-five (25) feet of the intersection of any rights-of-way.

(E) All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.

(F) The finished side of all fences built to comply with these regulations shall face away from the screened object.

(4) Evergreen vegetative screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation, in combination with landscape trees fulfilling the requirements of this article.

(5) Landscape berms. Landscape berms, in combination with trees, shall fulfill the screening requirements of this section if the berms are at least three (3) feet in height and have maximum side slopes of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(6) Existing vegetation. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the commission, shall fulfill the requirements of this section.

Section 4: Amendment of Chapter 3, Article 3.09, adding Section 3.09.004 as follows:

Sec. 3.09.004 Penalty; enforcement

(a) Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in [section 1.01.009](#) of this code. Each day the violation exists shall constitute a separate offense. Proof of culpable mental state shall not be required to establish a violation of this article. Such penalty shall be in addition to all the other remedies provided herein.

(b) Any person who shall remove a notice of violation or a placard posted pursuant to this article from a property prior to correction of the deficiencies indicated thereon shall be deemed guilty of a misdemeanor offense.

(c) No certificate of occupancy or utility tap shall be issued by the city for or with respect to any lot, tract or parcel of land within the city limits that is not in compliance with this article.

(d) Any person who shall occupy a building, or any part thereof, without having received a certificate of occupancy, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in [section 1.01.009](#) of this code. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 5: Amendment of Chapter 3, Article 3.10, Section 3.10.014(h)(2) as follows:

(2) Existing billboard signs.

(A) Signs in existence prior to September 20, 2017 shall not exceed forty feet (40') in height and shall not have a face area, or gross surface area greater than six hundred seventy-two (672) square feet; provided that a billboard with signs located back to back and facing opposite directions may have up

to (or no more than a total of) six hundred and seventy-two (672) square feet of surface area for each of the two sign faces.

- (B) Existing billboards cannot be modified, upgraded, or converted to an electronic, changeable message (digital) billboard format.
- (C) Existing billboards cannot be relocated within or onto another property

Section 6. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict and shall hereinafter read as provided herein. To the extent only, if any, necessary to accomplish the purposes of this ordinance, any such term, condition or provision of any ordinance of the city that is in conflict herewith is hereby repealed to the extent of such conflict.

Section 7. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 8. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

Section 9. Effective Date. This ordinance shall take effect immediately from and after its passage and publication.

PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 4 Business Regulations adding Article 4.09 to regulate used automotive parts, boat salvage yard, vehicle storage facilities, and metal recycling entities.

BACKGROUND/SUMMARY:

These provisions were brought about because of the U-Pull-It development agreement. These regulations allow the city to require fencing around all automobile and boat salvage and storage yards as well as allows for inspections of property to ensure compliance with the maintenance and storage provisions. There are also licensing procedures and requirements for the types of materials that can be accepted. Businesses have 6 months to comply with the fencing requirements from the effective date - January 17th, 2018.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 507

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance amending the Manor Code of Ordinances, Chapter 4 Business Regulations adding Article 4.09 to regulate used automotive parts, boat salvage yard, vehicle storage facilities, and metal recycling entities.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING CHAPTER 4 OF THE MANOR CITY CODE BY ADDING ARTICLE 4.09 TO REGULATE USED AUTOMOTIVE PARTS, BOAT SALVAGE YARDS, VEHICLE STORAGE FACILITIES, AND METAL RECYCLING ENTITIES; PROVIDING FOR LICENSES AND FEES; PROVIDING FOR STORAGE, WASTE CONTAINEMENT, AND FIRE SAFETY; PROVIDING FOR RODENT AND VECTOR CONTROL; PROVIDING FOR CITY INSPECTIONS OF SUCH ENTITIES; PROVIDING FOR A PENALTY; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN OPEN MEETINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Manor is authorized to regulate used automotive parts recycling, boat salvage yards, and metal recycling businesses and procedures through its police powers in order to aid in the recovery of stolen property and to provide for the public health, safety, and welfare; and

WHEREAS, the City Council finds that licensing and recordkeeping requirements and enforcement procedures enable the police department to identify and recover illegally appropriated public and private property composed of certain metals

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Addition to Chapter 4. The City of Manor Code of Ordinances is hereby amended by adding Article 4.09 (Used Automotive Parts Recyclers and Metal Recycling Entities) to read as follows:

* * * * *

ARTICLE 4.09 USED AUTOMOTIVE PARTS RECYCLERS, BOAT SALVAGE, YARDS, VEHICLE STORAGE FACILITIES, AND METAL RECYCLING ENTITIES

DIVISION 1. USED AUTOMOTIVE PARTS RECYCLERS, BOAT SALVAGE YARDS, AND VEHICLE STORAGE FACILITIES

Sec. 4.09.001 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Best management practices. A technique or series of structural and non-structural techniques which, when used in a storm water pollution prevention plan, as required by federal law, is proven to be effective in controlling industrial related runoff.

Boat salvage yard. A business that is operated from a fixed location and is predominately engaged in the dismantling and reuse or resale of used boat parts, or any other motorized waterborne vehicles or instrumentality used to transport persons or property upon any waterway, and the safe disposal of those vehicles, including the resale of those vehicles.

Chief of police. The chief of police for the City and such persons as he may designate to perform his duties under this article.

City. The City of Manor, Travis County, Texas.

Department. The City of Manor Department of Development Services.

Director. The Director of the Department of Development Services.

Hazardous material. Any hazardous or toxic substance, material, or waste which is or becomes regulated by any governmental authority of the state or the United States government, including without limitation, any material or substance which:

- (1) Is defined or listed as “hazardous material,” “toxic pollutant,” “hazardous waste,” “hazardous substance,” or “hazardous pollutant” under applicable federal, state, or local law or administrative code promulgated thereunder;
- (2) Contains hydrocarbons of any kind, nature or description, including, but not limited to, gasoline, oil, and similar petroleum products, other than reclaimed asphalt pavement;
- (3) Contains asbestos;
- (4) Contains polychlorinated biphenyls (“PCBs”); or
- (5) Contains radioactive materials.

Metal recycling entity. A business that is operated from a fixed location and is predominately engaged in the following, excluding used automotive parts recycling and boat salvage businesses:

- (1) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;
- (2) The use of raw material products described under subsection (1) in the manufacture of producer or consumer goods; or
- (3) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by subsection (1) or (2).

Motor vehicle. Any motor driven or propelled vehicle required to be registered under the laws of this state; a trailer or semitrailer, other than manufactured housing, that has a gross weight that exceeds four thousand (4,000) pounds; a house trailer; an all-terrain vehicle, as defined by Section 502.001, Texas Transportation Code, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or a motorcycle, motor driven cycle, or moped

that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course. Any metals comprising a motor vehicle are not regulated materials as defined in this article.

Non-repairable motor vehicle. A motor vehicle that:

- (1) Is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal; or
- (2) Comes into this state under a title or other ownership document that indicates that the vehicle is non-repairable, junked, or for parts or dismantling only.

Normal allocation. All the parts of a motor vehicle constituting its ordinary assemblage.

Person. An individual, corporation, partnership or any other group acting as a unit.

Regulated material. Aluminum material, bronze material, copper or brass material, or regulated metal.

Regulated metal. Manhole covers; guardrails; metal cylinders designed to contain compressed air, oxygen, gases or liquids; beer kegs made from metal other than aluminum; historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum; unused rebar; street signs; drain gates; safes; communication, transmission, and service wire or cable; condensing or evaporator coils for central heating or air conditioning units; utility structures, including the fixtures and hardware; aluminum or stainless steel containers designed to hold propane for fueling forklifts; metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; catalytic converters not attached to a vehicle; fire hydrants; metal bleachers or other seating facilities used in recreational areas or sporting arenas; any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad; insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation; backflow valves; and metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.

Salvage materials. Any motor vehicle, salvage motor vehicle, non-repairable motor vehicle and all their respective parts, scrap, used or obsolete ferrous and nonferrous metals, and regulated materials and regulated metals as defined in this division.

Salvage motor vehicle.

(1) A motor vehicle that:

- a. Has damage to or is missing a major component part to the extent that the cost of repairs, including parts and labor other than the cost of materials and labor for repainting the motor vehicle and excluding sales tax on the total cost of repairs, exceeds the actual cash value of the motor vehicle immediately before the damage, or
- b. Is damaged and that comes into this state under an out-of-state salvage motor vehicle certificate of title or similar out-of-state ownership document that states on its face "accident damage," "flood damage," "inoperable," "salvageable," or similar notion; and

(2) Does not include:

- a. A non-repairable motor vehicle;
- b. An out-of-state motor vehicle with a “rebuilt,” “prior salvage,” “salvaged,” or similar notion; or
- c. A motor vehicle for which an insurance company has paid a claims for:
 - i. The cost of repairing hail damage, or
 - ii. Theft, unless the motor vehicle was damaged during the theft and before recovery to the extent described by subparagraph (1)(a).

Used automotive parts recycler. A person licensed under this division to operate a used automotive parts recycling business.

Used automotive parts recycling. The dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or non-repairable motor vehicles, including the resale of those vehicles.

Vehicle storage facility. A garage, parking lot, or other facility owned or operated by a person or business, other than a governmental entity, for storing or parking 10 or more motor vehicles, including motorized waterborne vehicles, per year. This definition does not include businesses with the primary purpose of vehicle sales on the property within the corporate limits of the City, such as automotive dealerships.

Sec. 4.09.002 Zoning Requirement

- (a) Proper zoning is required for the establishment or expansion of a use as required by Chapter 14 of this Code, subject to provisions in Chapter 14 governing nonconforming uses and structures.
- (b) In granting any required conditional use permit, the City Council may impose conditions that the applicant must comply with prior to issuance of a license and a certificate of occupancy for the use of land or buildings on the property pursuant to the approval. City Council-imposed conditions shall not be construed as conditions precedent to the granting of conditional use permit, but shall be construed as conditions precedent to the granting of a license and certificate of occupancy.
- (c) It is unlawful to own or operate a used automotive parts recycling business without the appropriate zoning classification.
- (d) It is unlawful to own or operate a boat salvage yard without the appropriate zoning classification.

