



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**

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**Wednesday, May 16, 2018**

**7:00 p.m.**

**Manor City Hall – Council Chambers  
105 E. Eggleston Street**

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### **CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATION**

- A. Presentation by the 1<sup>st</sup> Graduating Class of the Manor Citizen's Police Academy to the Manor Police Department / Victim Services Unit.

### **PROCLAMATION**

- B. Declaring the Week of May 20-26, 2018, as "National Public Works Week".

### **PUBLIC COMMENTS**

Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three (3) 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**

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with 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 May 2, 2018, Regular Meeting. Lluvia Tijerina, City Secretary
2. Consideration, discussion, and possible action on the acceptance of the April 2018 Departmental Reports: Thomas Bolt, City Manager
  - Police – Ryan Phipps, Chief of Police
  - Development Services – Scott Dunlop, Planning Coordinator
  - Municipal Court – Sarah Friberg, Court Clerk
  - Public Works – Mike Tuley, Director of Public Works
  - Finance – Lydia Collins, Director of Finance

## REGULAR AGENDA

3. Consideration, discussion and possible action on the second and final reading of a Conditional Use Permit for Lot 31, Block E, Stonewater Phase 1, locally known as 12310 Waterford Run Way to allow for a Small Childcare Center. **Applicant:** Yamilia Reynaldo. **Owner:** Yamilia Reynaldo Scott Dunlop, Planning Coordinator
4. Consideration, discussion, and possible action on the first reading of an ordinance rezoning Abstract 315, Survey 63 Gates G, 9.34 acres more or less, locally known as 12511 US Hwy 290 East from Interim Agriculture (A) to Medium Commercial (C-2) **Applicant:** Ceilia Edwards **Owner:** Odeen Hibbs Scott Dunlop, Planning Coordinator
5. Consideration, discussion, and possible action on a waiver request for Lot A Morrow W D Addition, locally known as 11805 Johnson Road, from Manor Code of Ordinances Chapter 14, Exhibit A, Article III, Section 60 Construction Plans to waive site development requirements and accept Travis County site development permit 15-8997. **Applicant:** Wes Porter. **Owner:** Wes Porter Scott Dunlop, Planning Coordinator
6. Consideration, discussion, and possible action on the application of Oncor Electric Delivery Company LLC for authority to decrease rates based on the Tax Cuts and Jobs Act of 2017. Thomas Bolt, City Manager
7. Consideration, discussion, and possible action on an ordinance adopting an amended annual budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018. Thomas Bolt, City Manager

## 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, May 11, 2018, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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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](mailto:ltijerina@cityofmanor.org)*



## Proclamation

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

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees from state and local governments and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in the City of Manor to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the American Public Works Association has celebrated the annual National Public Works Week since 1960; and,

**NOW, THEREFORE**, I Rita G. Jonse, Mayor of the City of Manor, and on behalf of the Manor City Council, do hereby proclaim the week of May 20-26, 2018, as:

### *“National Public Works Week”*

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

**PROCLAIMED** this the 16<sup>th</sup> day of May 2018

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Rita G. Jonse, Mayor  
City of Manor



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** May 16, 2018

**PREPARED BY:** Lluvia Tijerina, City Secretary

**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action to approve the City Council Minutes of the May 2, 2018, Regular Meeting.

**BACKGROUND/SUMMARY:**

**PRESENTATION:** ☐ YES ☒ NO

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

May 2, 2018, Regular Meeting Minutes

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve the City Council Minutes for the May 2, 2018, Regular Meeting.

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

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**CITY COUNCIL  
REGULAR SESSION MINUTES  
MAY 2, 2018**

**PRESENT:**

Rita G. Jonse, Mayor

**COUNCIL MEMBERS:**

Gene Kruppa, Place 1  
Maria Amezcua, Place 2  
Anne R. Weir, Mayor Pro Tem, 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  
Ryan Phipps, Chief of Police  
Denver Collins, Captain  
Lydia Collins, Director of Finance  
Frank Phelan, City Engineer

**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, May 2, 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, Chief of Police Phipps, led the Pledge of Allegiance.

## **PROCLAMATIONS**

At the request of Mayor Jonse the Proclamation for Police Week was conducted first.

### **B. Declaring the Week of May 13-19, 2018, as “Police Week”**

Mayor Jonse read and presented a proclamation declaring the week of May 13-19, 2018, as “Police Week” to Chief of Police Phipps.

### **A. Declaring the Week of May 6-12, 2018, as “Municipal Clerks Week”**

Mayor Jonse read and presented a proclamation declaring the week of May 6-12, 2018, as “Municipal Clerks Week” to Lydia Collins, Director of Finance.

## **PUBLIC COMMENTS**

Vicki McFarland, P.O. Box 256, Manor, Texas, spoke before the City Council regarding the Manor Heritage Festival. She thanked all sponsors, volunteers, and City staff for all their support and hard work.

No one else appeared to speak at this time.

## **CONSENT AGENDA**

### **1. Consideration, discussion, and possible action to approve the City Council Minutes:**

- **April 14, 2018, Workshop Session**
- **April 18, 2018, Regular Meeting**

**MOTION:** Upon a motion made by Council Member Hill and seconded by Council Member Amezcua, the Council voted seven (7) For and none (0) Against to approve and adopt all items on the consent agenda. The motion carried unanimously.

## **REGULAR AGENDA**

### **2. Consideration, discussion, and possible action on an ordinance for the purpose of adopting Rules of Procedure to govern the conduct of City Council Meetings; providing for establishing committees; addressing administrative support of the Council; and providing for related matters.**

The City staff's recommendation was that the City Council approve Ordinance No. 516 for the purpose of adopting Rules of Procedure to govern the conduct of City Council Meetings; providing for establishing committees; addressing administrative support of the Council; and providing for related matters.

City Manager Bolt discussed the ordinance for the purpose of adopting Rules of Procedure to govern the conduct of City Council Meetings.

**MOTION:** Upon a motion made by Council Member Kruppa and seconded by Council Member Weir, the Council voted seven (7) For and none (0) Against to approve Ordinance No. 516 for the purpose of adopting Rules of Procedure to govern the conduct of City Council Meetings; providing for establishing committees; addressing administrative support of the Council; and providing for related matters with the revision of *Section 8.07 Motions* of the Rules of Procedure to be in accordance with *Section 1.05.037 (Motions; deferring action)* of the City Charter. “(a) A motion may be made by any member other than the presiding officer.” The motion carried unanimously.

**3. Consideration, discussion and possible action on the second and final reading of an ordinance rezoning Abstract 315, Survey 63 Gates G, 20 acres more or less, locally known as 11811 Arnhamn Lane from Interim Agricultural (A) to Single Family (R-2).**

The City staff’s recommendation was that the City Council approve the second and final reading of Ordinance No. 517 rezoning Abstract 315, Survey 63 Gates G, 20 acres more or less, locally known as 11811 Arnhamn Lane from Interim Agricultural (A) to Single Family (R-1).

City Manager Bolt discussed the final reading of an ordinance for the R-1 district.

The discussion was held regarding the restrictions for the R-1 district.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Amezcua the Council voted seven (7) For and none (0) Against approve the second and final reading of Ordinance No. 517 Rezoning Abstract 315, Survey 63 Gates G, 20 acres more or less, locally known as 11811 Arnhamn Lane from Interim Agricultural (A) to Single Family (R-1). The motion carried unanimously.

**4. Consideration, discussion and possible action on the first reading of a Conditional Use Permit for Lot 31, Block E, Stonewater Phase 1, locally known as 12310 Waterford Run Way to allow for a Small Childcare Center.**

Yamilia Reynaldo, 12310 Waterford Run Way, Manor, Texas, submitted a card in support of this item; however, she did not wish to speak but was available to address any questions posed by the City Council.

The discussion was held regarding the number of children that are allowed in the home for care under the age of fourteen (14).

The discussion was held regarding parking regulations and state license permits.

The discussion was held regarding the Planning and Zoning Commission concerns regarding traffic and the reason for denial by the commission.



Council Member Hill inquired about the hours of operation for the daycare. Ms. Reynaldo stated the hours of operation will be normal business hours.

**MOTION:** Upon a motion made by Council Member Kruppa and seconded by Council Member Pierson the Council voted seven (7) For and none (0) Against to approve the first reading of a Conditional Use Permit for Lot 31, Block E, Stonewater Phase 1, locally known as 12310 Waterford Run Way to allow for a Small Childcare Center. The motion carried unanimously.

**5. Consideration, discussion, and possible action on a waiver request for Lot 1, Block 47 Town of Manor, locally known as 209 W. Eggleston Street, from Manor Code of Ordinances Chapter 14, Exhibit A, Article 2, Section 20(j), Chart 1 Height and Placement Requirements to allow for a 5.6-foot street side setback.**

Torrey Overton, 209 W. Eggleston Street, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

City Manager Bolt discussed the waiver request for 209 W. Eggleston Street to allow for a 5.06-foot street side setback.

The discussion was held regarding the roof measurements of the structure.

**MOTION:** Upon a motion made by Council Member Kruppa and seconded by Council Member Pierson, the Council voted six (6) For and one (1) Against to approve a waiver request for Lot 1, Block 47 Town of Manor, locally known as 209 W. Eggleston Street, from Manor Code of Ordinances Chapter 14, Exhibit A, Article 2, Section 20(j), Chart 1 Height and Placement Requirements to allow for a 5.6-foot street side setback with the provision that the current structure remains unenclosed. Council Member Hill voted against. The motion carried.

**6. Consideration, discussion, and possible action on a resolution commencing the voluntary annexation of land adjacent and contiguous to the city limits; being 87.622 acres, more or less, of land area located in the A.C. Caldwell Survey, Abstract No. 154, Travis County, Texas; and providing for open meetings and other related matters.**

The City staff's recommendation was that the City Council approve Resolution No. 2018-05 commencing the voluntary annexation of land adjacent and contiguous to the city limits; being 87.622 acres, more or less, of land area located in the A.C. Caldwell Survey, Abstract No. 154, Travis County, Texas; and providing for open meetings and other related matters.

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

City Manager Bolt discussed the voluntary annexation of land adjacent and contiguous to the city limits.

**MOTION:** Upon a motion made by Council Member Pierson and seconded by Council Member Shaner, the Council voted seven (7) For and none (0) Against to approve Resolution No. 2018-05 commencing the voluntary annexation of land adjacent and contiguous to the city limits; being 87.622 acres, more or less, of land area located in the A.C. Caldwell Survey, Abstract No. 154, Travis County, Texas; and providing for open meetings and other related matters. The motion carried unanimously.

**7. Consideration, discussion, and possible action on a Deposit Letter Agreement to fund engineering investigations and design of Offsite Wastewater Improvements to serve the Manor Heights project and selected areas within the Cottonwood Creek basin.**

The City staff's recommendation was that the City Council approve the Deposit Letter Agreement to fund engineering investigations and design of Offsite Wastewater Improvements to serve the Manor Heights project and selected areas within the Cottonwood Creek basin.

City Engineer Phelan discussed the Deposit Letter Agreement to fund engineering investigations and design of Offsite Wastewater Improvements to serve the Manor Heights project.

The discussion was held regarding the cost of the project.

**MOTION:** Upon a motion made by Council Member Shaner and seconded by Council Member Amezcua, the Council voted seven (7) For and none (0) Against to approve the Deposit Letter Agreement to fund engineering investigations and design of Offsite Wastewater Improvements to serve the Manor Heights project and selected areas within the Cottonwood Creek basin. The motion carried unanimously.

**8. Consideration, discussion, and possible action on a contract addendum with Jay Engineering Company, Inc. for design, construction and bidding phase services for the Offsite Wastewater Improvements for the Manor Heights project.**

The City staff's recommendation was that the City Council approve the contract addendum with Jay Engineering Company, Inc. for design, construction and bidding phase services for the Offsite Wastewater Improvements for the Manor Heights project.

City Engineer Phelan discussed the contract addendum with Jay Engineering Company, Inc. for the Offsite Wastewater Improvements for the Manor Heights project.

**MOTION:** Upon a motion made by Council Member Kruppa and seconded by Council Member Pierson, the Council voted seven (7) For and none (0) Against to approve the contract addendum with Jay Engineering Company, Inc. for design, construction and bidding

phase services for the Offsite Wastewater Improvements for the Manor Heights project. The motion carried unanimously.

**9. Consideration, discussion, and possible action on an ordinance designating *Manor Community News* as the official newspaper of the City of Manor, Texas.**

The City staff's recommendation was that the City Council approve Ordinance No. 518 Designating *Manor Community News* as the official newspaper of the City of Manor, Texas.

Dory West, 10900 Hibbs Lane, Manor, Texas, submitted a card in support of this item; however, she did not wish to speak but was available to address any questions posed by the City Council.

**MOTION:** Upon a motion made by Council Member Shaner and seconded by Council Member Kruppa, the Council voted seven (7) For and none (0) Against to approve Ordinance No. 518 Designating Manor Community News as the official newspaper of the City of Manor, Texas. The motion carried unanimously.

**10. Consideration, discussion and possible action on establishing a Public Improvement District Committee.**

The City staff's recommendation was that the City Council establishes a Public Improvement District Committee.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Hill, the Council voted seven (7) For and none (0) Against to appoint Council Member Amezcua, Council Member Shaner, and Mayor Jonse to serve on the Public Improvement District Committee. The motion carried unanimously.

Mayor Jonse adjourned the regular session of the Manor City Council into Executive Session at 7:47 p.m. Wednesday, May 2, 2018, in accordance with the requirements of the Open Meetings Law.

**EXECUTIVE SESSION**

The City Council convene into Executive Session pursuant to *Section 551.072 Deliberations regarding Real Property – Lots 1-10 Block 8 Lane AE Addition, 1.25 acres more or less in the City of Manor, Travis County*, at 7:47 p.m., on Wednesday, May 2, 2018, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 8:22 p.m. on Wednesday, May 2, 2018.

**OPEN SESSION**

The City Council reconvened 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 at 8:22 p.m. on Wednesday, May 2, 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.

## **ADJOURNMENT**

The Regular Session of the Manor City Council Adjourned at 8:22 p.m. on Wednesday, May 2, 2018.

These minutes approved by the Manor City Council on the 16<sup>th</sup> day of May 2018.

## **APPROVED:**

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Rita G. Jonse  
Mayor

## **ATTEST:**

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Lluvia Tijerina  
City Secretary



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** May 16, 2018

**PREPARED BY:** Thomas Bolt, City Manager

**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on the acceptance of the April 2018 Departmental Reports.

**BACKGROUND/SUMMARY:**

- Police – Ryan Phipps, Chief of Police
- Development Services – Scott Dunlop, Planning Coordinator
- Municipal Court – Sarah Friberg, Court Clerk
- Public Works – Mike Tuley, Director of Public Works
- Finance – Lydia Collins, Director of Finance

**PRESENTATION:** ☐ YES ☒ NO

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

April 2018 Departmental Reports

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve and accept the April 2018 Departmental Reports.

