



**CITY COUNCIL
REGULAR SESSION MINUTES
FEBRUARY 6, 2019**

PRESENT:

Rita G. Jonse, Mayor

COUNCIL MEMBERS:

Gene Kruppa, Place 1
Maria Amezcua, Mayor Pro Tem, Place 2
Anne R. Weir, Place 3
Dr. Larry Wallace Jr., Place 4 (Absent)
Deja Hill, Place 5
Valerie Dye, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia Tijerina, City Secretary
Scott Dunlop, Assistant Development Services Director
Frank Phelan, P.E., 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 Jonse at 7:00 p.m. on Wednesday, February 6, 2019, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

At the request of Mayor Jonse, City Engineer Phelan, led the Pledge of Allegiance.

PROCLAMATION

Declaring the week of February 11-17, 2019, as “National LULAC Week”

Mayor Jonse read and presented a proclamation declaring the week of February 11-17, 2019, as “National LULAC Week” to Gabriel Nila, President, LULAC Council; Leon Hernandez, District Director; and Gavino Fernandez Jr., Deputy Director.

PUBLIC COMMENTS

No one appeared to speak at this time.

CONSENT AGENDA

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

- **January 16, 2019, Regular Meeting**
- **January 16, 2019, Special Meeting**

MOTION: Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Amezcua the Council voted six (6) 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 a conditional use request for 3 acres out of Abstract 315 Survey 63 Gates G, locally known as 13812 Bois D'Arc Road, to allow for a service station. Applicant: Professional StruCIVIL Engineers, Inc. Owner: Dessau Road, LLC

The City staff's recommendation was that the City Council approve the second final reading of a conditional use request for 3 acres out of Abstract 315 Survey 63 Gates G, locally known as 13812 Bois D'Arc Road, to allow for a service station with the condition the service station area is limited to the area shown on the presented Preliminary Site Plan submitted with the application and the number of fuel dispensers is limited to four (4) pumps.

Scott Dunlop, Assistant Development Services Director, was available to address any questions posed by the City Council.

Diane Bernal, PSCE, Inc., 12710 Research Blvd., Suite 390, Austin, Texas, submitted a card in support of this item; however, she did not speak but was available to address any questions posed by the City Council.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Dye the Council voted four (4) For and two (2) Against to approve the second final reading of a conditional use request for 3 acres out of Abstract 315 Survey 63 Gates G, locally known as 13812 Bois D'Arc Road, to allow for a service station with the condition the service station area is limited to the area shown on the presented Preliminary Site Plan submitted with the application and the number of fuel dispensers is limited to four (4) pumps. Council Member Weir and Mayor Pro Tem Amezcua voted against. The motion carried.

3. Consideration, discussion, and possible action on a waiver request from Manor Code of Ordinances, Chapter 3, Article 3.10, Section 3.10.007(1) Freestanding High-Profile Sign – Single Tenant, for Abstract 58, Survey 38 Barker C, locally known as 12720 N. FM 973, Manor, TX to allow for a high-profile sign. Applicant: Gene Smith. Owner: Eternal Faith Baptist Church

The City staff's recommendation was that the City Council approve a waiver request from Manor Code of Ordinances, Chapter 3, Article 3.10, Section 3.10.007(1) Freestanding High-Profile Sign – Single Tenant, for Abstract 58, Survey 38 Barker C, locally known as 12720 N. FM 973, Manor, TX to allow for a high-profile sign.

Scott Dunlop, Assistant Development Services Director, was available to address any questions posed by the City Council.

City Manager Bolt discussed the waiver request for 12720 N. FM 973, Manor, TX. He stated the sign ordinance would be amended to allow high-profile signs in this location due to future construction planned in the area.

The discussion was held regarding the timing of the ordinance changes and the issues of the current sign in place.

MOTION: Upon a motion made by Council Member Weir and seconded by Council Member Kruppa, the Council voted six (6) For and none (0) Against to approve a waiver request from Manor Code of Ordinances, Chapter 3, Article 3.10, Section 3.10.007(1) Freestanding High-Profile Sign – Single Tenant, for Abstract 58, Survey 38 Barker C, locally known as 12720 N. FM 973, Manor, TX to allow for a high-profile sign. The motion carried unanimously.

4. Consideration, discussion, and possible action on a contract addendum with Jay Engineering Company, Inc. for preparation and submittal of a discharge permit application for the renewal and amendment of the Cottonwood Creek WWTP permit.

The City staff's recommendation was that the City Council approve the contract addendum with Jay Engineering Company, Inc. for preparation and submittal of a discharge permit application for the renewal and amendment of the Cottonwood Creek WWTP permit.

City Manager Bolt discussed the contract addendum with Jay Engineering Company, Inc. He stated the renewal is completed every five (5) years.

City Engineer Phelan discussed the contract addendum with Jay Engineering Company, Inc. He explained the process of the permit application for the Cottonwood Creek WWTP Permit and the Wilbarger Creek WWTP permit.

The discussion was held regarding the permitting and publication fees that are not included in the addendum. City Engineer Phelan stated the fees are fundable through the City's Impact Fee Program.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and none (0) Against to approve the contract addendum with Jay Engineering Company, Inc. for preparation and submittal of a discharge permit application for the renewal and amendment of the Cottonwood Creek WWTP permit. The motion carried unanimously.

5. Consideration, discussion, and possible action on a contract addendum with Jay Engineering Company, Inc. for preparation and submittal of a discharge permit application for the renewal and amendment of the Wilbarger Creek WWTP permit.