Sec. 4.09.003 License Required

- (a) A person shall not own or operate a used automotive parts recycling business, or a boat salvage yard, within the city without a valid city issued license.
- (b) A person owning or operating a used automotive parts recycling business, or a boat salvage yard, shall not accept regulated material, as defined above, outside the normal allocation of a motor vehicle or boat, without a city issued metal recycling entity license.

Sec. 4.09.004 Application for License

- (a) All applications for licenses to operate a used automotive parts recycling business or boat salvage yard must be made in writing to the director on a form prescribed by the director and shall, among other things, contain:
 - (1) The name, residence, and business address of the applicant (this information shall be listed for each member of the partnership and for each officer of a corporation);
 - (2) The name and nature of the proposed operation; and
 - (3) The present zoning, address, and legal description of the premises for which application is being applied
- (b) All applications for a used automotive parts recycling license must contain the following statement: *“The license applied for shall be subject to all provisions of the codes and ordinances of the city relating to used automotive parts recycling as well as all state and federal regulations relating to such operations.”*
- (c) All applications for a boat salvage yard license must contain the following statement: *“The license applied for shall be subject to all provisions of the codes and ordinances of the city relating to boat salvage yards as well as all state and federal regulations relating to such operations.”*
- (d) All applications must be signed and sworn to by the party applying for the license (by a general partner of a partnership and by an officer of a corporation) before a notary public or other official authorized to administer oaths.
- (e) The application must include:
 - (1) A copy of the national pollutant discharge elimination system discharge permit or notice of coverage for that location if required;
 - (2) A copy of the approved Texas Commission on Environmental Quality (“TCEQ”) storm water multi-sector permit for that location;
 - (3) A letter of compliance showing compliance with the Texas Pollutant Discharge Elimination System for that location dated within the last fifteen (15) months; and
 - (4) A copy of the required State of Texas registration as a used automotive parts recycler, or a copy of the required State of Texas registration as a licensed marine dealer or licensed marine distributor or manufacturer.
- (f) The supportive documents of all permits must be kept on file at the used automotive parts recycling business and boat salvage yard.

Sec. 4.09.005 License Fees

The annual fee for a used automotive part recycling business, and for a boat salvage yard, is five hundred seventy-five dollars (\$575.00) paid to the city with the license application. The fee will be refunded in the event the license is refused. The license shall cover the period from the first day of January through the last day of December of each year. Only the first year’s license may be prorated for each month or fraction thereof. The fee for issuing a duplicate license for one that is lost, destroyed, or mutilated shall be ten dollars (\$10.00).

Sec. 4.09.006 Issuance, Renewal, or Denial of Licenses

- (a) Annual licenses including renewals shall be issued by the director upon receipt of the prescribed fee and the completed application provided that:
 - (1) The applicant, including partners or officers in the case of a partnership or a corporation, has not been convicted within the previous five (5) years of two (2) or more violations of this article; and

- (2) After inspection, the premises are in compliance with this article and other applicable city ordinances and codes.
- (b) In the event a license including a renewal is denied, the applicant may appeal the decision to the City Council.

Sec. 4.09.007 Revocation of Licenses

- (a) The director may revoke a license if the used automobile parts recycler or boat salvage yard has accrued two (2) convictions for violating this division within a 12-month period, or three (3) convictions within an 18-month period.
- (b) Failure to correct multiple issues identified in a monthly inspection report under Sections 4.09.010, 4.09.011, 4.09.012, and 4.09.014 of this Article are grounds for the director to revoke the business's license.
- (c) Revocation by the director, if such should occur, may take place only after opportunity is afforded the dealer to confer with the director.
- (d) In the event a license is revoked, the business may appeal the decision to the City Council.

Sec. 4.09.008 Appeal Process for License Denial or Revocation

- (a) License Denial
 - (1) The director shall issue the applicant a written notice of an application denial by certified mail, return receipt requested. The denial notice shall inform the applicant of the right of the appeal and of the time limit for the written notice of appeal
 - (2) The applicant shall have the right of an appeal to the City Council if requested in writing and delivered to the city clerk within thirty (30) days after the applicant's receipt of the director's written notice of license denial. If currently licensed, an appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his/her opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by City Council, any stay of proceedings is lifted
 - (3) The City Council may uphold, reverse, or modify the director's decision or action. Failure to appeal to the City Council within the prescribed period shall render the director's decision or action final.
- (b) License Revocation
 - (1) The director shall issue the used automotive parts recycler, or boat salvage yard, written notice of license revocation by certified mail, return receipt requested. The license revocation notice shall inform the used automotive parts recycler of the right of appeal and of the time limitation for the written notice of appeal.
 - (2) The business has the right of an appeal to the City Council if requested in writing and delivered to the city clerk within thirty (30) days after the receipt of the director's written notice of license revocation. An appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his/her opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by City Council, any stay of proceedings is lifted.

- (3) The City Council may uphold, reverse, or modify the director's decision or action. Failure to file an appeal to the City Council within the prescribed period shall render the director's decision or action final. Revocation of a license may not exceed one (1) year.

Sec. 4.09.009 Variances

The Board of Adjustment is authorized to grant, pursuant to the procedures set forth in Chapter 14 of this Code, a variance from the provisions of sections 4.09.010 and 4.09.011, but only due to unique circumstances on the premises or adjacent thereto (such as topography), not created by the business and not merely financial, and which are not a part of general conditions in the area. The Board of Adjustment, however, may not grant variances to subsection 4.09.011(h) nor to conditions imposed by City Council, nor to requirements set by state or federal regulators.

Sec. 4.09.010 Fencing

- (a) All used automotive parts recycling businesses, boat salvage yards, and vehicle storage facilities must be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the business to an adjacent property. The wall or screen fence must be constructed with appropriate screen drains so as not to inhibit necessary water drainage.
- (b) The wall or screen fence must be constructed such that the interior of the business is not visible from the exterior. Buildings, equipment necessary for daily operations and salvage or non-repairable oversized vehicles or boats, and any piles of crushed vehicles, boats, or salvage materials in compliance with the International Fire Code, as amended by the City, are excluded from this requirement. The wall or screen fence for businesses located within one hundred (100) feet of a property with a residence thereon must be constructed or modified so that it is eight (8) feet in height. The wall or screen fence for all other existing businesses must be six (6) feet in height. All used automotive parts recyclers, boat salvage yards, and vehicle storage facilities established after the effective date of this ordinance are required to maintain fences at least eight (8) feet in height.
- (c) Those sections of businesses which are contiguous with either another used automotive parts recycling business, boat salvage yard, vehicle storage facility, or any IN-1 or IN-2 zoning district are exempt from subsection (b), if those sections otherwise have an adequate barrier as required by subsection (a), to inhibit the migration of rodents and other vectors between the used automotive parts recycling businesses, boat salvage yards, vehicle storage facilities, or other contiguous IN-1 and IN-2 zoning districts.
- (d) Any section of wall or screen fence located within one hundred (100) feet of a property with a residence thereon measured from property line to property line must be constructed or modified so that it extends at least three (3) inches into the ground or base surface (impervious cover). Building up the surrounding ground to cover at least the lower three (3) inches of the section of wall or screen fence complies with this requirement. Should water drainage be substantially affected, the procedure in section 4.09.009 must be followed.
- (e) All walls or screen fences must be maintained in a neat, solid, substantial, and safe condition. No wall or screen fence may be kept in a listing, damaged, or decaying condition.

- (f) Gates for access to the premises at each street or alley line must not have combined openings exceeding thirty (30) percent of the alley or street frontage. All gates for access must not swing outward and must be kept closed when the business is not open for business.
- (g) The fencing requirements in this section do not apply to businesses conducted solely within a completely enclosed structure or structures.
- (h) In the event of a conflict between the fencing requirements of this section and the requirements of Chapter 14, Manor City Code, the most stringent requirement applies.

Sec. 4.09.011 Manner of Storage; Waste Containment; Weed and Brush maintenance; Fire Safety Path

- (a) Salvage materials on the premises of a used automotive parts recycling business, boat salvage yard, or vehicle storage facility shall be arranged so that a reasonable inspection of, or access to, all parts of the premises can be had at any time by the proper fire, health, police, code enforcement, and building authorities which inspections shall be permitted during business hours or any reasonable period afterwards. All junked, wrecked, or inoperable vehicle or boat bodies located outside of a building shall be so stacked only with the use of metal racks or other safe, metal supports so that all bodies are at least six (6) inches above the ground or base surface and are arranged to provide ease of inspection, control of insects and rodents, and to facilitate water drainage, containment, and waste control. Neither the vehicle bodies or parts, boat bodies or parts, nor other salvage materials and any scrap, used or obsolete ferrous or nonferrous metal, including regulated material shall be stored or stacked higher than the height of the business wall or screen fence except as noted in subsection 4.09.010(b), of this Article.
- (b) Stacking mandates shall not include those vehicles or boats in initial intake/holding areas being processed prior to public access. Intake/holding areas must be fenced or otherwise sectioned off from the main yard and shall not exceed a five (5) total acreage per certificate of occupancy. Vehicle and boat processing includes removal of various contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste, including, but not limited to, oil, gas, Freon, mercury and biohazardous materials as required by state and federal law. An unprocessed vehicle or boat must be labeled as such and may not be in process for greater than fourteen (14) days.
- (c) No salvage materials shall be placed in any manner outside of the used automotive parts recycling business, boat salvage yard, or vehicle storage facility's surrounding screen fence or wall.
- (d) Premises shall be kept clean of any weeds and/or brush over twelve (12) inches tall where salvage materials are kept and/or within one hundred fifty (150) feet from the curb line of adjacent streets or the edge of the streets or road surface where no curb exists.
- (e) Upon the used automotive parts recycler's or boat salvage yard's possession of all salvage materials, contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste—including Freon—shall be removed from the salvage materials and contained, stored, and disposed in compliance with all applicable state and federal regulations. Disposal of accumulated contaminated liquids and materials shall be accomplished by a duly licensed contractor. The used automotive parts recycler and boat salvage yard shall maintain on premises all completed manifests evidencing legal disposal for a period of no less than three (3) years from the date of disposal.
- (f) All storage of liquid waste shall be subject to applicable state and federal regulations. In no event shall any business maintain a volume and weight of stored liquid waste inventory

in excess of the lesser of the maximum exempt amounts allowed by the fire code as adopted within the City Code or state and federal regulations for a small quantity generator. All liquid waste shall be stored only in above ground containers in accordance with all applicable federal, state, and local laws and administrative regulations. It is unlawful for any waste to be held in a container which leaks, is in any other manner not in compliance with state and federal regulations, or in any manner fails to completely contain the material in question.