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

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# Manor Police Department

## Monthly Council Report

Ryan S. Phipps - Chief of Police

Date of Meeting:

5/16/2018

April 2018

Activity	Reported Month	Same month Prior year	Percentage difference	
Calls for Service	1467	1272	15.3↑	Patrol Car Rental
Average CFS per day	48.9	42.4	15.3↑	Last Month \$1,703
Open Cases	20	40	50↓	YTD \$10,371
Charges Filed	70	62	13↑	
Alarm Responses	31	34	8.8↓	
Drug Cases	27	18	50↑	
Family Violence	11	10	10↑	
Arrests Fel/Misd	19Fel/51 Misd	18Fel/44Misd	5.5↑Fel/16↑Misd	
Animal Control	29	13	123↑	
Traffic Accidents	40	23	74↑	
Vehicle Impounds	19	N/A	First month reporting	
DWI Arrests	17	12	41.6↑	
Traffic Violations	548	530	3.3↑	
Ordinance Violations	23	8	187↑	
Seizures	N/A	N/A	N/A	
Laboratory Submissions	12	8	50↑	

Notes:

\*DNA- DATA NOT AVAILABLE

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

**April 1-30, 2018**

Description	Projects	Valuation	Fees	Detail
Commercial Electrical	3	\$20,475.00	\$6,643.50	
Commercial Irrigation	1	\$8,600.00	\$172.00	
Commercial Plumbing	1	\$1,500.00	\$170.00	
Residential Accessory	1	\$3,600.00	\$105.00	
Residential Deck/Patio	2	\$5,000.00	\$309.00	
Residential Electric	3	\$59,941.00	\$321.00	
Residential Irrigation	12	\$29,600.00	\$1,284.00	
Residential Mechanical-HVAC	1	\$10,000.00	\$107.00	
Residential New	46	\$11,948,160.15	\$225,337.50	
Residential Plumbing	1	\$1,737.00	\$107.00	
Residential Remodel/Repair	1	\$20,000.00	\$295.00	
Right of Way	1	\$0.00	\$502.00	
Totals	73	\$12,108,613.15	\$235,353.00	

Total Certificate of Occupancies Issued: 56

Total Inspections(Comm & Res): 1,557

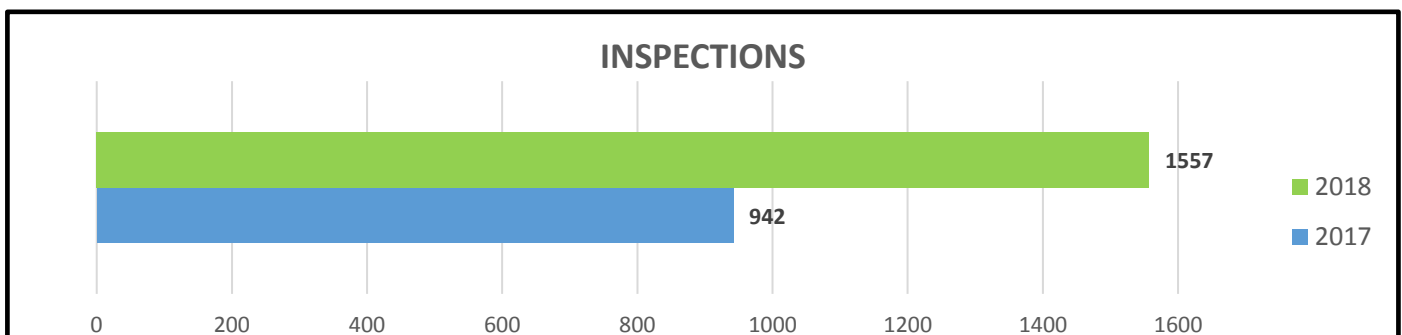
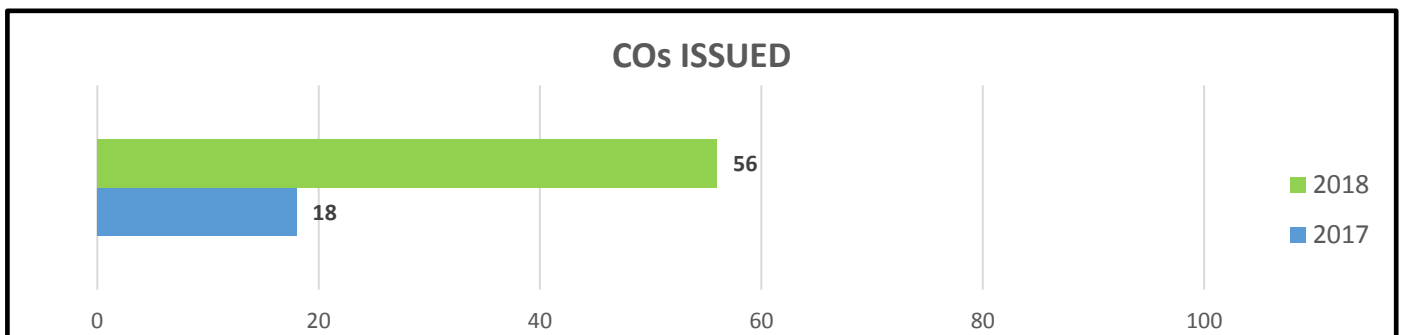
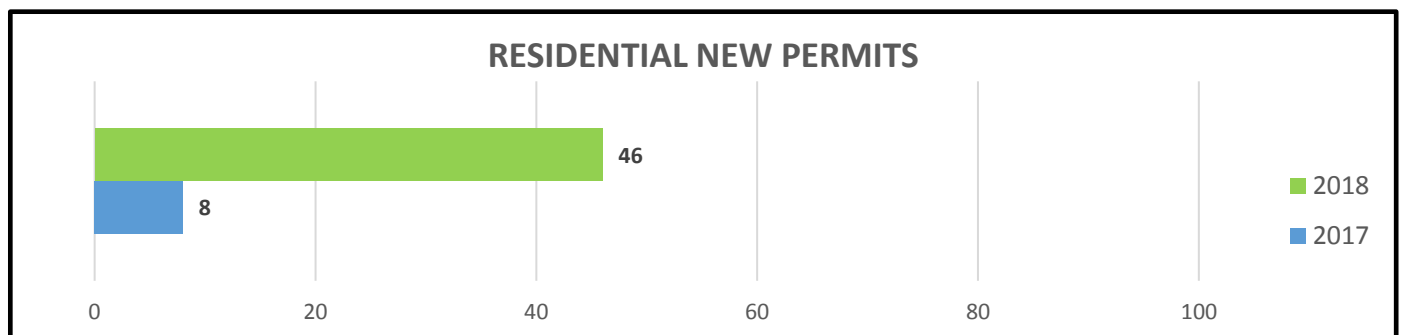
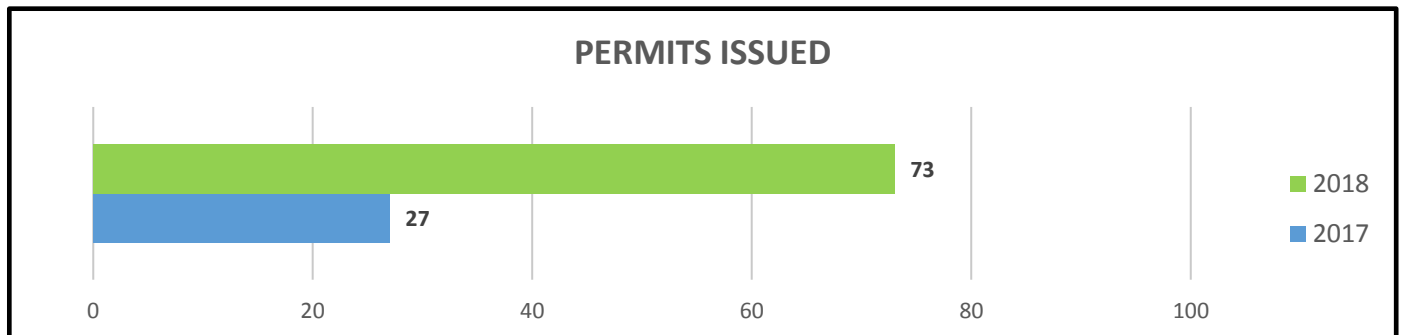
*Tom Bolt, City Manager*





*APRIL 2018*

DEPARTMENT OF DEVELOPMENT SERVICES  
THOMAS BOLT, DIRECTOR

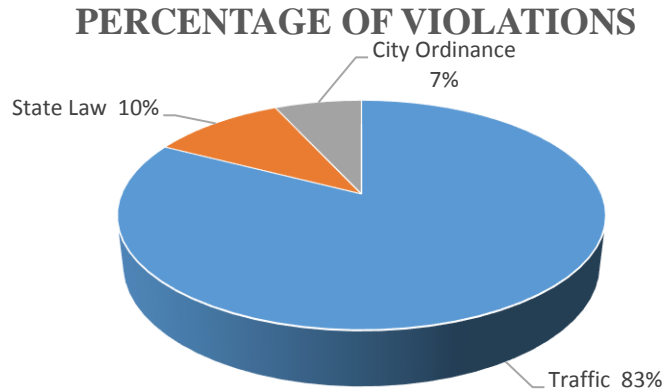




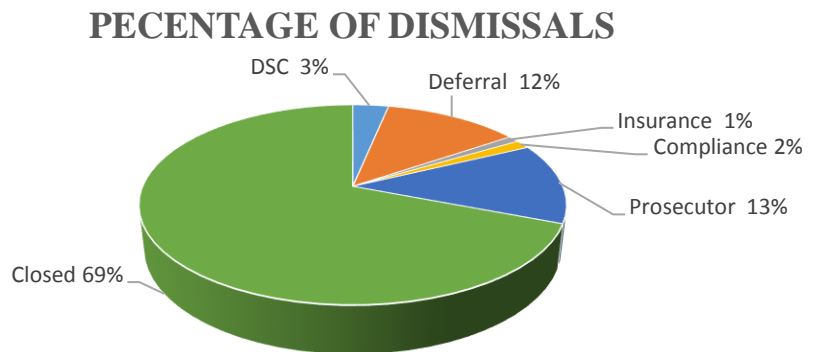
# City of Manor Municipal Court

## APRIL 2018

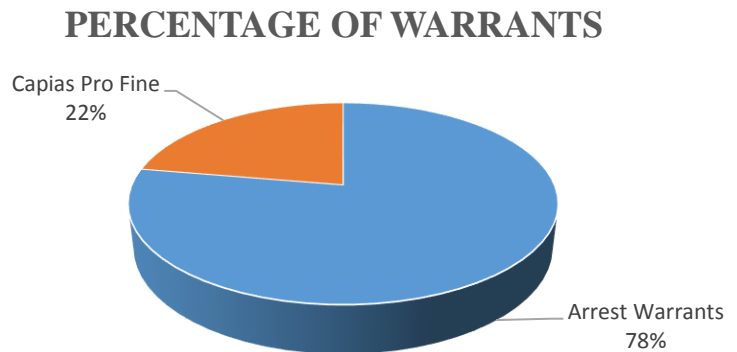
Violations Filed	Apr-18	Apr-17
Traffic	384	265
State Law	49	40
City Ord.	32	24
<b>Total</b>	<b>465</b>	<b>329</b>



Dismissals	Apr-18	Apr-17
DSC	19	10
Deferral	72	49
Insurance	6	5
Compliance	8	13
Prosecutor	77	436
Closed	407	726
<b>Total</b>	<b>589</b>	<b>1239</b>



Warrants	Apr-18	Apr-17
Arrest Warrants	160	276
Capias Pro Fine	46	24
<b>Total</b>	<b>206</b>	<b>300</b>



**Money Collected in April 2018**

Kept By City	\$40,294.48
kept By State	\$20,767.29
<b>Total</b>	<b>\$61,061.77</b>

**Money Collected in April 2017**

Kept By City	\$42,282.33
Kept By State	\$20,097.96
<b>Total</b>	<b>\$62,380.29</b>



## **PUBLIC WORKS DEPARTMENT APRIL REPORT**

### **Street and Public, Parks, and Maintenance Department**

In the month of April, the Public Parks and Maintenance Department mowed all city facilities, alleys, and right of ways. They cleaned and maintained all city facilities and parks. They performed all maintenance on city vehicles and heavy equipment. In April, the Street Department repaired streets, curbs, and signs.

### **Water and Wastewater Department**

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

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

### **Water Production & Purchase**

In the month of April, 7% of the water we supplied to our residents were from our wells and we purchased 93% from EPCOR and Manville WSC. In April, the estimated population of residents in the City of Manor is 10,211. Estimated Population for ShadowGlen is 2,544 residents.

### **Subdivision Inspections**

- Street Inspections- 8
- Water Inspections- 10
- Wastewater Inspections- 15



## **Streets and Parks Monthly Report April 2018**

### **4/1/2018-4/30/2018 Daily Duties and Projects**

- **4/2/2018-** April is typically one of the months bluebonnets will reveal their true colors. The City has created two locations with multiple wildflowers and bluebonnets. Old HWY 20 between North Lockhart and East Boyce St. are one of the locations. The other location is in the alley between North Caldwell and Lexington St. Signs have been installed at these locations stating, “Do Not Mow, Wildflowers In Progress.”
- **4/2/2018-** The City has continued to monitor all new construction to ensure all projects are done to plan and ensure cleanliness on all sites.
- **4/3/2018-** The City was called out to Carriage Hills on a washout in a backyard. Due to a detailed assessment on what caused the washout, the city came to conclusion a drainage pipe had collapsed 4 feet underground. The city came up with a plan and corrected the issue. The homeowner was very pleased.
- **4/3/2018-** The City has been keeping a very detailed report on hour usage on every piece of equipment. It will give us a better understanding on which equipment is most valuable and needed.
- **4/4/2018-** The City does recognize there are drains that do not serve their purpose. The streets crew will go in and remove any soil that is blocking the concrete drains. This will allow the water to flow into the vegetated areas and allow water to soak in soil.
- **4/5/2018-** City crew will restripe once a year to areas around Downtown, City Hall, Jennie Lane Park, and the Police Department. All other areas are on a close eye and get restriped when needed as well.
- **4/5/2018-** The City is in the process of installing the perimeter fence around the future wastewater plant. A 96’x36’ pole barn has begun to show itself as well. The City has continued to review the installation of the project until the project is completed.
- **4/9/2018-** City staff will grease, clean, and organize all machines and vehicles. We believe it’s very important to look good while on duty.
- **4/12/2018-** City staff took a very big task but an exciting one. The City came up with a plan to install the old workout equipment back inside Jennie Lane Park. The City decided to build a 30’x30’ concrete pad in the northeast corner of the park. The concrete was purposely left 1” lower than the existing sidewalk, so crushed granite could be placed on top to level it off. All machines were bolted to the concrete and landscape was added to soften the feel of the location. It came out great!
- **4/13/2018-** We would like to recognize our City Mechanic Alex Melendez. He is doing jobs from minor fluid changes to taking apart vehicle engines to replace internal seals. He has been a big part of keeping the operations on track.
- **4/13/2018-** City staff hired an electrician to bring the mechanic building back up to electrical code by installing all GFCI plugs and lit EXIT signs on all exits.



- **4/16/2018-** Scheduled city staff will be on standby in case of emergencies. The night of 4/15/2018 strong winds blew through Manor and knocked several trees down. All trees were cut up and hauled away for safe access through all streets.
- **4/18/2018-** The downtown drainage project is on it's final stages. All areas where asphalt was removed, new asphalt was put back down. The project is coming along very well.
- **4/18/2018-** City staff continues to schedule days on filling pot holes and correcting road failures.
- **4/20/2018-** City staff has scheduled days throughout the week to spray any unwanted vegetation at all city owned properties.
- **4/23/2018-** City staff used 4 tons of road base to fill and level off 3 very large pot holes by 290 and Lexington St. The streets department will continue to monitor this area and ensure safety.
- **4/26/2018-** Every year the City assists with the Heritage Festival set-up and break down. The city assisted with all vendor and booth spaces, set-up all water barricades and provided any assistance when needed. The event was a success.
- **4/27/2018-** Every Friday of the week the city will schedule 8 bulk drop offs'. This allows residents to clear any unwanted debris or trash around their houses and keep Manor looking good. It has been a success and has been ongoing for almost a year.