The City staff's recommendation was that the City Council approve the contract addendum with Jay Engineering Company, Inc. for preparation and submittal of a discharge permit application for the renewal and amendment of the Wilbarger Creek WWTP permit

City Engineer Phelan discussed the contract addendum with Jay Engineering Company, Inc.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and none (0) Against to contract addendum with Jay Engineering Company, Inc. for preparation and submittal of a discharge permit application for the renewal and amendment of the Wilbarger Creek WWTP permit. The motion carried unanimously.

6. Consideration, discussion, and possible action on approving an agreement for Public Improvement District (PID) bond counsel services.

The City staff's recommendation was that the City Council approve entering into an agreement with Bickerstaff Heath Delgado Acosta, LLC to provide PID bond counsel services.

City Manager Bolt discussed the agreement for the PID Bond Counsel Services. He stated the fees were paid through the Bond and the City had been pleased with services in the past with Bickerstaff.

MOTION: Upon a motion made by Council Member Weir and seconded by Council Member Dye the Council voted six (6) For and none (0) Against to approve entering into an agreement with Bickerstaff Heath Delgado Acosta, LLC to provide PID bond counsel services. The motion carried unanimously.

7. Consideration, discussion, and possible action on an ordinance closing, vacating and abandoning a 20' x 250' alley right-of-way located perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street, located in Block 8, Lots 1-10, Lane A E Addition.

The City staff's recommendation was that the City Council approve Ordinance No. 541 closing, vacating and abandoning a 20' x 250' alley right-of-way located perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street, located in Block 8, Lots 1-10, Lane A E Addition.

City Manager Bolt discussed the closing, vacating, and abandoning of a 20' x 250' alley right-of-way perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street.

The discussion was held regarding the purpose for alleyways in a city. City Manager Bolt stated alleyways provided access to different services for the home. He stated utilities were accessed through the alleyways for older homes.

Rebecca Davies, 709 N. Lexington Street, Manor, Texas, spoke before City Council in support of this item. She explained the survey regarding the alleyway on her property and stated she has been paying taxes on the property.

The discussion was held regarding the sale of the property and how future owners could possible sale each lot without the alleyway.

Council Member Dye inquired if the property was a historical marker. City Manager Bolt stated only the home structure was considered historical not the land.

The discussion was held regarding the process for a new owner to subdivide and replat a new alleyway if the alleyway was to be removed.

MOTION: Upon a motion made by Council Member Dye and seconded by Council Member Kruppa the Council voted two (2) For and four (4) Against to approve Ordinance No. 541 closing, vacating and abandoning a 20' x 250' alley right-of-way located perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street, located in Block 8, Lots 1-10, Lane A E Addition. Council Member Weir; Council Member Hill; Mayor Pro Tem Amezcua; and the Mayor voted against. The motion failed.

Mayor Jonse adjourned the regular session of the Manor City Council into Executive Session at 7:40 p.m. Wednesday, February 6, 2019, in accordance with the requirements of the Open Meetings Law.

EXECUTIVE SESSION

The Manor City Council convened into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in: *Section 551.074 Personnel Matters – Discussion of City Manager’s Contract; and Section 551.072 Deliberations Regarding Real Property - An ordinance closing, vacating and abandoning a 20' x 250' alley right-of-way located perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street, located in Block 8, Lots 1-10, Lane A E Addition* at 7:40 p.m., on Wednesday, February 6, 2019, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 8:15 p.m. on Wednesday, February 6, 2019.

OPEN SESSION

The City Council reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code at 8:15 p.m. on Wednesday, February 6, 2019, 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.

- *Section 551.074 Personnel Matters – Discussion of City Manager’s Contract*

MOTION: Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Weir the Council voted six (6) For and none (0) Against to have the Mayor contact the City Attorney to finalize the City Manager’s Contract. The motion carried unanimously.

Council Member Hill advised she would recused herself from discussion and consideration of the following item as she was previously interested on the property. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary.

- *Section 551.072 Deliberations Regarding Real Property - An ordinance closing, vacating and abandoning a 20' x 250' alley right-of-way located perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street, located in Block 8, Lots 1-10, Lane A E Addition*

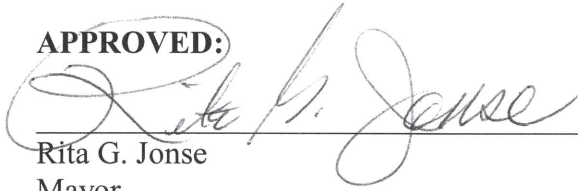
MOTION: Upon a motion made by Council Member Dye and seconded by Council Member Kruppa the Council voted two (2) For and three (3) Against to approve Ordinance No. 541 closing, vacating and abandoning a 20' x 250' alley right-of-way located perpendicular to Lexington Street and N. Caldwell Street and between and parallel to W. Lane Avenue and W. Townes Street, located in Block 8, Lots 1-10, Lane A E Addition. Council Member Weir; Mayor Pro Tem Amezcua; and the Mayor voted against. The motion failed.

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 8:16 p.m. on Wednesday, February 6, 2019.

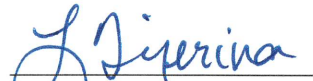
These minutes approved by the Manor City Council on the 20th day of February 2019.

APPROVED:



Rita G. Jonse
Mayor

ATTEST:



Luvia Tijerina, TRMC
City Secretary