- (g) All solid waste, regardless of character or category, shall be so contained as to cause or allow no release or spill of the material in question.
- (h) All used automotive parts recycling businesses, boat salvage yards, and vehicle storage facilities must have a fire safety path. No salvage materials must be placed within ten (10) feet of the surrounding wall or screen fence. The fire chief shall oversee fire safety path specifications and compliance for each business, and may alter the required number of feet in accordance with the location, use, size, and other characteristics of an individual used automotive parts recycling business. All penalties and appellate procedures of Chapter 5 of this Code shall apply to this subsection.

Sec. 4.09.012 Motor Vehicle and Boat Crushing Equipment or Industrial Devices

- (a) Motor vehicle and boat crushing shall be performed in compliance with TCEQ and City of Manor Public Works Department regulations
- (b) Motor vehicle and boat crushing is only allowed at licensed used automotive parts recyclers, metal recycling entities, or boat salvage yards
- (c) It is unlawful for motor vehicle crushing equipment, boat crushing equipment, or industrial devices to operate in contradiction to this section and Chapter 8, Offenses and Nuisances, Article 8.04, Noise, of the Manor City Code.

Sec. 4.09.013 Emergency Contact Numbers

- (a) All persons in the business of used automotive parts recycling, boat salvage, or vehicle storage shall place and maintain a sign on the premises that may be read from the street right-of-way listing the names and telephone numbers of at least one (1) person in the county who may be called to give admittance to the premises in case of emergency.
- (b) It is unlawful to fail to place and maintain a sign as required under this section.

Sec. 4.09.014 Rodent and Vector Control

- (a) All persons in the business of used automotive parts recycling, boat salvage, and vehicle storage shall have a rodent and vector extermination treatment covering the entire premises conducted a minimum of once every six (6) months, conducted in such a manner and utilizing such chemicals as are acceptable to the director.
- (b) A rodent and vector control program is the responsibility of the businesses and shall be on-going for the duration of the business's operation.
- (c) A code enforcement officer shall inspect all businesses within the City a minimum of once every six (6) months for purposes under this section. At the time of the inspection, the inspector shall be provided with evidence to prove that such extermination procedure has occurred within the preceding six-month period and that the business has an on-going program for observation, determination, and control of rodents and vectors. The

presentation of evidence of a service contract with a recognized and licensed pest control contractor may satisfy this requirement.

- (d) If a professional exterminator has been employed, a receipt for payment for services rendered must be provided. If the person conducts the extermination without using a professional exterminator, the person shall request certification from the Austin/Travis County Health & Human Services Department at the time the extermination occurs and furnish the code enforcement officer with such evidence sufficient to show that the pest control has been accomplished in an efficient manner.
- (e) It is unlawful for any person to fail to have the necessary rodent and vector extermination conducted in accordance herewith, and it is also unlawful to fail to present to the code enforcement officer upon request the necessary verification of such effective extermination or fail to allow the required entry to the premises.

Sec. 4.09.015 Monthly Inspections; Nuisance Declared

- (a) The City is authorized to conduct monthly inspections of all used automotive parts recycling businesses, boat salvage yards, and vehicle storage facilities for the purpose of assuring compliance with the terms of this division. However, a code enforcement officer or peace officer may inspect these businesses upon reasonable suspicion of any wrongdoing at any time activity regulated under this ordinance is conducted. A form shall be devised to be completed at the time of such inspection indicating the date the inspection occurred. This form indicating the date of the last inspection shall be posted by the used automotive parts recycler and the boat salvage yard in a conspicuous place on the premises at all times.
- (b) Conditions maintained in violation of this division which impact public health, safety, or welfare, or which deprive neighbors of their safe or peaceful use of nearby properties are unlawful and a public nuisance. Further, a failure to allow either monthly or other inspections or post inspections as required is unlawful.

Sec. 4.09.016 Time Limit for Compliance

- (a) Used automotive parts recycling businesses, boat salvage yards, and vehicle storage facilities which are annexed into the city shall have a period of one (1) year from the effective date of the annexation to install fencing as required by this division. Businesses that are annexed shall also demonstrate compliance with existing federal, state, and county laws and regulations applicable to fencing requirements for such facilities at the date of annexation.
- (b) Subsequent to annexation, the director shall promptly notify affected used automotive parts recyclers and affected boat salvage yards in newly annexed areas of the obligations under this division.
- (c) Used automotive parts recycling businesses, boat salvage yards, and vehicle storage facilities which are currently located within the corporate limits of the City will have six (6) months from the effective date of this Ordinance to install fencing as required by this division.

Sec. 4.09.017 Violations and Penalties

It is unlawful for a person to do or perform any act prohibited by this division, and it shall be unlawful for a person to fail to do or perform any act required by this division. A violation of this division is a Class C misdemeanor offense, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00).

DIVISION 2. METAL RECYCLING ENTITIES**Sec. 4.09.018 Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section.

Building construction materials. Copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, metal window frames, metal doors, metal door frames, metal downspouts, metal gutters, air conditioning units and other similar materials except for obsolete, non-regulated materials.

Clear thumb impression. An intentional recording of the friction ridge detail on the volar pads of the thumb.

Minor. Any person younger than eighteen (18) years of age.

Real-time electronic web-based database. An electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the Internet.

All other words, terms and phrases, when used in this division, shall have the meanings ascribed to them in Sec. 4.09.001 of this Article.

Sec. 4.09.019 Zoning Requirement

- (a) Proper zoning is required for the establishment or expansion of a use as required by Chapter 14 of this Code, subject to provisions in Chapter 14 governing nonconforming uses and structures.
- (b) In granting any required conditional use permit, the City Council may impose conditions that the applicant must comply with prior to issuance of a license and a certificate of occupancy for the use of land or buildings on the property pursuant to approval. City Council imposed conditions shall not be construed as conditions precedent to the granting of conditional use permit, but shall be construed as conditions precedent to the granting of a license and certificate of occupancy.
- (c) It is unlawful to own or operate a metal recycling entity without the appropriate zoning classification.

Sec. 4.09.020 License Required

- (a) A person shall not own or operate a metal recycling entity without a valid city issued metal recycling entity license. A used automotive parts recycler license is required in addition to a metal recycling entity license under subsection (b) below.
- (b) A person shall not dismantle and reuse or resell used automotive parts without a city issued used automotive parts recycler license.
- (c) A person commits an offense under this division if they do not hold a city valid license. Under Section 1956.003, Texas Occupations Code. Such an offense is a Class B misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted under this section, in which event the offense is a Class A misdemeanor.

Sec. 4.09.021 Application for License

- (a) An application for a license to operate a metal recycling entity must be made in writing to the director on a form prescribed by the director and shall, among other things, contain:
 - (1) The name, residence, and business address of the applicant (this information shall be listed for each member of the partnership and for each officer of a corporation);
 - (2) The name and nature of the proposed operation; and
 - (3) The present zoning, address, and legal description of the premises for which application is being applied.
- (b) All applications must contain the following statement: *“The license applied for shall be subject to all provisions of the codes and ordinances of the city relating to metal recycling entities as well as all state and federal regulations relating to such operations.”*
- (c) All applications must be signed and sworn to by the party applying for the license (by a general partner of a partnership and by an officer of a corporation) before a notary public or other official authorized to administer oaths.
- (d) The application must include:
 - (1) A copy of the national pollutant discharge elimination system discharge permit or notice of coverage for that location if required;
 - (2) A copy of the approved Texas Commission on Environmental Quality (TCEQ) storm water multi-sector permit for that location;
 - (3) A letter of compliance with the Texas Pollutant Discharge Elimination System for that location dated within the last fifteen (15) months; and
 - (4) A copy of the State of Texas registration as a metal recycling entity.
- (e) The supportive documents of all permits must be kept on file at the metal recycling entity.

Sec. 4.09.022 License Fees

The annual metal recycling entity license fee shall be two hundred fifty dollars (\$250.00) paid to the city with the license application. The fee will be refunded in the event the license is refused. The license shall cover the period from the first day of January through the last day of December of each year. Only the first year's license may be prorated for each month or fraction thereof. The fee for issuing a duplicate license for one that is lost, destroyed or mutilated shall be ten dollars (\$10.00).

Sec. 4.09.023 Issuance, Renewal or Denial of Licenses

- (a) Annual licenses shall be issued by the director upon receipt of the prescribed fee and the completed application, provided that:
 - (1) The applicant, including partners or officers in the case of a partnership or a corporation, has not been convicted within the previous five (5) years of two (2) or more violations of this division; and
 - (2) After inspection, the premises are in compliance with this division and other applicable city ordinances and codes.
- (b) In the event a license is denied, the applicant may appeal this decision to the City Council.

Sec. 4.09.024 Revocation of Licenses

- (a) The director may revoke a license if the license holder has accrued two (2) convictions for violating this division within a 12-month period, or three (3) convictions within an 18-month period.
- (b) Failure to correct multiple issues identified in a monthly inspection report under Sections 4.09.027, 4.09.028, 4.09.029, and 4.09.031 of this Article is grounds for the director to revoke the metal recycling entity's license.
- (c) Failure to comply with Section 4.09.038 of this Article is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.
- (d) Failure to comply with Section 4.09.040 of this Article is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity.
- (e) Revocation by the director, if such should occur, may take place only after opportunity is afforded the dealer to confer with the director.
- (f) In the event a license is revoked, the license holder may appeal this decision to the City Council.