Inspections /New subdivision Walkthroughs and Pre-con meetings

#### **Presidential Glen Phase 7**

***Tuesday April 10, 2018 & Wednesday April 11, 2018***

Concrete scheduled @ 9:30am with 76cy's for the 9x5 Box Culvert Deck

***Monday April 16, 2018***

Concrete scheduled @ 1:30pm with 25cy's for the Parallel Wing Walls.

***Friday April 20, 2018***

Concrete scheduled @ 11am with 73cy's for the Parallel Wing Wall Footing & Box Culvert Footing.

***Friday April 27, 2018***

Concrete scheduled @ 10am with 42cy's for the Box Culvert Walls.

***Monday April 30, 2018***

Concrete scheduled @ 8am with 38cy's for the Pond C Rip Rap.

1 and 2-year Warranty Inspections

The City will conduct a 1 and 2-year warranty inspections after construction has been completed.

Presidential Glen Phase 6 warranty inspection

The City has performed a 1-year warranty inspection on Presidential Glen Phase 6. The City has turned in the inspection report to our engineers and from there on will be funneled to the contractors to repair any issues.



I also wanted to note that City staff is going out to all subdivisions where new construction is present and insuring all roads are swept and clear of debris. It is an ongoing process seeing so many homes are going up all in different areas of the town. Inspection forms are done when staff is present to keep records of site cleanliness.

### **Water Monthly Report April 2018**

For the month of April, the Water Department had 28 service calls, 6 repair jobs, 7 maintenance jobs, 10 inspections, replaced 32 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:**

503 East Browning St.- Repaired a 3/4 service line break by FZ,CD 4-6-18.

301 East Wheeler St.- Repaired a 3/4 service line break by FZ,CD,TM 4-12-18.

Strata and Walter Vaughn St. – Repaired a seal on temporary fire hydrant meter by JT,RM 4-218.

Clearwell at Gilbert Lane - Repaired a 12" main break by JT,FZ,CD,TM 4-9-18.

Clearwell at Gilbert Lane - Cleaned up and hauled off excessive dirt by FZ,CD 4-10-18.

300 Blk of West Browning St. - Repaired a 6" main break by FZ,CD,TM 4-19-18.

#### **Maintenance:**

West Elevated Tower – James Torres received an alarm at 3:00pm. RTU was offline power. Power was restored by 4:00pm by JT 4-15-18.

Utility Office - All public works employees attended a safety meeting with HR Director Tracy Vasquez at 3:00pm by JT 4-13-18.

Well #3 - Shipped off power supply module to Data Flow Systems for repairs 54215-RA for PSM – serial- 296-002408-012 by JT 4-17-18.

Bac T Samples - First set of 5 Bac T samples were dropped off at Aqua Lab by RM 4-10-18.

Bac T Samples – Second set of 5 Bac T samples were dropped off at Aqua Lab by RM 4-18-19.

Clearwell - Yearly maintenance on chlorinators. Replaced seals and cleaned by JT 4-24-18.

Murchison and FM 973 SE Corner - Line locates for Bluebonnet Electric by JT,RM 4-27-18.



### **Inspections:**

Lagos Phase 1 - Walked through inspection for Phase 1 completed by JT,AV 4-2-18.  
Manor Commons SE Phase 1 - Water mains and hydrants blocking by JT 4-9-18, 4-10-18.  
Presidential Glen Phase 7 - Raising of castings water valves by DNT Construction by JT 4-10-18.  
Manor Commons SE Phase 1 - Water mains and hydrants blocking by JT 4-11-18.  
Tower lane at East Elevated Tower - Water system improvements pre- construction meeting by JT,FP 4-11-18.  
ShadowGlen - Pressure test water main by DNT Construction by JT,RM 4-16-18.  
ShadowGlen- Density testing by DNT Construction by JT,RM 4-16-18.  
Greg Manor and 290 - Flow test hydrant 4-17-18.  
ShadowGlen Section 20 - Pre-construction meeting by JT,AV 4-19-18.

### **April Monthly Wastewater Log 2018**

For the month of April, the Wastewater Department had 6 service calls, 1 repair job, 9 maintenance jobs and 15 inspections.

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

### **Repair Calls:**

City Yard 402 West Parsons - Installed 200 ft of 4" wastewater main from kennel to manhole by mechanic shop by FZ, CD, TM 4-24-18 to 4-26-18

### **Maintenance:**

Wilbarger Plant - Blow out center well by JR 4-5-18.  
Wilbarger Plant - Grease sand filter bridge by JR 4-6-18.  
Wilbarger Plant - Change CL2 bottle 150 lb. CL2 cylinder by JR,CD,TM 4-12-18.  
Wilbarger Plant - Replaced RAS Valve (return activated sludge) with new one by FZ,JR,CD 4-13-18.  
Stonewater Lift Station- James Torres received power outage alarm from Scada at 11:10 pm. Notified Oncore Power of outage. Power was restored at 3:30 am by JT,TM 4-13-18.  
Bell Farms Lift Station -James Torres received power outage alarm from Scada at 11:10 pm. Notified Bluebonnet Electric. Power was restored at 12:45 am by JT,TM 4-13-18.  
All Lift Stations - Checked all Lift Stations after storm passed though by JT,TM 4-13-18.  
WWTP- Ordered (6) 150 lbs. CL2 bottles from Brenntag for wastewater plant by JT 4-24-18.  
Stonewater Lift Station – James Torres received pump fail to start alarm. Reset pump. All good by JT, RM 4-26-18.



### **Inspections:**

Lagos Phase 1 - Walked through inspection for Phase 1 completed by JT,AV 4-2-18.

Presidential Glen Phase 7 - Raising of castings manholes and storm drains by DNT Construction by JT 4-11-18.

ShadowGlen Phase 19 B - Wastewater mains and services by JL Gray Construction by JT, RM 4-17-18, 4-18-18, 4-19-18, 4-20-18, 4-23-18, 4-24-18, 4-25-18.

ShadowGlen Section 20 - Pre-construction meeting by JT,AV 4-19-18.

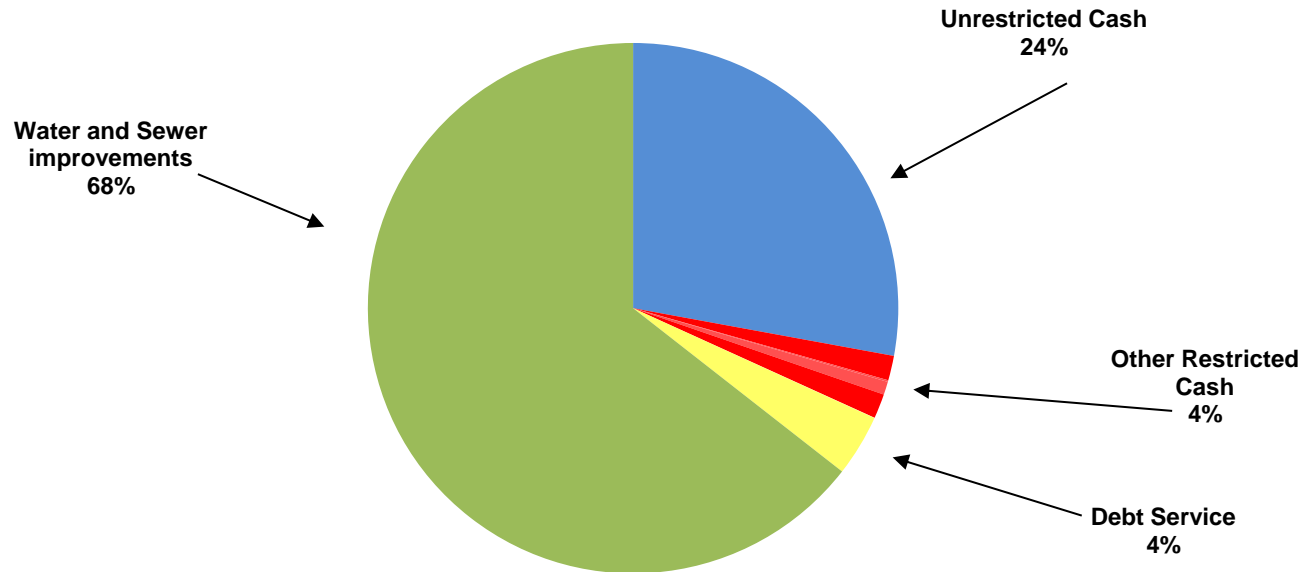
Presidential Heights Phase 3 and 4 - CRU started laying wastewater main today by JT 4-20-18.

Presidential Heights Phase 3 and 4 - Wastewater main by CRU today by JT, RM 4-23-18, 4-24-18, 4-25-18.



**CITY OF MANOR, TEXAS  
CASH AND INVESTMENTS  
As Of April, 2018**

	GENERAL FUND	UTILITY FUND	DEBT SERVICE FUND	SPECIAL REVENUE FUNDS	CAPITAL PROJECTS FUND	TOTAL
<b>CASH AND INVESTMENTS</b>						
Unrestricted:						
<b>Cash for operations</b>	\$ 3,426,374	\$ 6,673,529			\$ -	\$ 10,099,903
Restricted:						
<b>Tourism</b>				543,234		543,234
<b>Court security and technology</b>	36,119					36,119
<b>Rose Hill PID</b>				289,488		289,488
<b>Customer Deposits</b>		544,260				544,260
<b>Park</b>	8,580					8,580
<b>Debt service</b>			1,358,288			1,358,288
<b>Capital Projects</b>						
<b>Water and sewer improvements</b>		16,821,578		6,521,911		23,343,489
<b>TOTAL CASH AND INVESTMENTS</b>	<b>\$ 3,471,072</b>	<b>\$ 24,039,368</b>	<b>\$ 1,358,288</b>	<b>\$ 7,354,633</b>	<b>\$ -</b>	<b>\$ 36,223,362</b>



**Overview of funds:**

\$ 72412.04 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 SUMMARY FORM

PROPOSED MEETING DATE: May 16, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on the second and final reading of a Conditional Use Permit for Lot 31, Block E, Stonewater Phase 1, locally known as 12310 Waterford Run Way to allow for a Small Childcare Center.

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### BACKGROUND/SUMMARY:

Small child care centers are allowed in R-1 single family zoned areas on a conditional use basis. Small child care centers allow for up to 6 children with 150 sf of living space required per child. Any children under 14 already in the home deduct from the 6 allowed. This home's 1st floor living space is 973 sq ft, and minus the pantry area (approx. 68 sf) there is 905 sf. The applicant was not at the Commission meeting to determine if any children are already present in the home. No adjacent property owners were present. The Planning Commission denied the request 7-0 due to concerns about parent dropoff and parking, which is already an issue in Stonewater. On first reading the Council postponed to request from the applicant how many children 14 and under already reside in the home. Staff spoke with the applicant and found there to be one 13-year old in the home.

PRESENTATION: ☐ YES ☒ NO

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

Location Map

Notice Letter/Property Owners List

Child Care Center Regulations

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### STAFF RECOMMENDATION:

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



# **Proposed Conditional Use: Small Childcare Center**

*Zoning District - R-1  
Single Family Residential*

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



March 19, 2018

RE: 12310 Waterford Run Way Conditional Use Permit

Dear Property Owner:

The City of Manor Planning Commission and City Council will be conducting public hearings to consider a Conditional Use Permit for 12310 Waterford Run Way to allow for a Small Childcare Center. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

**Consideration, discussion and possible action on a Conditional Use Permit for Lot 31, Block E, Stonewater Phase 1, locally known as 12310 Waterford Run Way to allow for a Small Childcare Center.**

A Small Childcare Center means a private residence where the occupant provides custodial care and supervision during daylight hours for a maximum six (6) children at any one time. The maximum of six (6) children includes the family's natural or adopted children under the age of fourteen (14). The residence must contain a minimum 150 square feet of floor area for each child. This use shall exclude a family/group home.

The Planning Commission will convene at 6:30PM on April 11, 2018 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on April 18, 2018 AND May 2, 2018 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is [sdunlop@cityofmanor.org](mailto:sdunlop@cityofmanor.org).