Sec. 4.09.025 Appeal Process for License Denial or Revocation

- (a) License Denial
 - (1) The director shall issue a written notice of a metal recycling entity license denial to the applicant by certified mail, return receipt requested. The denial notice shall inform the applicant of the right of appeal and of the time limit for the written notice of appeal.
 - (2) The applicant shall have the right of an appeal to the City Council if requested in writing and delivered to the city clerk within thirty (30) days after the applicant's receipt of the director's written notice of license denial. If currently licensed, an appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by City Council, any stay of proceedings is lifted.
 - (3) The City Council may uphold, reverse, or modify the director's decision or action. Failure to appeal to the City Council within the prescribed period shall render the director's decision or action final.
- (b) License Revocation
 - (1) The director shall issue the metal recycling entity a written notice of license revocation by certified mail, return receipt requested. The revocation notice shall inform the metal

recycling entity of the right of appeal and of the time limit for the written notice of appeal. The revocation shall become final on the 31st day after the metal recycling entity's receipt of said notice unless an appeal is properly filed.

- (2) The metal recycling entity has the right of an appeal to the City Council if requested in writing and delivered to the city clerk within thirty (30) days after the receipt of the director's written notice of metal recycling entity license revocation. An appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by City Council, any stay of proceedings is lifted.
- (3) The City Council may uphold, reverse, or modify the director's decision or action. Failure to file an appeal to the City Council within the prescribed period shall render the director's decision or action final.

Sec. 4.09.026 Variances

The Board of Adjustment is authorized to grant, pursuant to the procedures set forth in Chapter 14 of this Code, a variance from the provisions of sections 4.09.027 and 4.09.028, but only due to unique circumstances on the premises or adjacent thereto (such as topography), not created by the dealer and not merely financial, and which are not a part of general conditions in the area. The Board of Adjustment, however, may not grant variances to subsection 4.09.028(g) nor to imposed conditions set forth by City Council, nor to requirements set by state or federal regulations.

Sec. 4.09.027 Fencing

- (a) All metal recycling entities must be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the metal recycling entity to an adjacent property. The wall or screen fence must be constructed with appropriate screen drains so as not to inhibit necessary water drainage.
- (b) The wall or screen fence must be constructed such that the interior of the metal recycling entity is not visible from the exterior. Buildings, salvage or non-repairable oversized vehicles as defined in Chapter 14, Manor City Code, and any piles of crushed vehicles or salvage materials in compliance with the International Fire Code, as amended by the city, are excluded from this requirement. The wall or screen fence for metal recycling entities located within one hundred (100) feet of a property with a residence thereon must be constructed or modified so that it is eight (8) feet in height. The wall or screen fence for all other existing metal recycling entities must be six (6) feet in height. All metal recycling entities established after the effective date of this ordinance change are required to maintain fences at least eight (8) feet in height.
- (c) Those sections of a metal recycling entity which are contiguous with another metal recycling entity or any IN-1 or IN-2 zoning district are exempt from subsection (b), if those sections otherwise have an adequate barrier as required by subsection (a), to inhibit the migration of rodents and other vectors between the metal recycling entities or other contiguous IN-1 and IN-2 zoning districts.

- (d) Any section of wall or screen fence located within one hundred (100) feet of a property with a residence thereon measured from property line to property line shall be constructed or modified so that it extends at least three (3) inches into the ground or base surface (impervious cover). Building up the surrounding ground to cover at least the lower three (3) inches of the section of wall or screen fence shall be considered compliance with this requirement. Should water drainage be substantially affected, the procedure in Section 4.09.026 shall be followed.
- (e) All walls or screen fences shall be maintained in a neat, solid, substantial, and safe condition. No wall or screen fence shall be kept in a listing, damaged, or decaying condition.
- (f) Gates for access to the metal recycling entity's premises at each street or alley line must not have combined openings exceeding thirty (30) percent of the alley or street frontage. All gates for access must not swing outward and must be kept closed when the metal recycling entity is not open for business. This will not apply to access points on a railroad right-of-way.
- (g) The fencing requirements in this subsection do not apply to metal recycling entities whose business is conducted solely within a completely enclosed structure or structures.
- (h) In the event of a conflict between the fencing requirements of this division and the requirements of Chapter 14 of this Code, the most stringent requirement applies.

Sec. 4.09.028 Manner of Storage; Waste Containment; Weed and Brush Maintenance; Fire Safety Path

- (a) Salvage materials on the premises of a metal recycling entity shall be arranged so that a reasonable inspection of, or access to, all parts of the premises can be had at any time by the proper fire, health, police, code enforcement, and building authorities which inspections dealers shall permit during business hours or any reasonable period afterwards.
- (b) No salvage materials shall be placed in any manner outside of the metal recycling entity's surrounding screen fence or wall.
- (c) Premises shall be kept clean of any weeds and/or brush over twelve (12) inches tall where salvage materials are kept and/or within one hundred fifty (150) feet from the curb line of adjacent streets or the edge of the streets or road surface where no curb exists.
- (d) Upon the metal recycling entity's possession of all salvage materials, contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste-including Freon-shall be removed from the salvage materials and contained, stored, and disposed in compliance with all applicable state and federal regulations. Disposal of accumulated contaminated liquids and materials shall be accomplished by a duly licensed contractor. The metal recycling entity shall maintain on premises all completed manifests evidencing legal disposal for a period of three (3) years from the date of disposal.
- (e) All storage of liquid waste shall be subject to applicable local, state and federal regulations. In no event shall any metal recycling entity maintain a volume and weight of stored liquid waste inventory in excess of the lesser of the maximum exempt amounts allowed by the fire code as adopted within the City Code or state and federal regulations for a small quantity generator. All liquid waste shall be stored only in above ground containers in accordance with applicable federal, state and local laws and administrative regulations. It is unlawful for any waste to be held in a container that leaks, is in any other manner not in compliance with state and federal regulations, or in any manner fails to completely contain the material in question.

- (f) All solid waste, regardless of character or category, shall be so contained as to cause or allow no release or spill of the material in question.
- (g) All metal recycling entities, as defined by this division, shall have a fire safety path. No salvage materials shall be placed within ten (10) feet of the surrounding wall or screen fence. The fire chief shall oversee fire safety path specifications and compliance for each metal recycling entity and may alter the required number of feet in accordance with the location, use, size, and other characteristics of an individual metal recycling entity. All penalties and appellate procedures of Chapter 5 of this Code shall apply to this subsection.

Sec. 4.09.029 Motor Vehicle Crushing Equipment or Industrial Devices

- (a) Motor vehicle crushing shall be performed in compliance with TCEQ and City of Manor Public Works Department regulations.
- (b) Motor vehicle crushing is only allowed at licensed used automotive parts recyclers or metal recycling entities.
- (c) It is unlawful for motor vehicle crushing equipment or industrial devices to operate in contradiction to this section and Chapter 8, Offenses and Nuisances, Article 8.04, Noise, of the Manor City Code.

Sec. 4.09.030 Emergency Contact Numbers

- (a) All metal recycling entities shall place and maintain a sign on the premises that may be read from the street right-of-way listing the names and telephone numbers of at least one (1) person in the county who may be called to give admittance to the premises in case of emergency.
- (b) It is unlawful to fail to place and maintain a sign as required under this section.

Sec. 4.09.031 Rodent and Vector Control

- (a) All persons owning or operating metal recycling entities shall have a rodent and vector extermination treatment covering the entire premises conducted a minimum of once every six (6) months, conducted in such a manner and utilizing such chemicals as are acceptable to the director.
- (b) A rodent and vector control program is the responsibility of all persons owning or operating a metal recycling entity and shall be on-going for the duration of the metal recycling entity's operation.
- (c) A code enforcement officer shall inspect all metal recycling entities, as defined by this division, within the City a minimum of once every six (6) months. At the time of the inspection, the inspector shall be provided with evidence to prove that such extermination procedure has occurred within the preceding six-month period and that the person who owns or operates a metal recycling entity has an on-going program for observation, determination, and control of rodents and vectors. The presentation of evidence of a service contract with a recognized and licensed pest control contractor may satisfy this requirement.
- (d) If a professional exterminator has been employed, a receipt for payment for services rendered shall be provided. If the person conducts the extermination without using a professional exterminator, the person shall request certification from the Austin/Travis County Health & Human Services Department at the time the extermination occurs and

furnish the code enforcement officer with such evidence sufficient to show that the control has been accomplished in an efficient manner.

- (e) It is unlawful for any person to fail to have the necessary rodent and vector extermination conducted in accordance herewith, and it is also unlawful to fail to present to the code enforcement officer upon request the necessary verification of such effective extermination or allow the required entry to the premises.

Sec. 4.09.032 Monthly Inspections; Nuisance Declared

- (a) The City is authorized to conduct monthly inspections of all used automotive parts recycling businesses for the purpose of assuring compliance with the terms of this division. However, a code enforcement officer or peace officer may inspect used automotive parts recycling businesses upon reasonable suspicion of any wrongdoing at any time activity regulated under this ordinance is conducted. A form shall be devised to be completed at the time of such inspection indicating the date the inspection occurred. This form indicating the date of the last inspection shall be posted by the used automotive parts recycler in a conspicuous place on the premises at all times.
- (b) Conditions maintained in violation of this division which impact public health, safety, or welfare, or which deprive neighbors of their safe or peaceful use of nearby properties are unlawful and a public nuisance. Further, a failure to allow either monthly or other inspections or post inspections as required is unlawful.

Sec. 4.09.033 Time Limit for Compliance by Newly Annexed Metal Recycling Entities

- (a) Metal recycling entity businesses which are annexed into the city shall have a period of one (1) year from the effective date of the annexation to install fencing as required by this division. Persons whose metal recycling entities are annexed shall also demonstrate compliance with existing federal, state, and county laws and regulations applicable to fencing requirements for such facilities at the date of annexation.
- (b) Subsequent to annexation, the director shall promptly notify affected license holders in newly annexed areas of the obligations under this division.
- (c) It is unlawful for a person to fail to install fencing or demonstrate federal, state and county legal compliance as required under this section.

Sec. 4.09.034 Records Required to be Kept by Metal Recycling Entities as to Regulated Material

- (a) The provisions of this section apply to all business carried on at a single location. With the exception of the sale or transfer of aluminum cans, a person who owns or operates a metal recycling entity shall keep at the place of business a record in a real- time electronic web-based database, in a form and method approved by the chief of police, in which it shall be entered daily, in English, a full description of each transaction in which personal property is purchased or otherwise received at the place of business. Such description shall include:
 - (1) The date and time of receipt of any item;
 - (2) The full name and current address of the person or place of business from which each item was received;

- (3) A clear thumbprint impression from the person seeking to transfer, sell or otherwise give the items that are the subject of each transaction;
 - (4) Verified evidence that the person transferring, selling or otherwise giving the items is at least eighteen (18) years of age by presentation of valid identification, including a photograph of the face of person transferring, selling or otherwise giving the item, in the form of:
 - (a) A current driver's license from Texas or another state within the United States;
 - (b) An identification card issued by the state department of public safety; or
 - (c) United States military identification.
 - (5) A description of the salvage vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling entity including state and license plate number, if applicable;
 - (6) The individual transaction number assigned by the metal recycling entity to each item received;
 - (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight, material, and any other designations or descriptions customarily employed in the sale and purchase of such items;
 - (8) A digital photo of the seller, and digital photograph of items received;
 - (9) The name or employee number of the employee who facilitates or conducts the transaction.
- (b) The real-time electronic web-based database described in subsection (a) shall be created and maintained by the police department. The person who owns or operates the metal recycling entity or its agents or employees shall forward the required record and descriptions set forth in subsection (a) in an electronic format to the designated police department web site before the close of business on each day on which the metal recycling entity is open for business. Failure to comply with any provision of this section is unlawful and punishable as provided for in this division and is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this Code.
- (c) The person who owns or operates a metal recycling entity or agents or employees of such entity shall maintain copies of consecutively numbered receipts provided to the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record input and transmitted to the real-time electronic web-based database as described in this section shall satisfy this requirement. An accurate copy or record of receipts obtained shall be retained for a period of not less than one (1) year.
- (d) A person who owns or operates the metal recycling entity or the agents or employees shall, upon request, submit and exhibit the various business records that are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the director. Failure to maintain or to so permit the examination or copying of such records when requested is unlawful and punishable as provided under this division.
- (e) The metal recycling entity shall be on-line with the real-time database within ninety (90) days of the approval and signing of the ordinance from which this division derives by the City Council. All other sections of this division will be immediately enforced upon the approval and signing of the ordinance from which this division derives by City Council.

- (a) It is unlawful for any person who owns or operates a metal recycling entity, or agents or employees of said entity to purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words "Property of the City of Manor" or other words or markings demonstrating ownership by the city except in the following circumstances:
- (1) Where the person offering such property for sale is an employee of the city authorized by the director to make such a sale and provides the person who owns or operates a metal recycling entity or agents or employees of said entity with a written authorization from the city manager for the sale of such property; or
 - (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the director evidencing the purchase of such property by the person offering such property; or
 - (3) Where the person offering such property for sale presents at the time of such offer a valid authorization for the disposal of "surplus," "salvage," "scrap," and "e-waste" in accordance with the city procurement policy and procedures manual as part of a contract signed by the director responsible for the associated project.
- (b) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to purchase or receive an item of property that is marked with any form of the name or initials of a governmental agency, including but not limited to the state and the United States of America and their agencies and political subdivisions or that the person who owns or operates a metal recycling entity or agents or employees of said entity know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:
- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the person who owns or operates a metal recycling entity or agents or employees of said entity with a written authorization from the agency for the sale of such property; or
 - (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property; or
 - (3) Where the person offering such property for sale presents at the time of such offer a valid authorization for the disposal of "surplus," "salvage," "scrap," and "e-waste" or analogous concepts in accordance with established policies and procedures as part of a contract signed by the agency director responsible for the associated project.
- (c) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to purchase or receive an item of property that is marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the person who owns or operates the metal recycling entity or agents or employees of said entity know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property or a contractual agreement signed by the director of the public utility company authorizing the sale and disposal of "surplus," "salvage," "scrap," and "e-waste" or analogous concepts in accordance with established policies and procedures.

Sec. 4.09.036 Acceptance of Building Construction Materials

- (a) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material unless compliance is made with sections 4.09.034 and 4.09.039.
- (b) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material unless the person who owns or operates the metal recycling entity or agents or employees of said entity:
 - (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; or
 - (2) Obtains a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer, that property.

Sec. 4.09.037 Acceptance of Air Conditioning Unit Parts

If regulated material being offered for sale includes condensing or evaporator coils for central heating or air conditioning units, the person offering it for sale must display:

- (1) Their air conditioning and refrigeration contractor license issued under Chapter 1302, Subchapter G, Texas Occupations Code; or
- (2) Their air conditioning and refrigeration technician registration issued under Chapter 1302, Subchapter K, Texas Occupations Code; or
- (3) A receipt, bill of sale, or other documentation showing that they purchased the coils they're attempting to sell; or
- (4) A receipt, bill of sale, or other documentation showing that they purchased a replacement heating or air conditioning unit.

Sec. 4.09.038 Stock to be Open for Examination

The stock or inventory of any metal recycling entity shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with any provision of this section, in addition to being unlawful and punishable as provided in this division, shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.

Sec. 4.09.039 Articles to be Retained At least Seventy-two (72) Hours; Tag; Exceptions

- (a) Notwithstanding the provisions of subsections (b) and (c), it is unlawful for any person who owns or operates a metal recycling entity to process, dismantle or in any manner alter, dispose of, sell or remove from the premise any regulated metal purchased or otherwise received at the licensed place of business for seventy-two (72) hours after receipt, excluding weekends and holidays, provided that there is no requirement to keep aluminum cans for more than twenty-four (24) hours. During such 72-hour period, all items of property shall be stored or displayed at the business location, in the exact form received,

and in a manner so as to be identifiable from the description entered in the database. Such property shall not be kept in such a manner so as to prevent or impede its examination.

- (b) A peace officer with reasonable suspicion to believe that an item of regulated material in the possession of a metal recycling entity is stolen may place the item on hold in the manner provided by Section 1956.037, Texas Occupations Code.
- (c) Exceptions. A person who owns or operates a metal recycling entity or an agent or employee of said entity is not required to comply with the provisions of this section if the person who owns or operates a metal recycling entity or agent or employee of said entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has one of the following licenses or permits to establish that he is a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of business:
 - (1) A valid city-issued metal recycling entity license, which the metal recycling entity shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three (3) years, or
 - (2) A valid city-issued construction, demolition, or electrical permit, which the metal recycling entity shall record by photocopying the permit or recording the project number located on the permit in connection with the sale and maintain for a period of not less than one (1) year.

Sec. 4.09.040 Acceptance of Property Suspected Stolen; Peace Officer Requested Holds; Violation

- (a) It is the duty of every person who owns or operates a metal recycling entity or the agents or employees of said entity to report immediately to the police department, by filing a formal complaint, any offer to sell to the person who owns or operates the metal recycling entity or the agents or employees of said entity, property that such person who owns or operates the metal recycling entity, or agents or employees of said entity have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such person who owns or operates the metal recycling entity or the agents or employees of said entity shall also report any property acquired by the person who owns or operates the metal recycling entity, that the person who owns or operates the metal recycling entity or agents or employees subsequently determine or reasonably suspect to be stolen property, and the person who owns or operates metal recycling entity, or agents or employees shall furnish such other information as might be helpful to the police in investigating the matter.
- (b) It is the duty of every person who owns or operates a metal recycling entity or agents or employees to hold all suspected stolen property in a secure place for sixty (60) days upon request by a peace officer. The person who owns or operates a metal recycling entity or agents or employees, may not process or remove the property from the premises before the 60th day after receipt of the request from a peace officer to hold the property unless the hold is released at an earlier time in writing by a peace officer of this state or a court order.
- (c) Failure to comply with any provision of this section is unlawful and punishable as provided in this division and grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.

Sec. 4.09.041 Facsimile, Telecopy, or Similar Equipment Required

A person who owns or operates a metal recycling entity shall maintain at the place of business, or otherwise have immediate access to, a facsimile, telecopy, or other equipment of similar function on which notifications of stolen property or other notifications relating to regulated metal property may be expeditiously received from the police department. The equipment must be operable at all times during the usual and customary business hours of the metal recycling entity. The person who owns or operates a metal recycling entity shall maintain the facsimile number or other access number of the equipment on file with the chief of police and shall notify the chief of police within twenty-four (24) hours after any change in the number. Failure to comply with this section is unlawful and punishable as provided in this division.

Sec. 4.09.042 Purchasing or Receiving Goods from Minors

- (a) It is unlawful for any person who owns or operates a metal recycling entity or agent or employee to purchase or otherwise receive in the course of business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless:
 - (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent;
 - (2) The minor has a valid official identification document such as a driver's license; or
 - (3) The only items offered for sale by the minor are aluminum cans, or non-regulated materials.
- (b) It is the duty of such person who owns or operates a metal recycling entity or an agent or employee, to preserve and keep on file, and available for inspection, such written statements of consent for a period of not less than one (1) year. A violation of this subsection is unlawful and punishable as provided in this division.