Sincerely,

Scott Dunlop  
Planning Coordinator  
512-272-5555 ext. 5

S W HOMEOWNERS ASSOCIATION  
% REAL MANAGE  
PO BOX 702348  
DALLAS, TX 75370-2348

BRADFORD LARONNA  
135 JOSIE LN  
BASTROP , TX 78602-3873

WILLIAMS BOBBY R  
14302 PEBBLE RUN PATH  
MANOR , TX 78653-5096

REBOLLOSO ARMANDO LOREDO  
14305 PEBBLE RUN PATH  
MANOR , TX 78653-5096

MENENDEZ MARIO JOSE  
14303 PEBBLE RUN PATH  
MANOR , TX 78653-5096

CANYON CLAY LLC  
STE 370-420  
6001 W PARMER LN  
AUSTIN , TX 78727-3901

SCALES PAUL ANTHONY  
14304 CUMMINS WAY  
MANOR, TX 78653-4697

DARLING PERRY J & SHERRY L  
14302 CUMMINS WAY  
MANOR , TX 78653-4697

VELA STEPHANIE SANTOS  
14300 CUMMINS WAY  
MANOR , TX 78653-4697

MEDINA HECTOR  
14303 CUMMINS WAY  
MANOR , TX 78653-4697

ESPINOZA ALVARO A  
19921 SAN CHISOLM DR  
ROUND ROCK , TX 78664-3965

BARRINGER JUSTIN  
12301 STONERIDGE GAP LN  
MANOR, TX 78653-4692

ANASTASI TABITHA  
12303 STONERIDGE GAP LN  
MANOR , TX 78653-4692

MOHEET WARIS  
12305 STONERIDGE GAP LN  
MANOR , TX 78653-4692

KRAUSE SANDRA  
12307 STONERIDGE GAP LN  
MANOR, TX 78653-4692

SEMENOV PATRICIA & DENIS  
12309 STONERIDGE GAP LN  
MANOR , TX 78653-4692

PARNELL LEE J  
12311 STONERIDGE GAP LN  
MANOR , TX 78653-4692

GUILLORY REGINA  
12313 STONERIDGE GAP LN  
MANOR , TX 78653-4692

SUTTON CHRISTOPHER H  
12315 STONERIDGE GAP LN  
MANOR , TX 78653-4692

MONROE MALCOLM  
12317 STONERIDGE GAP LN  
MANOR , TX 78653-4692

MUGOMOKA CHRISTIAN C & CHRISTINE  
D NAGALULA  
12401 STONERIDGE GAP LN  
MANOR, TX 78653-4693

BAILEY STEVEN ALVIS  
12403 STONERIDGE GAP LN  
MANOR , TX 78653-4693

BROOKS NATHAN  
12405 STONERIDGE GAP LN  
MANOR , TX 78653-4693

FAGAN THOMAS  
11711 SHOSHONE DR  
AUSTIN, TX 78759-4225

LOTT ROSALIND ANN  
12408 WATERFORD RUN WAY  
MANOR , TX 78653-4690

AVILES MARIO  
12406 WATERFORD RUN WAY  
MANOR , TX 78653-4690

BARNES SHAWN MICHAEL & HEATHER  
ANN BARNES  
12404 WATERFORD RUN WAY  
MANOR , TX 78653-4690

GUAJARDO JOSE BALDEMAR JR  
12402 WATERFORD RUN WAY  
MANOR , TX 78653-4690

DAVENPORT LAKESKIA  
12400 WATERFORD RUN WAY  
MANOR , TX 78653-4690

COLE BETTY L & JOHNNY L COLE  
2179 AVENAL LN  
GRAND JCT, CO 81507-2509

OGUNLABI ABIOLA O & OLUMIDE O  
12312 WATERFORD RUN WAY  
MANOR , TX 78653-4689

DEAR JOSEPH  
12308 WATERFORD RUN WAY  
MANOR , TX 78653-4689

KEY SHARMAINE DENISE  
12306 WATERFORD RUN WAY  
MANOR , TX 78653-4689

MELGAR IVETTE K  
12304 WATERFORD RUN WAY  
MANOR , TX 78653-4689

RODRIGUEZ MARIA LAUREL  
12302 WATERFORD RUN WAY  
MANOR , TX 78653-4689

ESTRADA OSIEL  
12300 WATERFORD RUN WAY  
MANOR , TX 78653-4689

BUSHMAN ANTHONY  
12409 WATERFORD RUN WAY  
MANOR , TX 78653-4690

TAYLOR TAMARA  
12407 WATERFORD RUN WAY  
MANOR , TX 78653-4690

LOWREY ANDREW ROBERT & TRACIE  
RENEE LOWREY  
12405 WATERFORD RUN WAY  
MANOR , TX 78653-4690

AVERY JESMIA N & DATHAN D  
BIBERSTEIN  
12403 WATERFORD RUN WAY  
MANOR , TX 78653-4690

LABATA RACHELLE S & JOSE P  
12401 WATERFORD RUN WAY  
MANOR , TX 78653-4690

DAVIS CORY  
12315 WATERFORD RUN WAY  
MANOR , TX 78653-4689

QUEPONS KAREN L  
12313 WATERFORD RUN WAY  
MANOR, TX 78653-4689

JOHNSON LAWRENCE C  
12311 WATERFORD RUN WAY  
MANOR , TX 78653-4689

STEFFENSEN LISA & JASON WALTER  
12309 WATERFORD RUN WAY  
MANOR , TX 78653-4689

LOPEZ YOXELINA JAIMES &  
JAVIER JAIMES MALDONADO  
12307 WATERFORD RUN WAY  
MANOR , TX 78653-4689

RODRIGUEZ JORGE IVAN &  
ERICA GAONA  
12305 WATERFORD RUN WAY  
MANOR , TX 78653-4689

BRANCH LAMESHA T  
12303 WATERFORD RUN WAY  
MANOR , TX 78653-4689

ROHLOFF VINCENT L III &  
PAULA MIGOTI ROHLOFF  
12301 WATERFORD RUN WAY  
MANOR , TX 78653-4689

PRESIDENTIAL MEADOWS L P  
% W2 REAL ESTATE PARTNERS  
1221 S MOPAC EXPWY STE 355  
AUSTIN , TX 78746

# RESIDENTIAL DISTRICTS

## R-1 Single Family

Permits detached single-family dwellings with a minimum of 1,500 square feet of living area, and related accessory structures, on a minimum lot size of 7,500 square feet. All single-family dwellings in this district shall be constructed so that minimum of two sides shall be 100% of masonry construction, one side of which shall be the front of the structure. This requirement may be satisfied by constructing the front 100% masonry and constructing two additional sides with at least 50% masonry construction. Masonry construction shall mean stone, brick, and stucco.

### Site Development Standards

Lot		Massing	
Minimum Lot Size	7,500 sq ft	Maximum Height	35 ft
Minimum Lot Width	60 ft**	Minimum Setbacks:	
Maximum Building Coverage	40%	Front Yard	25 ft
Maximum Building Coverage		Street Side Yard	15 ft
with Accessory Buildings	50%	Side Yard^^	5 ft
Landscape Requirement	per lot^	Rear Yard	25 ft

\*\* Cul-de-sac lot widths shall be measured at the building setback line and be equal to the minimum required lot width.

^ Two (2) 2-inch trees, six (6) 2-gallon shrubs, grass lawn

^^ 10' side yard to all C, I, and IN

# R-1

## Single Family

### Permitted and Conditional Uses

#### Residential

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Accessory Structures  
Real Estate Sales Office (c)

Single-Family Residential  
Temporary Construction Buildings

#### Civic

---

Community Recreation - Public  
Private primary and secondary  
educational facilities (c)  
Public primary and secondary  
educational facilities (c)

Public Buildings  
Religious Assembly  
Safety Services  
Water Supply Facilities

#### Commercial

---

Bed and Breakfast (c)  
Home Occupations  
Small Child Care Center (c)

**Bar** any commercial establishment required to have a state license for the sale of alcoholic beverages for on-premises consumption and in which fifty percent (50%) or more of the monthly gross revenues are from the sale of alcoholic beverages

**Bed and Breakfast** an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis. Or means a historic or otherwise architecturally unique building where lodging is provided by prearrangement for definite periods, for compensation, for not more than seven rooms to let and where breakfast is included in the rates charged to guests

**Boarding House** a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients

**Business Support Services** the use of a site for sale, rental, or repair of equipment or supplies used by office, professional, or service establishments, but excludes automotive, construction, and farm equipment. This use includes office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms

**Café or Cafeteria** a commercial establishment where snacks or meals are vended for consumption indoors or on the premises

**Cemetery** land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, columbariums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Child Care Center (Small)** a private residence where the occupant provides custodial care and supervision during daylight hours for a maximum six (6) children at any one time. The maximum six (6) children includes the family's natural or adopted children under the age of fourteen (14). The residence must contain a minimum 150 square feet of floor area for each child. This use shall exclude a family/group home.

**Child Care Center (Intermediate)** a facility (including nonresidential structures) which provides custodial care and supervision for less than 24 hours a day for between seven (7) and twelve (12) children, excluding foster and group homes. The facility must contain a minimum 150 square feet of floor area for each child.



**Child Care Center (Large)** a facility where over twelve (12) children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

**Child Care or Child Development Facilities** a children's home, orphanage, institution, private home, residence or other place, whether public, parochial or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four (4) or more children under sixteen (16) years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the twenty-four hours in a day. Also, any institution, home or other place, whether public or private, parochial or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under the age of sixteen (16), who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, twenty-four hours a day.

**Church or Rectory** a place of worship and religious training of recognized religions including on-site housing of ministers, rabbis, priests, nuns and similar staff personnel.

**Civic Uses** means the performance of utility, educational, recreational, cultural, medical, protective, and governmental functions, and other uses that are strongly vested with public or social importance.

**Cleaning and Laundry Self-Service Shop** an establishment providing customers with self-service laundry and/or dry cleaning facilities, and does not include a commercial laundry or cleaning plant

**Clinic** a public or private station or establishment for the examination and treatment of outpatients by an individual or group of doctors, dentists, opticians, veterinarians, or other similar medical professionals.

**Clothing Manufacture** cutting, sewing and forming garments, millinery, and accessories, when no noise, dust, vibration, odor or other undesirable or obnoxious condition is created to affect adjacent property.

**Cocktail Lounge** use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use



## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 16, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the first reading of an ordinance rezoning Abstract 315, Survey 63 Gates G, 9.34 acres more or less, locally known as 12511 US Hwy 290 East from Interim Agriculture (A) to Medium Commercial (C-2) Applicant: Ceilia Edwards Owner: Odeen Hibbs

---

### BACKGROUND/SUMMARY:

This property was annexed into the city on September 20, 2017. It was zoned interim Agricultural from the annexation. The applicant is proposing rezoning it to Medium Commercial (C-2).

The planning commission voted 6-0 to recommend approval.

PRESENTATION: ☐ YES ☒ NO

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

Rezoning Map

Area image

Notice letter / Property Owner List

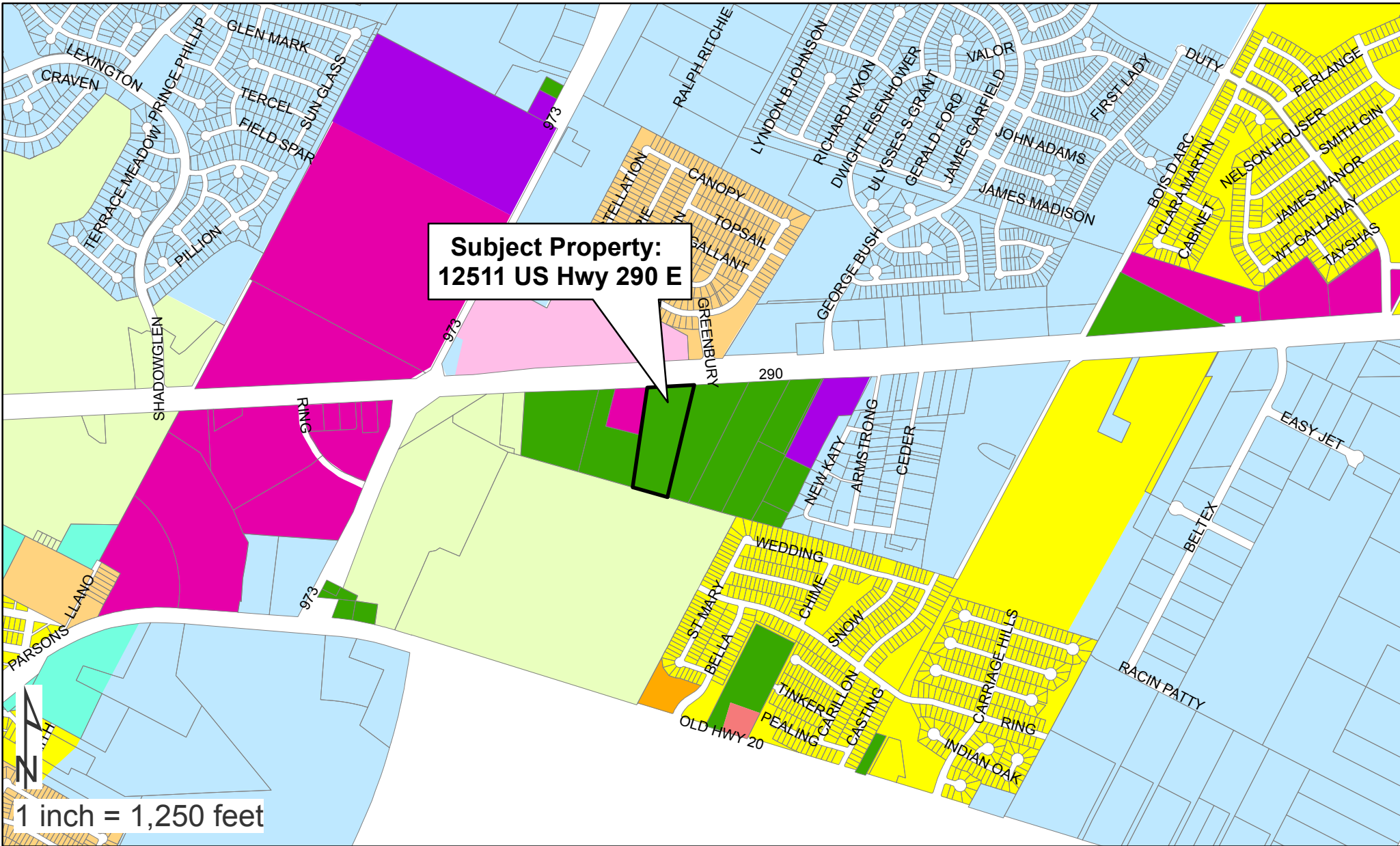
C-2 Uses

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the first reading of an ordinance rezoning Abstract 315, Survey 63 Gates G, 9.34 acres more or less, locally known as 12511 US Hwy 290 East from Interim Agriculture (A) to Medium Commercial (C-2).

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



## Proposed Zoning: C-2 Medium Commercial

*Current Zoning District:  
Interim Agricultural (A)*

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







April 25, 2018

RE: 12511 US Hwy 290 East

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting a public hearing to consider a rezoning request for 12511 US Hwy 290 East. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

**Consideration, discussion and possible action on a rezoning request for Abstract 315, Survey 63 Gates G, 9.34 acres more or less, locally known as 12511 US Hwy 290 East from Interim Agricultural (A) to Medium Commercial (C-2).**

The Planning and Zoning Commission will convene at 6:30PM on May 9, 2018 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on May 16, 2018 AND June 6, 2018 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is [sdunlop@cityofmanor.org](mailto:sdunlop@cityofmanor.org)

Sincerely,

Scott Dunlop  
Planning Coordinator  
512-272-5555 ext. 5

CUBE HHF LP  
5 OLD LANCASTER RD  
MALVERN, PA 19355-2132

MANOR PLAZA LLC  
1150 CR 126  
GEORGETOWN, TX 78626-2454

GREENVIEW DEVELOPMENT GREENBURY  
L P  
501 VALE ST  
AUSTIN, TX 78746-5732

RIVERA MAGARITO JR & JANIE R  
12601 US HIGHWAY 290 E  
MANOR, TX 78653-4520

BLUEBONNET ELECTRIC COPERATIVE INC  
PO BOX 260888  
PLANO, TX 75026-0888

TIMMERMANN TERRELL  
PO BOX 4784  
AUSTIN, TX 78765-4784

# C-2

## Medium Commercial

This District allows a mix of commercial uses including retail, office, light commercial, large format commercial, and similar uses excluding residential and multifamily. Allows the retail of goods and products to which value is added on-site, including sales of goods and services outside of the primary structure.

### Site Development Standards

Lot		Massing	
Minimum Lot Size	7,500 sq ft	Maximum Height	60 ft
Minimum Lot Width	60 ft	Maximum FAR	1.8
Maximum Building Coverage	60%	Minimum Setbacks:	
Maximum Building Coverage		Front Yard	25 ft
with Accessory Buildings	70%	Street Side Yard	15 ft
Landscape Requirement	15%	Side Yard	25 ft*
		Rear Yard	25 ft^

\* 0 or 10 ft side yard to all C, I, IN

^ 10 ft rear yard to all C, I, IN

### Permitted and Conditional Uses

#### Civic

College or University	Cultural Services
Communication Service Facilities	Local Utility Services
Community Events	Postal Facilities
Community Recreation	Religious Assembly
Private Primary and Secondary	Safety Services
Education Facilities	Transportation Services
Public Primary and Secondary	All Other Civic Uses
Education Facilities	

#### Commercial

Administrative Offices	Food Sales
Administrative Services	Funeral Services
Art Gallery	Game Rooms
Art Workshop	General Retail Sales
Automotive Rental	Hospital Services

# C-2

## Medium Commercial

### Commercial

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Automotive Repair Services	Hotel and Motel
Automotive Sales	Indoor Entertainment
Automotive Washing	Indoor Sports and Recreation
Aviation Services	Kennels
Bail Bond Services	Laundry Services
Building Maintenance Services	Liquor Sales
Business and Trade Schools	Marina
Carriage Stable	Medical Offices
Club or Lodge	Monument Retail Sales
Cocktail Lounge	Off-Site Accessory Parking
Commercial Blood Plasma Center (c)	Outdoor Entertainment
Commercial Off-Street Parking	Outdoor Sports and Entertainment
Communication Services	Pawnshop Services (c)
Construction Sales and Services	Personal Improvement Services
Consumer Convenience Stores	Personal Services
Consumer Repair Services	Pet Services
Convenience Storage	Plant Nursery
Counseling Services	Printing and Publishing
Day Care Services	Professional Office
Employee Recreation	Recreational Equipment Sales
Financial Services	Restaurant
Florist	Restaurant Drive-Through
Food Court Establishment (c)	Service Station
Food Preparation less than 5,000 sq. ft. GFA	Theater
	Veterinary Services

### Open Space

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Camp	Park and Recreation Services
Cemetery	





## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 16, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a waiver request for Lot A Morrow W D Addition, locally known as 11805 Johnson Road, from Manor Code of Ordinances Chapter 14, Exhibit A, Article III, Section 60 Construction Plans to waive site development requirements and accept Travis County site development permit 15-8997. Applicant: Wes Porter. Owner: Wes Porter

---

### BACKGROUND/SUMMARY:

This property was involuntarily annexed on November 30, 2018. They had been working with Travis County, ESD 12, and Manville on a new building and site improvements for at least two years. After the effective date of the annexation Manor assumed review authority and permitting. They had gotten approvals from Travis County and ESD 12 but the cover sheet had yet to be signed. Upon circulating the cover sheet for signature they were informed Manor had to approve and sign off on their project, starting the process over for them and voiding the County review and approval. This waiver request is similar to one granted on March 7th for ESD 12's new admin building on Gregg Lane with the exception that in that case the cover sheet was signed.