Sec. 4.09.043 Acceptance of Property Inscribed with Company Name

It is unlawful for any person who owns or operates a metal recycling entity, or the agents or employees, to purchase or receive an item of property that is marked with any form of the name or initials of a private company or that the person who owns or operates a metal recycling entity or agent or employee knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

Sec. 4.09.044 Acceptance of Property Delivered by Shopping Cart

It is unlawful for any person who owns or operates a metal recycling entity, the agents or employees to purchase or receive an item of property that is transported to the metal recycling entity by a shopping cart that is marked with any form of the name or initials of a private company or that the person who owns or operates the metal recycling entity, or agent or employee knows or should reasonably be expected to know belongs to a private company unless the person operating the shopping cart presents at the time of transportation of property to the person who owns or operates the metal recycling entity or the agent or employee a valid receipt from the owner

of the shopping cart evidencing the purchase of the shopping cart by the person operating the shopping cart.

Sec. 4.09.045 Violation and Penalties

It is unlawful for a person to do or perform any act prohibited by this division, or fail to do or perform any act required by this division. A violation under this division is a Class C misdemeanor offense, unless specifically stated otherwise, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00).

* * * * *

Section 3. **Penalty.** Any person, firm, or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Each and every day such offense is continued shall constitute a new and separate offense.

Section 4. **Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. **Repeal.** All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent with or in conflict with the terms and provisions contained herein are hereby repealed only to the extent of such conflict.

Section 6. **Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 7. **Effective Date.** This Ordinance shall take effect and be in full force and effect on January 17, 2018.

PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Chapter 1 General Provisions, Article 1.05 Boards, Commissions and Committees adding provisions for a quorum and attendance.

BACKGROUND/SUMMARY:

Our ordinance did not have a rule for the boards and commissions about attendance like there is for city council. The language that applies to city council was applied to the boards and commissions so if a member misses 3 consecutive regularly scheduled meetings it will be misconduct in office and the city council can make a determination to remove that member. Previously the ordinance stated, which it also still does, that the City Council can remove a member with or without cause, but having the language that 3 missed meetings is misconduct in office will help board and commission members better understand city policy before there is an issue.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 508

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance amending the Manor Code of Ordinances, Chapter 1 General Provisions, Article 1.05 Boards, Commissions and Committees adding provisions for a quorum and attendance.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 508

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE MANOR CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.05 BOARDS, COMMISSIONS AND COMMITTEES ADDING PROVISIONS FOR QUORUM AND ATTENDANCE; PROVIDING FOR CONFLICTING ORDINANCES AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council has found lacking in current boards, commission and committee rules a mechanism for compelling and recording attendance of its members; and

WHEREAS, through the addition of quorum and attendance language the City Council can more accurately determine a board, commission or committee member's fitness to serve; and

WHEREAS, after receiving said attendance records and recommendations from staff, the City Council can through majority vote remove members of a board, commission, or committee;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2: Amendment of Chapter 1, Article 1.05.030 Reserved as follows:

Section 1.05.030 Creation; purpose

A planning and zoning commission is created in order to accomplish the following purposes:

- (1) To identify community needs and to advise the city council of their short-range and long-range implications for the total development of the city;
- (2) To recommend achievable community goals as a basis for long-range planning and development programs;
- (3) To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals; and
- (4) To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

Section 3: Amendment of Chapter 1, Article 1.05.031 Creation, purpose as follows:

Section 1.05.031 Membership

The planning and zoning commission shall be composed of seven (7) persons with at least five being qualified electors of the city, and two may be residents in the extraterritorial jurisdiction. The city council consider will for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent

of the city council that members shall, by reason of diversity of their individual occupations, constitute a commission which is broadly representative of the community.

Section 4: Amendment of Chapter 1, Article 1.05.032 Membership as follows:

Section 1.05.032 Quorum and Attendance

Four members of the commission shall constitute a quorum for transacting business and no action of the commission shall be valid or binding unless taken in an open meeting with a quorum present. Less than a quorum may adjourn any meeting, or order and compel the attendance of absent members. It shall be the duty of each member of the commission to attend each regular and special commission meeting and the failure of any member to attend three consecutive, regular meetings, without good and sufficient cause, shall constitute misconduct in office.

Section 5. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict and shall hereinafter read as provided herein. To the extent only, if any, necessary to accomplish the purposes of this ordinance, any such term, condition or provision of any ordinance of the city that is in conflict herewith is hereby repealed to the extent of such conflict.

Section 6. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication.

PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance amending the Manor Code of Ordinances, Appendix A Fee Schedule amending fees for multi-family permits, residential reinspections, consultation deposits, refunds, and towing and wrecker services.

BACKGROUND/SUMMARY:

We've had 2 multi-family project file for building permits. Upon calculating the fees for the first project (191,285 sf with 172 units) our permit fee was \$213,931 (0.60/sf & \$35/inspection with 8 having to be billed per unit or 1,376). Gathering fees from other jurisdictions we found we were the highest of those surveyed. Buda = \$142,957, Bastrop = \$135,233, Leander = \$114,771, Cedar Park = \$90,015, Pflugerville = \$39,416.69. We are proposing to reduce the square footage rate to \$0.20 and increase the inspection rate to our standard residential rate of \$60 and not require 8 per unit. If the Building Official were to keep the inspections the same at 1,376 with our proposed fee the permit would be \$120,817; putting us in line with other jurisdictions.

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Ordinance 509

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve an ordinance amending the Manor Code of Ordinances, Appendix A Fee Schedule amending fees for multi-family permits, residential reinspections, consultation deposits, refunds, and towing and wrecker services.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE

ORDINANCE NO. 509

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, REPEALING AND REPLACING ORDINANCE 484 AMENDING MANOR CODE OF ORDINANCES APPENDIX A FEE SCHEDULE; ESTABLISHING FEES AND CHARGES FOR BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, IRRIGATION, AND OTHER PERMITS; ESTABLISHING TECHNOLOGY FEES; ESTABLISHING FEES AND CHARGES FOR THE PLATTING OF SUBDIVISIONS; ESTABLISHING OTHER ADMINISTRATIVE FEES AND CHARGES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES; AND PROVIDING FOR SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES.

Whereas, the City of Manor (the "City") is experiencing significant growth and development and such growth is expected to continue;

Whereas, many of the City's fees and charges are not adequate to cover the City's actual cost of providing the reviews, inspections, and services required to be provided by the City;

Whereas, the City's growth has presented increasingly more complex and time-consuming planning, engineering, and legal issues that have required increased expenditures for professional consulting, including, but not limited to, planning, engineering, and legal fees and expenses;

Whereas, it is the general policy of the City that, to the greatest extent possible, all new development should pay for itself and not pose an undue financial burden on the City or its residents;

Whereas, many of the increased expenditures are related to or associated with particular projects involving prospective industrial, business, commercial, mixed use, multi-family and/ or residential uses;

Whereas, the City Council finds that it is in the best interest of the City and its residents for each such project to bear the cost of expenditures for professional consulting related thereto, including, but not limited to, planning, engineering, and legal fees and expenses;

Whereas, the City's fee schedules are located in many different ordinances;

Whereas, the City is desirous of being able to modify fees as necessary without modifying the individual Ordinance they are specified in;

Whereas, the City's fee schedules need to be updated to establish fees for certain types of services not previously established;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT;

Section 1. General Provisions. The following fees and charges are established and shall be in addition to any fees otherwise pursuant to this schedule. Technology fees are non-refundable in all sections.

Section 2. Basic Building Permit, Inspection and Technology Fee Charges.

- (a) Double permit fees will be charged for any work started before first obtaining permit
- (b) No new permits will be issued to an address or property until all permit fees have been paid
- (c) All fees must be paid current before a Certificate of Occupancy or Certificate of Completion is issued

Permit	Permit Fee	Insp Rate	Tech Fee
Building contractor registration (excluding plumbing contractors)	\$50.00		
Residential Building			
New Build Permit Fee (1 & 2 Fam)	\$.60 per sq ft.	\$60 ea (8)	\$30.00
NOTE:			
(1) Trade permits and Certificate of Occupancy are included in rates above.			
(2) \$100 Non-refundable application fee is included in rates above			
Additions	\$.60 per sq ft. of addition	\$60.00 ea	\$20.00
Remodel/Repair - Estimated Value		\$60.00 ea	\$20.00
\$0-\$3,000	\$50.00	\$60.00 ea	\$20.00
\$3,001-\$5,000	\$60.00	\$60.00 ea	\$20.00
\$5,000-\$10,000	\$85.00	\$60.00 ea	\$20.00
\$10,001-\$15,000	\$95.00	\$60.00 ea	\$20.00
\$15,001-\$20,000	\$115.00	\$60.00 ea	\$20.00
\$20,001-\$25,000	\$140.00	\$60.00 ea	\$20.00
Above \$25,000	\$140.00 + .007 x cost over \$25,000	\$60.00 ea	\$20.00
Driveway	\$25.00	\$60.00 ea	\$10.00
Plumbing	\$35.00	\$60.00 ea	\$10.00
Electrical	\$35.00	\$60.00 ea	\$10.00
Mechanical	\$35.00	\$60.00 ea	\$10.00
Demolition	\$25.00	\$60.00 ea	\$10.00
Foundation - Leveling/Repair	\$25.00	\$60.00 ea	\$10.00
Certificate of Occupancy	\$50.00	\$60.00 ea	\$10.00
Multi-Family			
New Building (includes trade permits)	\$.20 per sq ft.	\$60.00 ea	\$50.00
(MEP Trade permits are the same as Single Family)			
Demolition	\$50.00	\$60.00 ea	\$10.00
Certificates of Occupancy	\$50.00 ea	\$60.00 ea	\$10.00

Permit	Permit Fee	Insp Rate	Tech Fee
Manufactured Homes			
Individual Unit	\$250 + trade permits	\$60.00 ea	\$25.00
Trade Permits (same as Residential, only outdoor inspections)			
Foundation	\$35.00	\$60.00 ea	\$10.00
Re - inspection Fees for Residential			
Single Family, Multi-Family, Manufactured Home			
1st	\$75.00 each		
2nd & more	\$100.00 each		
Commercial Building, Trade Permits & Technology Fees			
Commercial Building Permit	\$.70 per sq. ft includes trade permits	\$80.00 ea	\$50.00
Plan Review with Outside Agency	TBD	n/a	
New Build - Shell/Spec	\$.35 per sq ft includes trade permits	\$80.00 ea	\$50.00
Electrical	\$80.00	\$80.00 ea	\$10.00
Plumbing	\$80.00	\$80.00 ea	\$10.00
Mechanical	\$80.00	\$80.00 ea	\$10.00
Grease Trap	\$80.00	\$80.00 ea	\$10.00
Vent Hood Type 1	\$200.00 (includes M & E permits)	\$80.00 ea	\$10.00
Vent Hood Type II	\$160.00 (includes M & E permits)	\$80.00 ea	\$10.00
Driveway/Parking	\$.05 per sq ft	\$80.00 ea	\$10.00
Certificate of Occupancy	\$80.00	\$80.00ea	\$10.00
Re - inspection Fees for Commercial			
1st	\$100.00 each		
2nd & more	\$125.00 each		

Permit	Permit Fee	Insp Rate	Tech Fee
Remodel/Repair			
\$0-\$3,000	\$50.00	\$80.00 ea	\$50.00
\$3,001-\$5,000	\$60.00	\$80.00 ea	\$50.00
\$5,000-\$10,000	\$85.00	\$80.00 ea	\$50.00
\$10,001-\$15,000	\$95.00	\$80.00 ea	\$50.00
\$15,001-\$20,000	\$115.00	\$80.00 ea	\$50.00
\$20,001-\$25,000	\$140.00	\$80.00 ea	\$50.00
Above \$25,000	\$140.00 + .007 x cost over \$25,000	\$80.00 ea	\$50.00
Foundation Repair	\$35.00	\$80.00 ea	\$10.00
Tenant Finish Out (TFO)	\$.35 per sq ft includes trade permits	\$80.00 ea	\$50.00
Demolition	\$100.00	\$80.00 ea	\$10.00
Certificates of Occupancy	\$80.00 ea	\$80.00 ea	\$10.00
Re issue or copy	\$50.00 ea	n/a	\$10.00
Accessory Structures			
Equal to or larger than 120 sq ft	\$35.00	\$60.00 ea	\$10.00
Carports	\$35.00	\$60.00 ea	\$10.00
Detached Garage	\$35.00	\$60.00 ea	\$10.00
Deck & Patio Covers	\$35.00	\$60.00 ea	\$10.00
Deck	\$35.00	\$60.00 ea	\$10.00
Patio	\$35.00	\$60.00 ea	\$10.00
Swimming Pools			
Residential (in or above ground)	\$80.00 + trade permits	\$60.00 ea	\$10.00
Commercial (in or above ground)	\$150.00 + trade permits	\$80.00 ea +	\$10.00
Hot Tub / Spa Commercial	\$120.00 + trade permits	\$80.00 ea +	\$10.00
Hot Tub / Spa Residential	\$80.00 + trade permits	\$60.00 ea	\$10.00

	Permit	Permit Fee	Insp Rate	Tech Fee
Sign Permits				
Permanent				
Wall or Pole Signs				
	Up to 40 sq ft	\$50.00 + trade permit	\$80.00 ea	\$10.00
	41 sq ft to 60 sq ft	\$75.00 + trade permit	\$80.00 ea	\$10.00
	61 sq ft or larger	\$100.00 + trade permit + \$1.00 per sq ft over 61 sq. ft	\$80.00 ea	\$10.00
	Monument Sign	Above rates + trade permit	\$80.00 ea	\$10.00
	Billboards	Above rates (max of 672 sq ft per face) + trade permit	\$80.00 ea	\$50.00
Temporary				
	Up to 16 sq ft only	\$25.00		\$10.00
	Uniform Sign Plan	\$200.00		\$25.00
	Uniform Sign Plan Amendment	\$200.00		\$25.00
Miscellaneous Permits				
	Moving a Structure (non-licensed mover)	\$85.00 + PD Escort Fees	\$80.00 ea	\$10.00
	Fence	\$35.00		\$10.00
	Irrigation			
	Residential	\$35.00	\$60.00 ea	\$10.00
	Commercial & Multi Family	\$80.00	\$80.00 ea	\$10.00
	Other Demolition Residential	\$35.00	\$60.00 ea	\$10.00
	Other Demolition Commercial	\$35.00	\$80.00 ea	\$10.00
Other Agency Fees: The City of Manor does not assess nor collect fees for reviews of Building Construction Plans by agencies having jurisdictional authority. All fees for other agencies are established and collected by each of the authorities conducting review.				
Educational Permits				
	New Building	\$.70 per sq ft	\$80.00 ea	\$50.00
	Addition	\$.70 per sq ft	\$80.00 ea	\$50.00

* All impact fees are waived for schools and universities.

Permit	Permit Fee	Insp Rate	Tech Fee
Educational Permits Continued...			
Remodel/Repair (trades not included)			
\$0-\$3,000	\$50.00	\$80.00 ea	\$50.00
\$3,001-\$5,000	\$60.00	\$80.00 ea	\$50.00
\$5,000-\$10,000	\$85.00	\$80.00 ea	\$50.00
\$10,001-\$15,000	\$95.00	\$80.00 ea	\$50.00
\$15,001-\$20,000	\$115.00	\$80.00 ea	\$50.00
\$20,001-\$25,000	\$140.00	\$80.00 ea	\$50.00
Above \$25,000	\$140.00 + .007 x cost over \$25,000	\$80.00 ea	\$50.00
Educational Trades			
Electrical, Plumbing, Mechanical	\$80.00 ea	\$80.00 ea	\$10.00 ea

Section 3. Site Plans. The following fees and charges are established and shall be collected for the review of site plans for multi-family, commercial, institutional, and industrial types of development of land within the City;

Site Plan Fees

Site Plan Engineer Review	\$400.00 + \$15 per acre	\$50.00
Revision	\$250.00	
TIA Review	\$800.00 + \$10 per page	\$50.00
CLOMR & LOMR Engineer Review	\$600.00	\$50.00

Other Agency Fees: The City of Manor does not assess nor collect fees for reviews of Building Construction Plans by agencies having jurisdictional authority. All fees for other agencies are established and collected by each of the authorities conducting review.

Professional Fees: In addition to the fees and charges, an Engineer Review Fee, set forth above in this section, the proposer, developer or subdivider of land, a subdivision, plat, or municipal utility district, shall reimburse and pay to the City the actual costs and expenses for professional services, including but not limited to consulting engineers, attorneys and land planners, incurred by the City with respect to such subdivision, plat, development, municipal utility district, or floodplain review.

Section 4. Subdivision Plats. The following fees and charges are established and shall be collected for the subdivision of land within the City or its extraterritorial jurisdiction.

Subdivision Fees

Concept Plan	\$500.00 + \$5 per lot	\$50.00
Engineer Review	\$500.00 + \$5 per lot	
Public Hearing Notice (Newspaper)	\$150.00	
Property Owner Notification	\$5 per property owner	
Hearing and Notification fees may be assessed twice for Planning Commission and City Council		
Revision	\$250.00	

Permit	Permit Fee	Insp Rate	Tech
Preliminary Plan	\$500.00 + \$5 per lot		\$50.00
Engineer Review	\$750 + \$50 per lot		
Public Hearing Notice (Newspaper)	\$150.00		
Property Owner Notification	\$5 per property owner		
TIA Review	\$800 + \$10 per page		\$50.00
Revision	\$250.00		
Construction Plan	3% Estimated Cost		\$50.00

Construction Plan Fee: A fee in the amount of three percent (3%) of the estimated cost for construction of all streets, water, wastewater, drainage and other infrastructure required to be constructed for the approval and final acceptance of any subdivision or section thereof shall be paid, together with all other applicable fees and charges, prior to any approved plat - plan being finally approved by the City and filed of record. The total estimated amount of such fee shall be paid as a deposit prior to the start of construction.

Final Plat	\$750.00 + \$20 per lot	\$50.00
Engineer Review	\$1000 + \$20 per lot	
Revision	\$250.00	
Short Form Final Plat	\$400 + \$5 per lot	\$25.00
Engineer Review	\$300.00	
Revision	\$150.00	
Public Hearing Notice (Newspaper)	\$150.00	
Property Owner Notification	\$5 per property owner	
Amended Plats	\$400 + \$20 per lot	\$25.00
Engineer Review	\$300.00	
Revision	\$150.00	

Parkland Dedication

Fee in Lieu (City Council Approval) \$550 per dwelling unit

Combination 3 acres or more of parkland plus Fee in Lieu; *See Code of Ordinances Ch. 10, Exhibit A, Art. III, Sec. 48(c)(1)*

Other Agency Fees: The City of Manor does not assess nor collect fees for reviews of Building Construction Plans by agencies having jurisdictional authority. All fees for other agencies are established and collected by each of the authorities conducting review.

Professional Fees: In addition to the fees and charges, an Engineer Review Fee, set forth above in this section, the proposer, developer or subdivider of land, a subdivision, plat, or municipal utility district, shall reimburse and pay to the City the actual costs and expenses for professional services, including but not limited to consulting engineers, attorneys and land planners, incurred by the City with respect to such subdivision, plat, development or municipal utility district.

Section 5. Zoning, Variance, Special & Conditional Use Permits. The following fees and charges are established and shall be collected with an application for consideration by a board, commission, or consultant prior to consideration and action by any authority having jurisdiction.