PRESENTATION: ☐ YES ☒ NO

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

Waiver request  
Travis County email  
ESD 12 site approval  
ESD 12 building approval  
Manville WSC service letter

---

### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve a waiver request for Lot A Morrow W D Addition, locally known as 11805 Johnson Road, from Manor Code of Ordinances Chapter 14, Exhibit A, Article III, Section 60 Construction Plans to waive site development requirements and accept Travis County site development permit 15-8997.

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



May 7, 2018

Mayor Rita G. Jonse  
City of Manor  
105 E. Eggleston Street  
P.O. Box 387  
Manor, TX 78653

Mayor Jonse, and Members of the City Council:

My name is Wes Porter, one of the Senior Pastors of the TurningPoint Fellowship. I want to initially thank you for your service to the City of Manor, especially your commitment to making Manor a destination community, and to the well-being of Manor families. We consider it a privilege to have had the opportunity to minister to Manor families for over 10 years; we look forward to many more to come. For the past three years we have actively worked to expand our ministry through the addition of a new worship building on our property at 11805 Johnson Road. We've endured several challenges along the way; the latest of which we could really use your help.

In Spring 2015 we began the process of hiring an architect and the various engineers needed to successfully obtain permits from Travis County. We encountered several setbacks and delays during the process, but by Fall 2017 the project was submitted to Travis County Transportation and Natural Resource Permits Division (Travis County TNR). This was done prior to our notification of possible annexation by the City of Manor. When we were notified, the project was in the final stages of review/approval by Travis County TNR. Due to additional delays, the Travis County Fire Marshall finally was prepared to approve the project in Spring 2018. However, prior to signing he realized we had been annexed, and notified our engineer. As a result, our project is subject to the review and adherence to the City of Manor codes for new construction.

Our project has already met the Site Plan Requirements along with all associated fees of Travis County TNR; we respectfully request a waiver of the site plan requirements per City of Manor Code of Ordinances, Chapter 14 Zoning, Exhibit A Zoning Ordinance, Article III Site Development Requirements and Special Provisions, Section 60 Constructions Plans. At this stage of the project we have committed more than \$400,000 to building and site preparation expenses. To subject our project to meet the codes for new construction, we would incur considerable expense for parking lot capacity, surfacing and landscaping, depending on the zoning. At this juncture we do not have the capital to meet these codes, which would mean halting this project indefinitely.

We have been at our current location for over 10 years, and we intend to remain here for as long as we have the privilege of making a difference in the lives of Manor families. We are willing to consider the rezoning of our property to ensure land use compliance. Further, we are willing to commit to all ordinance requirements for any further expansion and/or

Improvements to our facility. It is our understanding that we will not be using City of Manor utilities or utilities or streets since Johnson Road was excluded from annexation and remains a county road.

We welcome any questions from you concerning our situation and/or our request and thank you for your thoughtful consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wes Porter', with a long horizontal stroke extending to the right.

Wes Porter  
Senior Pastor

## Charles Wirtanen

---

**From:** Teresa Calkins  
**Sent:** Monday, April 23, 2018 1:33 PM  
**To:** Charles Wirtanen; Lyann Castillo  
**Subject:** RE: {EXTERNAL} Turning Point Fellowship Church- Development Permit No. 15-8997

Charles, Lyann,

I find the ESD 12 Building Permit but I didn't find the site plan approval. Would you confirm that you have the site plan approval that you can upload to MyPermitNow? If ESD 12 has signed the cover sheet that will also suffice.

Otherwise, I am ready to sign the cover sheet with the above addressed. You are welcome to leave it for me at the 5<sup>th</sup> Floor receptionist at 700 Lavaca. If I'm available when you come by, I will be happy to sign at that time.

We post the permit for download once the full set of plans with all signatures on the cover sheet (one pdf file, please!) has been uploaded to MyPermitNow. Please be sure to include "Approved Plans" in the file name. Once the permit posts, you will be able to request a preconstruction conference online in MyPermitNow.

Thanks,

**Teresa Calkins, P.E.**

Travis County TNR  
Development Services

Free language assistance can be provided upon request.  
Ayuda gratuita en su idioma se puede proporcionar por petición.

**Check the status of your permit application anytime online at [MyPermitNow.org](http://MyPermitNow.org)**

---

**From:** Teresa Calkins  
**Sent:** Wednesday, September 13, 2017 5:21 PM  
**To:** 'Charles Wirtanen'  
**Cc:** Rodney Sherrill  
**Subject:** RE: {EXTERNAL} Turning Point Fellowship Church- Development Permit No. 15-8997

Their OSSF permit has a shelf life of 12 months – the reissuance process is pretty straightforward, and I'd recommend making the request before it expires on September 26.

---

**From:** Charles Wirtanen  
**Sent:** Wednesday, September 13, 2017 5:17 PM  
**To:** Teresa Calkins  
**Subject:** RE: {EXTERNAL} Turning Point Fellowship Church- Development Permit No. 15-8997

Thanks. I will send a letter. They do have an OSSF permit.

---

**From:** Teresa Calkins  
**Sent:** Wednesday, September 13, 2017 5:15 PM  
**To:** Charles Wirtanen <  
**Subject:** RE: {EXTERNAL} Turning Point Fellowship Church- Development Permit No. 15-8997

Charles, you may pick up with the process as the permit application does not expire. You will need to have a current OSSF permit and Travis County Fire Marshal (or Emergency Services District) permit, so you may need to also have those permits reissued.

If you can provide a cover letter with your submitted information that tracks the review comments, that would be helpful. It will also be helpful if you will send me a message when you have uploaded your information in MyPermitNow.

Thanks,

**Teresa Calkins, P.E.**  
Travis County TNR  
Development Services

Free language assistance can be provided upon request.  
Ayuda gratuita en su idioma se puede proporcionar por petición.

**Check the status of your permit application anytime online at [MyPermitNow.org](http://MyPermitNow.org)**

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**From:** Charles Wirtanen [mailto:charles@bowmanconsulting.com]  
**Sent:** Wednesday, September 13, 2017 3:42 PM  
**To:** Teresa Calkins  
**Subject:** {EXTERNAL} Turning Point Fellowship Church- Development Permit No. 15-8997

Ms. Calkins:

The Turning Point Fellowship Church is trying to revive this project. It appears that attached comments dated August 30, 2016 were the last activity by Travis County. Subsequent to those comments the project was mothballed for economic reasons. The church now thinks it may be in a position to proceed.

Are there any expiration deadlines facing this permit; or can we just pick up with us addressing comments and proceed to permit approval. In the interim, the OSSF permit for the project was approved.

I would appreciate it if you would call me or e-mail to let me know what the process to continue would be.

Thanks

**Charles R. Wirtanen, P.E. | Bowman Consulting**



# Travis County ESD #12

Fire Prevention Division  
405 W. Parsons St. • PO Box 846  
Manor, Texas 78653  
O: 512-272-4502 • F: 512-428-5114

## PERMIT TYPE: CONSTRUCTION - SITE

Issue Date: 09-12-2016  
Expiration Date: 09-12-2018 EXTENSION  
Permit Number: 160912-01  
RMS number: TURN-01  
Issued by: CARLSON 112

Permit Issued By: FIRE PREVENTION DIVISION of Travis County ESD #12.

**\*\* TO BE VALID THIS PERMIT MUST BE POSTED ON SITE \*\***

**This Permit may be revoked at any time for non-compliance.**

SITE: TURNING POINT FELLOWSHIP CHURCH  
11805 JOHNSON RD.  
MANOR, TX 78653

Issued to: Bowman Consulting  
3101 Bee Cave Road  
Austin, TX 78746

This permit SHALL be posted in a location where it is visible to the public, protected from the weather, and secure from vandalism until work is complete.

It is the responsibility of the business to ensure that conditions are in accordance with all applicable State & Local Fire Regulations.

Complaints about this permit may be directed to the Fire Prevention Division of Travis County ESD #12.

  
Signature – TCESD#12 FPO

REV.# 150107



# Travis County ESD #12

Fire Prevention Division  
405 W. Parsons St. • PO Box 846  
Manor, Texas 78653  
O: 512-272-4502 • F: 512-428-5114

## PERMIT TYPE: CONSTRUCTION - BUILDING

Issue Date: 01-10-2018  
Expiration Date: 01-10-2019  
Permit Number: 180110-01  
RMS number: TURN-01  
Issued by: CARLSON 112

Permit Issued By: FIRE PREVENTION DIVISION of Travis County ESD #12.

**\*\* TO BE VALID THIS PERMIT MUST BE POSTED ON SITE \*\***

**This Permit may be revoked at any time for non-compliance.**

SITE: TURNING POINT FELLOWSHIP CHURCH  
11805 JOHNSON RD.  
MANOR, TX 78653

Issued to: Bowman Consulting  
3101 Bee Cave Road  
Austin, TX 78746

This permit SHALL be posted in a location where it is visible to the public, protected from the weather, and secure from vandalism until work is complete.

It is the responsibility of the business to ensure that conditions are in accordance with all applicable State & Local Fire Regulations.

Complaints about this permit may be directed to the Fire Prevention Division of Travis County ESD #12.

  
Signature – TCESD#12 FPO

REV.# 150107

## Charles Wirtanen

---

**From:** Erik Prinz  
**Sent:** Monday, December 11, 2017 3:55 PM  
**To:** Charles Wirtanen  
**Cc:** Gerald Thurman; \n  
**Subject:** RE: Study Turning Point Fellowship Church

Not a problem.

*Erik F.C. Prinz  
Manville W.S.C.  
Director Of Operations*

*MWSC is an equal opportunity provider and employer.*

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**From:** Charles Wirtanen  
**Sent:** Monday, December 11, 2017 3:47 PM  
**To:** Erik Prinz  
**Cc:** Gerald Thurman  
**Subject:** RE: Study Turning Point Fellowship Church

Thanks I'll start on the TxDOT crossing permit. I may need to get your signature on the application.

**Charles R. Wirtanen, P.E.  
Bowman Consulting**

1120 S. Cap. Of Tx Hwy. Bldg 3, Suite 220, Austin, TX 78746

IBPE Firm No. F-14309

\_\_\_\_\_ |     
 — Go Green! Please consider the environment before printing this email.

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**From:** Erik Prinz  
**Sent:** Monday, December 11, 2017 3:43 PM  
**To:** Charles Wirtanen <\n  
**Subject:** FW: Study Turning Point Fellowship Church

Yes. Please read Jerry's study below. I will use your plans going forward. Thanks!

*Erik F.C. Prinz  
Manville W.S.C.  
Director Of Operations*

*MWSC is an equal opportunity provider and employer.*



From: J. F. Fontaine & Assoc., Inc.

Sent: Friday, December 8, 2017 10:36 AM

To: Rexanne Pilkenton

>; Tony Graf <

Subject: Study Turning Point Fellowship Church

Rexanne,

We have completed the Feasibility Study for Turning Point Fellowship Church. The existing 16 inch line on the west side of FM 973 has the volume and pressure to provide the 1,500 gpm fire flow thru an eight (8) inch C 900 DR 21 PVC Pipe that the Church will have to construct under FM 973 and along the southside of Johnson Road to the driveway where the 6 inch fire hydrant will be installed.

Construction plans will call for:

1. Tapping the 16 inch line with an 8 inch Valve. (Hot or Wet - Manville's choice).
2. 550 L.F. of C 900 DR 18 PVC Pipe.
3. 80 L.F. of Bore & Encase 12" Steel Pipe.
4. Fire Hydrant.
5. The size of the proposed building may just call for a 5/8" meter. (This will be handled separate from the Distribution System Improvements).

We can draw up the construction plans.

Jerry F. Fontaine, P.E.



AGENDA ITEM NO. <sup>6</sup>\_\_\_\_\_

### AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 16, 2018

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on the application of Oncor Electric Delivery Company LLC for authority to decrease rates based on the Tax Cuts and Jobs Act of 2017.

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**BACKGROUND/SUMMARY:**

PRESENTATION: ☐ YES ☒ NO

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

Oncor Letter  
Application

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**STAFF RECOMMENDATION:**

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



Stephen N. Ragland  
Vice President  
Regulatory

May 1, 2018

City of Manor  
105 E. Eggleston Street  
Manor, TX 78653

To the Honorable Mayor for the City of Manor:

Attached for filing please find a Application and Statement of Intent of Oncor Electric Delivery Company LLC ("Oncor") for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017. This rate decrease is identical to those being filed today with other regulatory authorities and affects all customers served by Oncor.

Enclosed is a single volume that contains the Application and Statement of Intent filed with the Public Utility Commission of Texas ("Commission") including the direct testimony of two Company witnesses, proposed tariffs and supporting workpapers.

It is Oncor's intent to have system-wide rates in effect and towards that end intends to appeal to the Commission any action or inaction taken by the City, and request consolidation into one proceeding at the Commission. Once the appeal is granted, the City would have standing as a party to participate fully in the proceeding at the Commission.

Should you have any questions concerning this filing, please contact or your Oncor local area manager.

Very truly yours,

A handwritten signature in black ink that reads "Stephen N. Ragland". The signature is written in a cursive, flowing style.

Oncor  
1616 Woodall Rodgers Freeway  
Dallas, Texas 75202  
Tel: 214.486.5255  
steve.ragland@oncor.com

DOCKET NO. \_\_\_\_\_

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY COMPANY LLC FOR	§	
AUTHORITY TO DECREASE RATES	§	BEFORE THE
BASED ON THE TAX CUTS AND JOBS	§	PUBLIC UTILITY COMMISSION
ACT OF 2017	§	OF TEXAS

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DOCKET NO. \_\_\_\_\_

APPLICATION OF ONCOR	§	
ELECTRIC DELIVERY COMPANY	§	BEFORE THE
LLC FOR AUTHORITY TO	§	PUBLIC UTILITY COMMISSION
DECREASE RATES BASED ON THE	§	OF TEXAS
TAX CUT AND JOBS ACT OF 2017	§	

**APPLICATION AND STATEMENT OF INTENT OF ONCOR ELECTRIC DELIVERY  
COMPANY LLC FOR AUTHORITY TO DECREASE RATES BASED ON  
THE TAX CUT AND JOBS ACT OF 2017**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS AND MUNICIPAL  
REGULATORY AUTHORITIES:

Oncor Electric Delivery Company LLC (“Oncor” or “Company”), an investor-owned electric utility under the Public Utility Regulatory Act,<sup>1</sup> Texas Utilities Code Title 2, files this Application and Statement of Intent for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017 (“Application”), respectfully showing the following:

**I. INTRODUCTION AND REQUEST**

The rates set in Docket No. 46957, Oncor’s most recent base-rate case, were based on a 2016 calendar test year and included federal income tax (“FIT”) expense based upon the then-current 35% rate.<sup>2</sup> Since the Public Utility Commission of Texas’s (“Commission”) final order in that case, the Tax Cuts and Jobs Act of 2017 (“TCJA”)<sup>3</sup> passed and became effective January 1, 2018. The TCJA, in part, amends the Internal Revenue Code to reduce the FIT rate applicable to Oncor from 35% to 21%. Thus, consistent with the Commission’s order in Docket No. 46957<sup>4</sup> and the approval in Docket No. 47988<sup>5</sup> of Oncor’s last interim transmission cost of

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<sup>1</sup> Tex. Util. Code Ann. §§ 11.001-58.302 (West 2016 & Supp. 2017), §§ 59.001-66.016 (West 2007 & Supp. 2017) (“PURA”).

<sup>2</sup> See *Application of Oncor Electric Delivery Company LLC for Authority to Change Rates*, Docket No. 46957, Order (Oct. 13, 2017).

<sup>3</sup> Act to Provide for Reconciliation Pursuant to Titles II and V of the Concurrent Resolution on the Budget for Fiscal Year 2018, Pub. L. No. 115-97, 113 Stat. 2054 (Dec. 22, 2017).

<sup>4</sup> Docket No. 46957, Order at 15, Ordering Paragraph No. 3:

If the corporate federal income tax rate is significantly decreased before Oncor’s next base-rate case, when the change becomes effective, Oncor shall record as a

service (“TCOS”) update, Oncor has filed this proceeding to reduce its rates based on the TCJA and refund revenues collected through its current rates from January 1, 2018 until the effective date of the new rates proposed in this proceeding (see Section V below).

As detailed in the direct testimony supporting this Application, the Company has calculated modified, decreased rates that reflect the lower 21% FIT rate for its baseline revenues set in Docket No. 46957, the increase in its excess accumulated deferred federal income taxes (“excess ADFIT”) created by the lower 21% FIT rate, and the appropriate amortization of this excess ADFIT. This Application addresses these TCJA impacts on a comprehensive basis for Oncor’s transmission *and* distribution rates.<sup>6</sup> As further discussed below, the Company has included proposed, revised tariffs that are designed to return approximately \$181 million to its customers.<sup>7</sup>

Oncor is not requesting recovery of rate-case expenses associated with this proceeding at this time, but it will track those expenses and reserves the right to defer, and request recovery of, its reasonable and necessary rate-case expenses at a later time.

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regulatory liability the amount that Oncor collects through the approved revenue requirement included in its rates for federal income taxes that is above the new corporate federal income tax rate . . . Any excess deferred taxes created by tax rate changes will be returned to ratepayers as prescribed by the Commission and in accordance with the normalization rules prescribed under federal income tax law.

<sup>5</sup> *Application of Oncor Electric Delivery Company LLC for Interim Update of Wholesale Transmission Rates*, Docket No. 47988, Notice of Approval at 5, Ordering Paragraph No. 6 (Mar. 27, 2018) (addressing the timing and substance, in part, of this rate decrease filing).

<sup>6</sup> In its most recent interim TCOS update, Oncor received approval of transmission rates that reflect the lower 21% FIT rate for both existing and incremental revenues (returning approximately \$52 million), however, that approved rate did not address the impacts of excess ADFIT. *Id.* at 5, Ordering Paragraph No. 6 (“On or before May 1, 2018, Oncor shall initiate a separate tax proceeding to return to Oncor’s customers the protected and net unprotected excess ADFIT—for both transmission and distribution—that have resulted from the TCJA.”). To the extent any Oncor transmission or distribution rates do not reflect the full impact of the TCJA, this Application now addresses those impacts.

<sup>7</sup> In addition to the approximately \$52 million that Oncor returned through its Docket No. 47988 interim TCOS update, and the approximately \$181 million it seeks to return through this filing, Company witness Bonnie L. Clutter’s direct testimony explains the approximately \$30 million regulatory liability as of March 1, 2018, which captures the excess amounts collected at rates based on a 35% FIT rate. Company witness J. Michael Sherburne’s direct testimony addresses the timing and methodology of Oncor’s proposed refund of these amounts.

## **II. FILING OVERVIEW**

This filing consists of the Table of Contents, this Application, the direct testimony of the following two Company witnesses and the proposed tariffs and workpapers that they sponsor:

<b>Witness</b>	<b>Principal Subjects Covered</b>
J. Michael Sherburne Senior Director - Rates & Financial Analysis	Proposed revisions in retail delivery service rates and wholesale distribution rates; proposed revisions to Oncor's Network Transmission Service ("NTS") rates associated with excess ADFIT effects; refunds related to billing of NTS rates from January 1 - March 26, 2018; refunds related to billing of current retail and wholesale distribution rates in 2018; and revised tariffs and proposed form of tariff riders to effect refunds
Bonnie L. Clutter Tax Accounting Manager	Impacts of TCJA FIT rate change and excess ADFIT based on TCJA FIT rate change on Oncor's revenue requirement; determination of amount of book depreciation expense included in Oncor's rates

## **III. DESIGNATED REPRESENTATIVES**

Oncor's designated legal and business representatives for purposes of this proceeding are:

Tab R. Urbantke  
State Bar No. 24034717  
Lauren Freeland  
State Bar No. 24083023  
Vinson & Elkins LLP  
2001 Ross Avenue, Suite 3900  
Dallas, Texas 75201  
214.220.7758  
214.999.7758 (fax)  
turbantke@velaw.com  
lfreeland@velaw.com

Stephen N. Ragland  
Vice President - Regulatory  
Oncor Electric Delivery Company LLC  
1616 Woodall Rodgers Freeway  
Dallas, Texas 75202  
214.486.5255  
stephen.ragland@oncor.com

All pleadings, orders, discovery requests, and other matters related to this Application should be served on Oncor by email at [regulatory@oncor.com](mailto:regulatory@oncor.com) or fax at 214.486.3221 and at the email addresses listed above.

## **IV. JURISDICTION**

The Commission has exclusive jurisdiction over the rates, operations, and services of Oncor in areas outside municipalities under PURA § 32.001(a)(1) and for those municipalities



that have ceded jurisdiction to the Commission under PURA § 33.002(b). The Application includes a list of those municipalities in Attachment 1. Each municipality in Oncor's service area that has not ceded jurisdiction to the Commission has exclusive jurisdiction over the rates, operations, and services of Oncor under PURA § 33.001. The Application includes a list of original jurisdiction municipalities in Attachment 2. The Commission also has sole jurisdiction over Oncor's transmission rates under PURA § 35.004(d). The Commission also has exclusive appellate jurisdiction under PURA § 32.001(b) to review *de novo* an order or ordinance of a municipality exercising original jurisdiction under PURA. Oncor is filing this Application simultaneously with all its original jurisdiction municipalities. Oncor will appeal the actions of those municipalities to the Commission and will seek consolidation of those appeals with this docket. It is Oncor's intention to seek one set of system-wide rates for all customer classes served on the Oncor system.

## **V. PROPOSED TARIFFS AND EFFECTIVE DATES**

Consistent with PURA § 36.102(a), Oncor proposes an effective date for its proposed changes of June 5, 2018, 35 days after filing this Application. The Company notes, however, that it will not implement the proposed changes to its tariffs until and in accordance with the Commission's final order, which Oncor requests to include a September 1, 2018 effective date. Oncor also requests that the form of the proposed riders—Rider TRF – Tax Refund Factor and Rider WTRF – Wholesale Tax Refund Factor—be approved subject to a compliance filing to be submitted by the Company for implementation on November 1, 2018. Oncor is also requesting under 16 TAC § 22.125 that the Commission enter an interim order that approves the Company's proposed NTS rate effective July 1, 2018, subject to refund or surcharge to the extent the final approved rate differs from the interim rate. As Mr. Sherburne explains in his direct testimony, Oncor requests an interim order for the NTS rate so the updated TCOS revenue requirement may be incorporated into the baseline data to be used in Oncor's next interim TCOS filing.<sup>8</sup> Oncor seeks the parties' agreement that the proposed reduced NTS rate be implemented on an interim basis. Mr. Sherburne's direct testimony includes excerpts of each of the changed tariff sheets in

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<sup>8</sup> This Application is not an interim TCOS update under 16 TAC § 25.192(h). In an abundance of caution and to the extent deemed necessary, however, Oncor requests that the Commission grant Oncor a good-cause exception under 16 TAC § 25.3(b) to the twice-per-year restriction of 16 TAC § 25.192(h)(1).

his Exhibits JMS-6 and JMS-7 and the form of the proposed riders in his Exhibit JMS-15.

## **VI. NOTICE AND INTERVENTION DEADLINE**

Consistent with 16 Tex. Admin. Code § 22.51(b)(2) (TAC), Oncor will provide notice of this filing by mailing a notice substantially in the form included as Attachment 3 by first-class mail to all retail electric providers serving customers in Oncor's service area and all entities listed in the Commission's transmission matrix in Docket No. 47777, *Commission Staff's Application to Set 2018 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas*. Under 16 TAC § 22.51(b)(3), Oncor will provide a copy of its statement of intent to the appropriate officer of each municipality in Oncor's service area. Additionally, Oncor will provide a notice substantially in the form included as Attachment 3 by first-class mail to all parties in Docket No. 46957, *Application of Oncor Electric Delivery Company LLC for Authority to Change Rates*, Oncor's most recent comprehensive base-rate proceeding. The Company requests that the intervention deadline be set as June 15, 2018, which is 45 days after the date of this Application.

## **VII. REQUESTED PROTECTIVE ORDER**


Included with this Application as Attachment 4 is a form of the Commission's standard protective order, under 16 TAC § 22.142(c), for the protection of materials submitted in this proceeding containing privileged, confidential, competitively sensitive, proprietary trade secret data, and commercial and financial information. Oncor requests that the Commission issue a protective order in the form of Attachment 4 and require all parties to adhere to its terms.

## **VIII. CONCLUSION AND PRAYER**

Based on the Application and supporting evidence in this proceeding, Oncor respectfully requests that Commission approve the Application and authorize Oncor to implement the reduction in rates as proposed in this Application, and grant the Company such other and further relief it has requested herein and to which it may be entitled.

Respectfully submitted,

By: \_\_\_\_\_



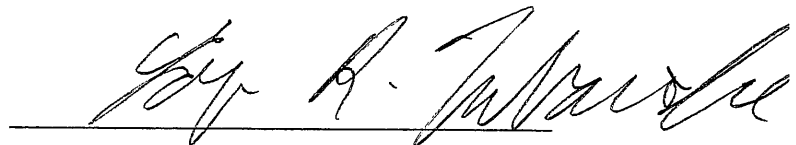
Tab R. Urbantke  
State Bar No. 24034717  
Lauren Freeland  
State Bar No. 24083023  
Vinson & Elkins LLP  
2001 Ross Avenue, Suite 3900  
Dallas, Texas 75201  
214.220.7758  
214.999.7758 (fax)  
turbantke@velaw.com  
lfreeland@velaw.com

Matthew C. Henry  
Senior Vice President, General Counsel,  
and Secretary  
State Bar No. 00790870  
Howard V. Fisher  
Senior Counsel  
State Bar No. 07051500  
Oncor Electric Delivery Company LLC  
1616 Woodall Rodgers Freeway  
Dallas, Texas 75202

**ATTORNEYS FOR ONCOR ELECTRIC  
DELIVERY COMPANY LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been e-mailed, hand delivered, or sent via overnight delivery or first-class United States mail, postage prepaid, to Commission Staff, the Office of Public Utility Counsel, and the municipalities listed in Attachment 2 to this Application on this the 1st day of May, 2018.



**CITIES SERVED BY ONCOR  
THAT HAVE CEDED ORIGINAL JURISDICTION**

Abbott	Comanche	Gunter
Alma	Como	Hebron
Alvarado	Cool	Hewitt
Alvord	Corinth	Hickory Creek
Angus	Corsicana	Hideaway
Anna	Crandall	Holland
Annetta North	Crockett	Honey Grove
Annetta South	Crowley	Hubbard
Annona	Cumby	Hudson
Appleby	Cushing	Huntington
Argyle	Dawson	Hutto
Athens	Dean	Italy
Aurora	Dorchester	Itasca
Bangs	Dublin	Jewett
Barry	Ector	Jolly
Bartlett	Edgecliff Village	Josephine
Bellevue	Edgewood	Joshua
Blanket	Edom	Justin
Blooming Grove	Elgin	Kaufman
Boyd	Elkhart	Keene
Brownsboro	Emhouse	Kemp
Buckholts	Enchanted Oaks	Kerens
Buffalo	Eureka	Knollwood
Burke	Eustace	Krum
Bynum	Everman	Ladonia
Caddo Mills	Forney	Lake Bridgeport
Cameron	Frost	Lake Dallas
Campbell	Garrett	Lakeside City
Caney City	Gholson	Latexo
Canton	Godley	Lavon
Carbon	Golinda	Leona
Celeste	Goodlow	Leroy
Centerville	Gorman	Lindsay
Chico	Grandfalls	Lipan
Chireno	Grandview	Lorena
Clarksville	Granger	Lovelady
Cockrell Hill	Grapeland	Lowry Crossing
Collinsville	Gun Barrel City	Lucas

**CITIES SERVED BY ONCOR  
THAT HAVE CEDED ORIGINAL JURISDICTION**

Mabank	Ponder	Weir
Malakoff	Post Oak Bend	Wells
Malone	Powell	West
Marquez	Poynor	Westbrook
McGregor	Princeton	Wickett
Melissa	Pyote	Wills Point
Melvin	Quinlan	Windom
Mertens	Ranger	Wolfe City
Milano	Reno - Lamar County	Yantis
Mildred	Reno - Parker County	Zavalla
Milford	Retreat	
Millsap	Rhome	
Mobile City	Rice	
Moody	Richland	Total = 200
Morgan's Point Resort	Rockdale	
Mount Calm	Rogers	
Murchison	Rosser	
Mustang	Roxton	
Nacogdoches	Royse City	
Navarro	Runaway Bay	
Nevada	Sadler	
New Chapel Hill	Savoy	
New Fairview	Shady Shores	
Newark	Southmayd	
Neylandville	Springtown	
Northlake	St. Paul	
Oak Grove	Streetman	
Oak Leaf	Taylor	
Oak Valley	Terrell	
Oakwood	Thorndale	
Oglesby	Thorntonville	
Ovilla	Thrall	
Payne Springs	Tira	
Pecan Gap	Tool	
Pecan Hill	Trinidad	
Penelope	Valley View	
Pflugerville	Van Alstyne	
Pleasant Valley	Venus	