Zoning

Zoning Request	\$300 + \$30 per acre	\$15.00
Public Hearing Notice (Newspaper)	\$150.00	
Property Owner Notification	\$5 per property owner	
Verification	\$50.00	\$10.00

Special Services

GIS Mapping Pre-made Hardcopy

8.5"x11"	\$2.00
11"x17"	\$5.00
Larger formats	per engineer costs

GIS Digital Data by Layer

\$10 first layer, \$5
each additional
layer

Development Agreement Consultation

Deposit	\$25,000.00
Actual Costs	More or less billed costs for engineering and legal consultation

Planned Unit Development

Amendment	\$600 + \$40 per acre	\$25.00
	½ Original Fee	\$15.00

Conditional Use Permit

	\$250.00	\$10.00
Public Hearing Notice (Newspaper)	\$150.00	
Property Owner Notification	\$5 per Property Owner	

Variance

	\$250 + \$30 per acre	\$10.00
Public Hearing Notice (Newspaper)	\$150.00	
Property Owner Notification	\$5 per Property Owner	

Special Use Request

	\$250 + \$30 per acre	\$10.00
Public Hearing Notice (Newspaper)	\$150.00	
Property Owner Notification	\$5 per Property Owner	

Comprehensive Plan Amendments

Appeal of Administrative Decision

Appeal of Planning & Zoning Decision

	\$350.00	\$15.00
	\$400.00	\$10.00
	\$400.00	\$10.00

Section 6. Vendors. The following fees and charges are established and shall be collected prior to the review and approval of an application to solicit, peddle, or operate a food establishment as a seasonal, semi- permanent or temporary food vendor.

Door to door solicitation

Bond	\$5000.00
Per day	\$5.00 per day up to 7 days
Per week	\$10.00
Per Month	\$25.00
Three Months	\$50.00
Six Months	\$75.00
Per year	\$100.00

Mobile Food Establishment

Per day	\$5.00 per day up to 7 days
Per week	\$10.00
Per Month	\$25.00
Three Months	\$50.00
Six Months	\$75.00
Per year	\$100.00

Special Event (Use of rights-of-way or other city resources not covered under Park Use Fees)	First day or portion thereof	\$50.00
	Each additional day	\$25.00

Section 7. Game Room and Amusement Redemption Machine Fees The following fees and charges are established and shall be collected prior to the review and approval of an application to operate a game room establishment.

Application	\$200
License	\$100 per amusement redemption machine
Renewal (No application fee necessary if license has not expired)	\$100 per amusement redemption machine

Section 8. Special Services. The following fees and charges are established and shall be collected for special services provided by Law Enforcement Staff.

Incident Report Copy	\$5.00
Crash Report Copy	\$6.00
Finger Printing Fees	
First two finger print cards	\$10.00 per card (come in two card packages)
Each additional card	\$5.00
Alarm Permit Fees	
Residential Systems	\$50.00
Commercial Systems	\$50.00
Multi-family Systems	\$50.00 per unit
Common Areas	\$50.00 each building
Government Agencies	No fee
Schools and Similar Occupancies	\$50.00
Renewal Fee	\$10.00
Late Fee	\$5.00

False Alarm Fees

Up to 3 per year	No fee
4th and 5th per year	\$50.00
5th, & 7th per year	\$75.00
8th and more per year	\$100.00

Police Car Fee	\$15.00 per hour (no minimum)
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Police Officer Fee	\$45.00 to \$55.00 depending on contract (4 Hour Minimum)
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Traffic Control Device Fee	\$100.00 (Maximum of trailer limit)
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Wreckers and Towing Fees

Application Fee	\$25.00
Tow Management Fee	\$25.00
Annual Inspection Sticker Fee	\$15.00/per vehicle
Daily Evidentiary Fee (Manor Police held vehicles, billed by the Manor Police Dept. to registered owner or responsible party)	\$35.00/day

Section 9. Fees and Rental Rates To The City For The Use Of Public Rights-of-way By Wireless Network Providers. As compensation for the network provider's use and occupancy of the City public rights-of-way, the network provider shall pay application fees and annual public right-of-way rental rates as set forth below, which shall be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way related charge or fee, whether charged to the network provider or its contractor(s) within the City, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the City. The City shall not seek or accept in-kind services in lieu of or as additional payment or consideration from any user of the public rights-of way for use of the public rights-of-way.

Network Nodes:

Application	\$100/each node – maximum 30 nodes
Annual public ROW fee	\$250
Public ROW rate adjustment	As provided in Section 284.054 of the Texas Local Government Code, the City may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI). The City shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the City on or after the 60 th day following the written notice.

Node Support Poles

Application	\$100
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Transfer Facilities

Application	\$100
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Annual rental rate	The annual Transfer Facility rental rate shall be \$28.00 monthly for each Network Node site located in a public right-of-way. However, no rate is required if the network provider is already paying the City an amount equal to or greater than the amount of other City right-of-way fees for access lines under Chapter 283 of the Texas Local Government Code or cable franchise fees under Chapter 66 of the Texas Utility Code.
Micro Network Nodes	No application fee is required for a Micro Network Node if the installation is attached on lines between poles or node support poles
Collocation of Network Nodes on Service Poles	\$20/year per pole, Subject to the City's Pole Service Agreement
City-Owned Municipal Utility Poles	A network provider shall pay an annual pole attachment rate for the collocation of a Network Node supported by or installed on a City-owned utility pole based upon the pole attachment rate consistent with Section 54.024 of the Texas Utilities Code, applied on a per-foot basis

Section 10. Administrative and/or Miscellaneous Fees. The following fees and charges are established and shall be collected for Park Rental, Animal Registration, Film Projects, and administrative fees for copying and/or producing records upon request.

Film projects using City property

Application	\$25.00
<u>Activity</u>	<u>Per Day Fee</u>
Total disruptive use (regular operating hours) of a public building, park, right of way or other public area;	\$500.00
Partial non disruptive use of a public building, right of way or other public area;	\$250.00
Total closure of obstruction of a public street or right of way, including parking lots and on-street parking (for filming purposes);	\$50.00 per block
Partial closure or obstruction of a public street, right of way, including parking lots and on-street parking (for filming purposes); and	\$25.00 per block
Use of city parking lots, parking areas, and city streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50.00 per block

Administrative Fees -All departments

B/W Copies –standard lettersize	\$0.15 per page of printed material
B/W Copies – legal or larger	\$0.50 per page of printed material
Color Copies –standard lettersize	\$0.25 per page of printed material
Color Copies -legal or larger	\$0.50 per page of printed material
Specialty Paper (Mylar, Blueprint etc.)	Actual cost
Notary fee	\$6.00
Every other signature	\$1.00
CD copies	\$25.00
Other electronic media	Actual cost
PDF of Ordinance/Utility Bill	No charge
Labor and overhead charge	\$15.00 per hour >50 copies, or locate, compile, and reproduce requested information when records located in remote facility
Postal Expenses	Actual cost to transmit information paid prior to release
Returned Check Fee	\$35.00
Administrative fee	\$20.00
Animal registration	\$10.00
Animal Microchipping	\$10.00
Credit card payments	\$2.00
City Park Rental Permit Fees	
Up to 4 hours	\$50.00
Maintenance Deposit	\$25.00
4 – 8 hours	\$75.00
Maintenance Deposit	\$50.00
Per Day	\$100.00
Maintenance Deposit	\$100.00 refunded minus city staff costs if required
City Staff Maintenance	\$20.00 per hour
City Vehicle Use	\$15.00 per hour
Debris Removal	\$20.00
Barricades set up & take down	\$75.00

Section 11. Utility Service charges and fees. The following fees and charges are established and shall be collected for providing utility services, repairs, new construction, impact fees, maintenance, debris pick up and associated administrative services.

Water	Established under separate Ordinance
Wastewater	Established under separate Ordinance
Debris Solid Waste	Per current contract with Solid Waste Service Provider renewed annually. Approved by City Council.

Meter testing	\$50.00
Meter re-read	\$5.00 (No charge if there is an error)

Damage of City Property	\$100.00 + actual costs
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Water Taps	
Residential	\$750.00
Commercial	\$750.00 + actual cost

Wastewater Taps	
Residential	\$750.00
Commercial	\$750.00 + actual cost

Water and Wastewater Impact Fees

For all lots or development, the Community Impact Fee for each Living Unit Equivalent shall be in accordance with amounts imposed in previous Ordinances for the applicable time period as shown in the following chart.

Platted Dates	Water Impact Fee	Wastewater Impact Fee
September 6, 2017 – present	\$1,560.00	\$3,200.00
May 18, 2016 to September 6, 2017	\$2,121.00	\$2,323.50
June 6, 2012 to May 18, 2016	\$1,800.00	\$1,800.00
November 19, 2008 - June 6, 2012	\$2,500.00	\$2,100.00
May 16, 2007 - November 19, 2008	\$2,200.00	\$2,100.00
July 28, 2004 – May 16, 2007	\$1,700.00	\$1,800.00
September 27, 2000 – July 28, 2004	\$1,575.00	\$1,925.00
November 16, 1994 – September 27, 2000	\$1,440.00	\$1,630.00
May 18, 1989 - November 16, 1994	\$1,335.00	\$2,375.00
October 9, 1985 – May 18, 1989	\$500.00	\$850.00

Security Deposits

Residential Combined Water, Wastewater, Trash	\$150.00
Residential Water Service Only	\$75.00
Residential Wastewater Service Only	\$50.00
Residential Trash Service Only	\$30.00
Deposit Transfer	\$25.00
Commercial Combined Water, Wastewater, Trash	\$500.00

Utility Connection and Disconnection

Water Connection	\$35.00
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Water One Day Connection	\$35.00
Water Guaranteed Same Day Connection	\$50.00
Disconnection	\$50.00

Section 12. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 13. Penalties. Any person who commences work requiring a permit before obtaining the necessary permits shall be in violation of this ordinance and subject to a penalty fee equal to the rate of the permit

Section 14. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 15. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in the manner set forth with the provisions of the Tex. Loc. Gov't Code.

Section 16. Open Meetings Act. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chap. 551, Tex. Gov't Code.

PASSED AND APPROVED this 17th day of January 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 17, 2018

PREPARED BY: Paige Saenz

DEPARTMENT: City Attorney

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the development of policies governing Public Improvement Districts and Tax Increment Reinvestment Zones.

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

ATTACHMENTS: ☐ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☒ NO

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council take action on the development of policies governing Public Improvement Districts and Tax Increment Reinvestment Zones.

PLANNING & ZONING COMMISSION: ☐ RECOMMENDED APPROVAL ☐ DISAPPROVAL ☐ NONE