**CITIES SERVED BY ONCOR  
WITH ORIGINAL JURISDICTION**

Ackerly	Colleyville	Frankston
Addison	Colorado City	Frisco
Aledo	Commerce	Gainesville
Allen	Coolidge	Gallatin
Alto	Cooper	Garland
Andrews	Coppell	Georgetown
Annetta	Copperas Cove	Glenn Heights
Archer City	Coupland	Graford
Arlington	Crane	Graham
Arp	Cresson	Grand Prairie
Austin	Cross Roads	Grapevine
Azle	Dallas	Greenville
Balch Springs	Dalworthington Gardens	Groesbeck
Bardwell	Decatur	Haltom City
Bedford	DeLeon	Harker Heights
Bellmead	Denison	Haslet
Bells	Denton	Heath
Belton	DeSoto	Henrietta
Benbrook	Diboll	Highland Park
Beverly Hills	Dish	Hillsboro
Big Spring	Dodd City	Holliday
Blue Mound	Duncanville	Howe
Bonham	Early	Hudson Oaks
Brady	Eastland	Hurst
Breckenridge	Electra	Hutchins
Bridgeport	Ennis	Iowa Park
Brownwood	Eules	Irving
Bruceville-Eddy	Fairfield	Jacksboro
Bullard	Fairview	Jacksonville
Burkburnett	Farmers Branch	Jarrell
Burleson	Farmersville	Keller
Carrollton	Fate	Kennedale
Cashion Community	Ferris	Killeen
Cedar Hill	Florence	Lacy-Lakeview
Celina	Flower Mound	Lake Worth
Chandler	Forest Hill	Lakeside
Cleburne	Forsan	Lamesa
Coahoma	Fort Worth	Lancaster

CITIES SERVED BY ONCOR  
WITH ORIGINAL JURISDICTION

Lewisville	Plano	Troup
Lindale	Pottsboro	Troy
Little Elm	Prosper	Tyler
Little River Academy	Ravenna	University Park
Loraine	Red Oak	Van
Lott	Richardson	Waco
Lufkin	Richland Hills	Watauga
Manor	Richland Springs	Waxahachie
Mansfield	Riesel	Weatherford
Marlin	River Oaks	Westover Hills
Mart	Roanoke	Westworth Village
Maypearl	Robinson	White Settlement
McAllen	Rockwall	Whitehouse
McKinney	Roscoe	Wichita Falls
McLendon-Chisholm	Rosebud	Willow Park
Mesquite	Round Rock	Wilmer
Mexia	Rowlett	Wink
Midland	Rusk	Woodway
Midlothian	Sachse	Wortham
Mineral Wells	Saginaw	Wylie
Mission	Salado	
Monahans	Sanctuary	
Muenster	Sansom Park	
Murphy	Seagoville	
New Summerfield	Sherman	
Nolanville	Snyder	
Noonday	Southlake	
North Richland Hills	Stanton	
Oak Point	Stephenville	
Odessa	Sulphur Springs	
O'Donnell	Sunnyvale	
Overton	Sweetwater	
Palestine	Teague	
Palmer	Tehuacana	
Pantego	Temple	
Paradise	The Colony	
Paris	Thornton	
Parker	Trophy Club	

Total = 210



Stephen N. Ragland  
Vice President  
Regulatory

## NOTICE OF RATE DECREASE REQUEST

May 1, 2018

Notice to all REPs Certified with the Commission:

On May 1, 2018, Oncor Electric Delivery Company LLC ("Oncor") filed with the Public Utility Commission of Texas ("Commission") its Application and Statement of Intent for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017 ("Application").

Oncor's Application requests a decrease in rates to reflect a reduction in its revenue requirement based on the lowered federal income tax ("FIT") rate, from 35% to 21%, applicable to Oncor under the Tax Cuts and Jobs Act of 2017 ("TCJA"). The Application also quantifies the amount of excess accumulated deferred FIT that has been recorded as a regulatory liability also based on the lowered tax rate and the annual amount that will be returned to customers through reduced FIT expense. The total resulting reduction to Oncor's revenue requirement is a net decrease in Oncor's transmission and distribution rates of approximately \$181 million compared to Oncor's rates established in Docket No. 46957, its last base-rate case. This is a 4.18% decrease compared to the \$4,332 million revenue requirement approved in that docket. Oncor is also proposing a refund of the FIT expense amounts in excess of the 21% rate that have been collected and deferred since January 1, 2018, through the date the revised tariffs proposed in the Application are effective. If approved, the decreased rates will be charged to Oncor's direct customers, all retail electric providers ("REPs"), in those portions of Oncor's service area under the Commission's jurisdiction. Each such REP is potentially affected by the proposed change. Depending on REPs' actions, the end-use customer classes of such REPs are potentially affected by the proposed change. Additionally, the result changes Oncor's transmission cost of service rates that would impact all load-serving entities in the Electric Reliability Council of Texas region. Oncor is requesting a July 1, 2018 effective date for its proposed wholesale rate decrease. For its remaining proposed rate decreases, Oncor proposes an effective date of June 5, 2018, however, it will not implement the proposed changes to its tariffs until and in accordance with the Commission's final order, which Oncor requests to include a September 1, 2018 effective date.

Persons who wish to intervene in or comment upon these proceedings, *Application of Oncor Electric Delivery Company LLC for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017*, Docket No. \_\_\_\_\_, should notify the Commission as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136. The deadline for intervention in the proceeding is June 15, 2018, 45 days after the date the Application was filed with the Commission.

Oncor  
1616 Woodall Rodgers Freeway  
Dallas, Texas 75202  
Tel: 214.486.5255  
stephen.ragland@oncor.com





Stephen N. Ragland  
Vice President  
Regulatory

## NOTICE OF RATE DECREASE REQUEST

May 1, 2018

Notice to Customers of Wholesale Transmission:

On May 1, 2018, Oncor Electric Delivery Company LLC ("Oncor") filed with the Public Utility Commission of Texas ("Commission") its Application and Statement of Intent for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017 ("Application").

Oncor's Application requests a decrease in rates to reflect a reduction in its revenue requirement based on the lowered federal income tax ("FIT") rate, from 35% to 21%, applicable to Oncor under the Tax Cuts and Jobs Act of 2017 ("TCJA"). The Application also quantifies the amount of excess accumulated deferred FIT that has been recorded as a regulatory liability also based on the lowered tax rate and the annual amount that will be returned to customers through reduced FIT expense. The total resulting reduction to Oncor's revenue requirement is a net decrease in Oncor's transmission and distribution rates of approximately \$181 million compared to Oncor's rates established in Docket No. 46957, its last base-rate case. This is a 4.18% decrease compared to the \$4,332 million revenue requirement approved in that docket. Oncor is also proposing a refund of the FIT expense amounts in excess of the 21% rate that have been collected and deferred since January 1, 2018, through the date the revised tariffs proposed in the Application are effective. If approved, the decreased rates will be charged to Oncor's direct customers, all retail electric providers ("REPs"), in those portions of Oncor's service area under the Commission's jurisdiction. Each such REP is potentially affected by the proposed change. Depending on REPs' actions, the end-use customer classes of such REPs are potentially affected by the proposed change. Additionally, the result changes Oncor's transmission cost of service rates that would impact all load-serving entities in the Electric Reliability Council of Texas region. Oncor is requesting a July 1, 2018 effective date for its proposed wholesale rate decrease. For its remaining proposed rate decreases, Oncor proposes an effective date of June 5, 2018, however, it will not implement the proposed changes to its tariffs until and in accordance with the Commission's final order, which Oncor requests to include a September 1, 2018 effective date.

Persons who wish to intervene in or comment upon these proceedings, *Application of Oncor Electric Delivery Company LLC for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017*, Docket No. \_\_\_\_\_, should notify the Commission as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136. The deadline for intervention in the proceeding is June 15, 2018, 45 days after the date the Application was filed with the Commission.

A handwritten signature in cursive script that reads "Stephen N. Ragland".

Oncor  
1616 Woodall Rodgers Freeway  
Dallas, Texas 75202  
Tel: 214.486.5255  
stephen.ragland@oncor.com



Stephen N. Ragland  
Vice President  
Regulatory

## NOTICE OF RATE DECREASE REQUEST

May 1, 2018

Notice to all Parties in PUC Docket 46957:

On May 1, 2018, Oncor Electric Delivery Company LLC ("Oncor") filed with the Public Utility Commission of Texas ("Commission") its Application and Statement of Intent for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017 ("Application").

Oncor's Application requests a decrease in rates to reflect a reduction in its revenue requirement based on the lowered federal income tax ("FIT") rate, from 35% to 21%, applicable to Oncor under the Tax Cuts and Jobs Act of 2017 ("TCJA"). The Application also quantifies the amount of excess accumulated deferred FIT that has been recorded as a regulatory liability also based on the lowered tax rate and the annual amount that will be returned to customers through reduced FIT expense. The total resulting reduction to Oncor's revenue requirement is a net decrease in Oncor's transmission and distribution rates of approximately \$181 million compared to Oncor's rates established in Docket No. 46957, its last base-rate case. This is a 4.18% decrease compared to the \$4,332 million revenue requirement approved in that docket. Oncor is also proposing a refund of the FIT expense amounts in excess of the 21% rate that have been collected and deferred since January 1, 2018, through the date the revised tariffs proposed in the Application are effective. If approved, the decreased rates will be charged to Oncor's direct customers, all retail electric providers ("REPs"), in those portions of Oncor's service area under the Commission's jurisdiction. Each such REP is potentially affected by the proposed change. Depending on REPs' actions, the end-use customer classes of such REPs are potentially affected by the proposed change. Additionally, the result changes Oncor's transmission cost of service rates that would impact all load-serving entities in the Electric Reliability Council of Texas region. Oncor is requesting a July 1, 2018 effective date for its proposed wholesale rate decrease. For its remaining proposed rate decreases, Oncor proposes an effective date of June 5, 2018, however, it will not implement the proposed changes to its tariffs until and in accordance with the Commission's final order, which Oncor requests to include a September 1, 2018 effective date.

Persons who wish to intervene in or comment upon these proceedings, *Application of Oncor Electric Delivery Company LLC for Authority to Decrease Rates Based on the Tax Cuts and Jobs Act of 2017*, Docket No. \_\_\_\_\_, should notify the Commission as soon as possible, as an intervention deadline will be imposed. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136. The deadline for intervention in the proceeding is June 15, 2018, 45 days after the date the Application was filed with the Commission.

A handwritten signature in black ink that reads "Stephen N. Ragland". The signature is written in a cursive, flowing style.

Oncor  
1616 Woodall Rodgers Freeway  
Dallas, Texas 75202  
Tel: 214.486.5255  
stephen.ragland@oncor.com

PUC DOCKET NO. \_\_\_\_\_

APPLICATION OF ONCOR	§	
ELECTRIC DELIVERY COMPANY	§	PUBLIC UTILITY COMMISSION
LLC FOR AUTHORITY TO	§	
DECREASE RATES BASED ON THE	§	OF TEXAS
TAX CUTS AND JOBS ACT OF 2017	§	

**PROTECTIVE ORDER**

This Protective Order shall govern the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials), including information whose confidentiality is currently under dispute, by a party providing information to the Public Utility Commission of Texas (Commission) or to any other party to this proceeding.

It is ORDERED that:

1. **Designation of Protected Materials.** Upon producing or filing a document, including, but not limited to, records on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face "PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. \_\_\_\_\_" (or words to this effect) and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include the documents so designated, as well as the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.
2. **Materials Excluded from Protected Materials Designation.** Protected Materials shall not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Public Information Act.<sup>1</sup> Protected Materials also shall not include documents or information which at the time of, or prior to disclosure in, a proceeding is or was public

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<sup>1</sup> TEX. GOV'T CODE ANN. §§ 552.001-552.353 (West 2012 & Supp. 2016).

knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order.

3. **Reviewing Party.** For the purposes of this Protective Order, a “Reviewing Party” is any party to this docket.
4. **Procedures for Designation of Protected Materials.** On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party shall file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (a) any exemptions to the Public Information Act claimed to apply to the alleged Protected Materials; (b) the reasons supporting the producing party’s claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (c) that counsel for the producing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.
5. **Persons Permitted Access to Protected Materials.** Except as otherwise provided in this Protective Order, a Reviewing Party may access Protected Materials only through its “Reviewing Representatives” who have signed the Protective Order Certification Form (see Attachment A). Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in this proceeding. At the request of the PUC Commissioners, copies of Protected Materials may be produced by Commission Staff. The Commissioners and their staff shall be informed of the existence and coverage of this Protective Order and shall observe the restrictions of the Protective Order.
6. **Highly Sensitive Protected Material Described.** The term “Highly Sensitive Protected Materials” is a subset of Protected Materials and refers to documents or information that a producing party claims is of such a highly sensitive nature that making copies of such documents or information or providing access to such documents to employees of the

Reviewing Party (except as specified herein) would expose a producing party to unreasonable risk of harm. Highly Sensitive Protected Materials include but are not limited to: (a) customer-specific information protected by § 32.101(c) of the Public Utility Regulatory Act;<sup>2</sup> (b) contractual information pertaining to contracts that specify that their terms are confidential or that are confidential pursuant to an order entered in litigation to which the producing party is a party; (c) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; and (d) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party shall bear the designation “HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. \_\_\_\_\_” (or words to this effect) and shall be consecutively Bates Stamped. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party’s designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

7. **Restrictions on Copying and Inspection of Highly Sensitive Protected Material.**

Except as expressly provided herein, only one copy may be made of any Highly Sensitive Protected Materials except that additional copies may be made to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. The Reviewing Party shall maintain a record of all copies made of Highly Sensitive Protected Material and shall send a duplicate of the record to the producing party when the copy or copies are made. The record shall specify the location and the person possessing the copy. Highly Sensitive Protected Material shall be made available for inspection only at the location or locations provided by the producing party, except as specified by Paragraph 9. Limited notes may be made of Highly Sensitive Protected Materials, and such notes shall themselves be treated as Highly

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2016 & Supp. 2016) (PURA).

Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.

8. **Restricting Persons Who May Have Access to Highly Sensitive Protected Material.**

With the exception of Commission Staff, the Office of the Attorney General (OAG), and the Office of Public Utility Counsel (OPC), and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are (a) outside counsel for the Reviewing Party, (b) outside consultants for the Reviewing Party working under the direction of Reviewing Party's counsel, or (c) employees of the Reviewing Party working with and under the direction of Reviewing Party's counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party shall limit the number of Reviewing Representatives that review Highly Sensitive Protected Materials to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for Commission Staff, OAG, and OPC, for the purpose of access to Highly Sensitive Protected Materials, shall consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.

9. **Copies Provided of Highly Sensitive Protected Material.** A producing party shall provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8. Representatives of the Reviewing Party who are authorized to view Highly Sensitive Protected Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Any Highly Sensitive Protected Materials provided to a Reviewing Party may not be copied except as provided in Paragraph 7. The restrictions contained herein do not apply

to Commission Staff, OPC, and the OAG when the OAG is representing a party to the proceeding.

10. **Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, and the OAG and Control in the Event of Conflict.** The procedures in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party designates as Highly Sensitive Protected Materials and provides to Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of Paragraphs 10 through 14 conflicts with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs shall control.
11. **Copy of Highly Sensitive Protected Material to be Provided to Commission Staff, OPC and the OAG.** When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party shall also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC (if OPC is a party) and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures specified herein.
12. **Delivery of the Copy of Highly Sensitive Protected Material to Commission Staff and Outside Consultants.** The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification specified by Paragraph 15. After obtaining the agreement of the producing party, Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly

Sensitive Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification in Attachment A.

13. **Restriction on Copying by Commission Staff, OPC and the OAG.** Except as allowed by Paragraph 7, Commission Staff, OPC and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the presiding officer directs otherwise. Commission Staff, OPC, and the OAG may make limited notes of Highly Sensitive Protected Materials furnished to them, and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken.
14. **Public Information Requests.** In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission, OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.
15. **Required Certification.** Each person who inspects the Protected Materials shall, before such inspection, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. \_\_\_\_\_. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information



contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order shall, before inspection of such material, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

The Reviewing Party shall provide a copy of each signed certification to Counsel for the producing party and serve a copy upon all parties of record.

16. **Disclosures between Reviewing Representatives and Continuation of Disclosure Restrictions after a Person is no Longer Engaged in the Proceeding.** Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification shall be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person shall be terminated and all notes, memoranda, or other information derived from the protected material shall either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification shall continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.

17. **Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials.** Except for Highly Sensitive Protected Materials, which shall be provided to the Reviewing Parties pursuant to Paragraphs 9, and voluminous Protected Materials, the producing party shall provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding pursuant to this Protective Order, but a record shall be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party shall provide the party asserting confidentiality with a copy of that record.
18. **Procedures Regarding Voluminous Protected Materials.** P.U.C. PROC. R. 22.144(h) will govern production of voluminous Protected Materials. Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.
19. **Reviewing Period Defined.** The Protected Materials may be reviewed only during the Reviewing Period, which shall commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period shall reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.
20. **Procedures for Making Copies of Voluminous Protected Materials.** Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical or electronic copies of the Protected Materials, subject to the conditions in this Protective Order; provided, however, that before photographic, mechanical or electronic copies may be made, the Reviewing Party

seeking photographic, mechanical or electronic copies must provide written confirmation of the receipt of copies listed on Attachment B of this Protective Order identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.

21. **Protected Materials to be Used Solely for the Purposes of These Proceedings.** All Protected Materials shall be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (a) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (b) any business or competitive endeavor of whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to Commission Staff or OPC.
22. **Procedures for Confidential Treatment of Protected Materials and Information Derived from Those Materials.** Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and shall not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials shall be maintained in a secure place and shall not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to insure that the Protected Materials including notes and analyses made from Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.
23. **Procedures for Submission of Protected Materials.** If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief, motion or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission

shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents shall be marked "PROTECTED MATERIAL" and shall be filed under seal with the presiding officer and served under seal to the counsel of record for the Reviewing Parties. The presiding officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (a) shall notify the party which provided the information within sufficient time so that the producing party may seek a temporary sealing order; and (b) shall otherwise follow the procedures in Rule 76a, Texas Rules of Civil Procedure.

24. **Maintenance of Protected Status of Materials during Pendency of Appeal of Order Holding Materials are not Protected Materials.** In the event that the presiding officer at any time in the course of this proceeding finds that all or part of the Protected Materials are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials shall nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the presiding officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a presiding officer's order to the Commission. In the event an appeal to the Commissioners is filed within those three (3) working days from notice, the Protected Materials shall be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.

25. **Notice of Intent to Use Protected Materials or Change Materials Designation.**

Parties intending to use Protected Materials shall notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. \_\_\_\_\_ at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party shall first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity each of such Protected Materials. A Reviewing Party shall at any time be able to file a written motion to challenge the designation of information as Protected Materials.

26. **Procedures to Contest Disclosure or Change in Designation.** In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality shall file with the appropriate presiding officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period shall be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response shall include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and, without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or that the party asserting confidentiality for some reason did not allow such counsel to review such materials. If either party wishes to submit the material in question for in camera inspection, it shall do so no later than five (5) working days after the party challenging confidentiality has made its written filing.

27. **Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation.** If the party asserting confidentiality files an objection, the appropriate presiding officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or Reviewing Party or upon the presiding officer's own initiative, the presiding officer may conduct a prehearing conference. The burden is on the party asserting confidentiality to show that such proposed disclosure or change in designation should not be made. If the presiding officer determines that such proposed disclosure or change in designation should be made, disclosure shall not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such presiding officer's ruling.
28. **Maintenance of Protected Status during Periods Specified for Challenging Various Orders.** Any party electing to challenge, in the courts of this state, a Commission or presiding officer determination allowing disclosure or a change in designation shall have a period of ten (10) days from: (a) the date of an unfavorable Commission order; or (b) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court. Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials shall be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this paragraph. For purposes of this paragraph, a favorable ruling of a state district court, state appeals court, Supreme Court or other appellate court includes any order extending the deadlines in this paragraph.

29. **Other Grounds for Objection to Use of Protected Materials Remain Applicable.** Nothing in this Protective Order shall be construed as precluding any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless the Commission or a court orders such additional disclosure, all parties will abide by the restrictions imposed by the Protective Order.
30. **Protection of Materials from Unauthorized Disclosure.** All notices, applications, responses or other correspondence shall be made in a manner which protects Protected Materials from unauthorized disclosure.
31. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including copies of Protected Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, "conclusion of these proceedings" refers to the exhaustion of available appeals, or the running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the "conclusion of these proceedings" is extended by the remand to the exhaustion of available appeals of the remand, or the running of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel for the party asserting confidentiality will send a written

notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph shall prohibit counsel for each Reviewing Party from retaining two (2) copies of any filed testimony, brief, application for rehearing, hearing exhibit or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel shall remain subject to the provisions of this Protective Order.

32. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act,<sup>3</sup> the Texas Securities Act<sup>4</sup> and any other applicable law, provided that parties subject to those acts will notify the party asserting confidentiality, if possible under those acts, prior to disclosure pursuant to those acts. Such notice shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
33. **Procedures for Release of Information under Order.** If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that: (a) the Reviewing Party shall notify the producing party of the order requiring the release of such information within five (5) calendar days of the date the Reviewing Party has notice of the order; (b) the Reviewing Party shall notify the producing party at least five (5) calendar days in advance of the release of the information to allow the producing party to contest any release of the confidential information; and (c) the Reviewing Party shall use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein. The notice

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<sup>3</sup> TEX. GOV'T CODE ANN. § 551.001-551.146 (West 2017).

<sup>4</sup> TEX. REV. CIV. STAT. ANN. arts. 581-1 to 581-43 (West 2010 & Supp. 2016).



specified in this section shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

34. **Best Efforts Defined.** The term “best efforts” as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body, the written opinion of the Texas Attorney General sought in compliance with the Public Information Act, or the request of governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials. The Reviewing Party is not required to delay compliance with a lawful order to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of §552.301 of the Public Information Act, or intends to comply with the final governmental or court order. Provided, however, that no notice is required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
35. **Notify Defined.** “Notify” for purposes of Paragraphs 32, 33 and 34 means written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission, OAG, or OPC may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.
36. **Requests for Non-Disclosure.** If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection afforded by this Protective Order, the producing party shall tender

the information for in camera review to the presiding officer within ten (10) calendar days of the request. At the same time, the producing party shall file and serve on all parties its argument, including any supporting affidavits, in support of its position of non-disclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party shall serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the information that the producing party has not alleged should be prohibited from reviewing the information.

Parties wishing to respond to the producing party's argument for non-disclosure shall do so within five working days. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the presiding officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the presiding officer shall stay the order of disclosure for such period of time as the presiding officer deems necessary to allow the producing party to appeal the ruling to the Commission.

37. **Sanctions Available for Abuse of Designation.** If the presiding officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the presiding officer may sanction the producing party pursuant to P.U.C. PROC. R. 22.161.
38. **Modification of Protective Order.** Each party shall have the right to seek changes in this Protective Order as appropriate from the presiding officer.
39. **Breach of Protective Order.** In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, shall be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party shall not be relieved of proof of any element required to establish the right to injunctive relief. In

addition to injunctive relief, the producing party shall be entitled to pursue any other form of relief to which it is entitled.

## ATTACHMENT A

### Protective Order Certification

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket and that I have received a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. \_\_\_\_\_. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated here shall not apply.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

## ATTACHMENT B

I request to view/copy the following documents:

Document Requested	# of Copies	Non-Confidential	Protected Materials and/or Highly Sensitive Protected Materials

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



AGENDA ITEM NO. 7

## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: May 16, 2018

PREPARED BY: Lydia Collins, Finance Director

DEPARTMENT: Finance

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an ordinance adopting an amended annual budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018.

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### BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

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

Ordinance 519

Exhibit A

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance 519 adopting an amended annual budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018.

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

**ORDINANCE NO. 519**

**FY 2017-2018 AMENDED ANNUAL BUDGET ORDINANCE**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ADOPTING AN AMENDED ANNUAL BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager of the City of Manor, Texas (the "City") has submitted to the City Council a proposed amended annual budget of the revenues of said City and the expenditures necessary for conducting the affairs thereof, and providing a complete financial plan for FY 2017-2018, and which said proposed amended annual budget has been compiled from detailed information obtained from the several departments, divisions, and offices of the City; and

**WHEREAS**, the City Council has received said City Manager's proposed amended annual budget, a copy of which, along with all supporting schedules, have been filed with the City.

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

**Section 1.** The proposed amended annual budget of the revenue of the City and the expenses of conducting the affairs thereof providing a complete financial plan for the ensuing fiscal year beginning October 1, 2017, and ending September 30, 2018, as submitted to the City Council by the City Manager of said City, and which budget is attached hereto as Exhibit "A", be and the same is in all things adopted and approved as the amended annual budget of all current expenditures/expenses as well as fixed charges against said City for the fiscal year beginning October 1, 2017, and ending September 30, 2018.

**Section 2.** The sums shown on Exhibit "A" are hereby appropriated from the respective funds for the payment of expenditures on behalf of the City government as established in the approved amended annual budget document for the fiscal year ending September 30, 2018.

**Section 3.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of a conflict herewith. In the event of a conflict between another ordinance of the City and this Ordinance, this Ordinance shall control.

**Section 4.** This Ordinance shall be and remain in full force and effect from and after its final passage and publication as herein provided.

**PASSED, ADOPTED, AND APPROVED** on this 16<sup>th</sup> day of May 2018.

**THE CITY OF MANOR, TEXAS**

\_\_\_\_\_  
Rita G. Jonse  
Mayor

**ATTEST:**

\_\_\_\_\_  
Lluvia Tijerina  
City Secretary



# PROPOSED AMENDED ANNUAL BUDGET FISCAL YEAR 2017-18

Original Budget Adopted: **20-Sep-2017**  
Ordinance Number: **488**

Amended Budget Adopted: **16-May-2018**  
Ordinance Number: **519**

FY 2017-18		
BUDGETED REVENUES	BUDGETED EXPENSES	NET
4,000,602	609,724	3,390,878
-	562,403	(562,403)
778,500	1,387,709	(609,209)
-	552,908	(552,908)
920,420	398,912	521,508
606,650	484,119	122,531
76,513	2,971,034	(2,894,521)
-	383,712	(383,712)
-	-	-
6,382,685	7,350,521	(967,836)

AS OF: 3/31/18		
FYTD ACTUAL REVENUES	FYTD ACTUAL EXPENSES	NET
3,290,527.00	366,869	2,923,658
-	280,067	(280,067)
412,979.00	717,908	(304,929)
-	232,229	(232,229)
1,096,135.00	259,855	836,280
458,173.00	341,914	116,259
71,675.00	1,563,639	(1,491,964)
-	195,632	(195,632)
-	-	-
5,329,489	3,958,113	1,371,376

## GENERAL FUND

ADMINISTRATION	
FINANCE DEPT.	
STREET DEPT.	
PARKS	
DEVELOPMENT SERVICES	
MUNICIPAL COURT	
POLICE DEPT.	
IT DEPT.	
TRANSFERS	
<b>GENERAL FUND TOTALS</b>	

FY 2017-18		
BUDGET REVENUES	BUDGET EXPENSES	NET
4,019,074.00	689,935.00	3,329,139.00
-	571,262.00	(571,262.00)
778,500.00	1,510,033.00	(731,533.00)
-	509,152.00	(509,152.00)
1,790,905.00	406,313.00	1,384,592.00
606,650.00	473,690.00	132,960.00
104,753.00	3,064,057.00	(2,959,304.00)
-	388,712.00	(388,712.00)
-	-	-
7,299,882	7,613,154	(313,272)

FUND BALANCES	
ESTIMATED 30-Sep-17	PROJECTED 30-Sep-18

0	409,090	(409,090)
1,952,872	2,014,149	(61,277)
1,692,625	1,061,122	631,503
-	-	-
3,645,497	3,484,361	161,136

0	228,032	(228,032)
1,076,811	882,876	193,935
1,007,246	472,600	534,646
-	-	-
2,084,057	1,583,508	500,549

## UTILITY FUND

PUBLIC WORKS	
WATER	
WASTEWATER	
TRANSFERS	
<b>UTILITY FUND TOTALS</b>	

0	415,103	(415,103)
1,958,222	1,945,320	12,902
1,750,025	1,066,322	683,703
-	-	-
3,708,247	3,426,745	281,502

10,028,182	10,834,882	(806,700)
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7,413,546	5,541,621	1,871,925
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## TOTAL POOLED FUNDS

11,008,129	11,039,899	(31,770)
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824,025	792,255
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1,652,769	2,176,104	(523,335)
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2,063,393	373,046	1,690,347
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## TOTAL DEBT SERVICE

2,063,393	2,176,104	(112,711)
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91,186	(21,524)
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9,950	38,126	(28,176)
7,450	51,800	(44,350)
100,564	35,000	65,564
23,676	9,000	14,676
115,200	-	115,200
340,200	180,000	160,200
-	-	-
17,893,250	-	17,893,250
18,490,290	313,926	18,176,364

9,950	38,126	(28,176)
7,366	51,800	(44,434)
195,491	35,000	160,491
34,111	22,350	11,761
154,866	0	154,866
306,453	172,707	133,746
-	-	-
-	-	-
708,237	319,983	388,254

## RESTRICTED FUNDS

COURT TECH FUND	
COURT BLDG SEC FUND	
PID FEES	
HOTEL OCCUPANCY	
CAPT IMPACT-WATER	
CAPT IMPACT-WW	
PARK FUNDS	
BOND FUNDS	
<b>RESTRICTED FUND TOTALS</b>	

10,500	3,000	7,500
7,500	-	7,500
148,520	174,416	(25,896)
30,260	-	30,260
256,962	-	256,962
798,483	20,000	778,483
32	-	32
-	156,286	(156,286)
1,252,257	353,702	898,555

46,674	54,174
12,518	20,018
46,971	21,075
487,775	518,035
734,293	991,255
2,367,003	3,145,486
8,450	8,482
17,894,500	17,738,214
21,598,185	22,496,740

30,171,241	13,324,912	16,846,329
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10,185,176	6,234,650	3,950,526
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## GRAND TOTALS

14,323,779	13,569,705	754,074
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22,513,396	23,267,470
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The General Fund is the general operating fund and the largest fund of the city as it includes all traditional government services such general administration, street and drainage, maintenance, development services, police and courts, and parks.

The Utility Fund accounts for the city's water and wastewater enterprise. Unlike the general fund it operates as a proprietary fund functioning more like a business.

The Restricted Funds are used only for specific purposes. Revenues and payments are limited either by state law or local ordinance.