



Rita G. Jonse, Mayor
Gene Kruppa, Place 1
Maria Amezcua, Mayor Pro Tem, Place 2
Anne Weir, Place 3
Dr. Larry Wallace Jr., Place 4
Deja Hill, Place 5
Valerie Dye, Place 6

**CITY COUNCIL
REGULAR MEETING
AGENDA**

Wednesday, February 6, 2019

7:00 p.m.

Manor City Hall – Council Chambers
105 E. Eggleston Street

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PLEDGE OF ALLEGIANCE

PROCLAMATION

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

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

Lluvia Tijerina,
City Secretary

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 | Scott Dunlop,
Asst. Dev. Services
Director |
| 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 | Scott Dunlop,
Asst. Dev. Services
Director |
| 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. | Frank T. Phelan,
P.E.
City Engineer |
| 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. | Frank T. Phelan,
P.E. City Engineer |
| 6. Consideration, discussion, and possible action on approving an agreement for Public Improvement District (PID) bond counsel services. | Thomas Bolt,
City Manager |
| 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. | Thomas Bolt,
City Manager |

EXECUTIVE SESSION

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

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

OPEN SESSION

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

ADJOURNMENT

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

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, February 1, 2019, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/Lluvia Tijerina/, TRMC

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

PROCLAMATION

WHEREAS, 90 years ago, the founders of the League of United Latin American Citizens, better known as LULAC, joined together to establish an organization that would become the largest, oldest and most successful Hispanic civil rights and service organization in the United States; and

WHEREAS, since its inception on February 17, 1929 in Corpus Christi, Texas, LULAC has championed the cause of Hispanic Americans in education, employment, economic development and civil rights; and

WHEREAS, LULAC has developed a comprehensive set of nationwide programs fostering educational attainment, job training, housing, scholarships, citizenship, and voter registration; and

WHEREAS, LULAC members throughout the nation have developed a tremendous track record of success advancing the economic condition, educational attainment, political influence, health and civil rights of the population of the United States; and

WHEREAS, LULAC has adopted a legislative platform that promotes humanitarian relief for citizens and immigrants, increased educational opportunities for our youth, and equal treatment for all in the United States and its territories including the Commonwealth of Puerto Rico; and

WHEREAS, this year, the League of United Latin American Citizens will celebrate ninety years of community service to increase educational opportunities and improve the quality of life for Americans;

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 February 11-17, 2019 be designated as:

"NATIONAL LULAC WEEK"

and that the citizens of Manor are asked to join the LULAC Membership in observing the organization's ninety years of service and the outstanding contributions LULAC has made to our country.

PROCLAIMED this 6th day of February 2019.

Rita G. Jonse, Mayor
City of Manor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 6, 2019

PREPARED BY: Lluvia Tijerina, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

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

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

BACKGROUND/SUMMARY:

PRESENTATION: ☐ YES ☒ NO

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

January 16, 2019, Regular Meeting

January 16, 2019, Special Meeting

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the City Council Minutes of the January 16, 2019, Regular Meeting; and January 16, 2019, Special Meeting.

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



**CITY COUNCIL
REGULAR SESSION MINUTES
JANUARY 16, 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
Deja Hill, Place 5
Valerie Dye, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia Tijerina, City Secretary
Lydia Collins, Director of Finance
Ryan Phipps, Chief of Police
Scott Dunlop, Assistant Development Services Director
Sarah Friberg, Court Clerk
Mike Tuley, Director of Public Works
Tracey Vasquez, HR Coordinator
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, January 16, 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, Court Clerk Friberg, led the Pledge of Allegiance.

PUBLIC COMMENTS

Jay Howard with Texas Disposal Systems Inc. spoke before City Council regarding solid waste and recycling services. Mr. Howard introduced himself and expressed his interest in submitting an RFP for Solid Waste Services for the City.

No one else appeared to speak at this time.

At the request of Mayor Jonse, Item No. 2 was removed from the Consent Agenda to discuss separately.

CONSENT AGENDA

- 1. Consideration, discussion, and possible action to approve the City Council Minutes of the January 2, 2019, Regular Meeting.**
- 3. Consideration, discussion, and possible action on the acceptance of the December 2018 Departmental Reports:**
 - **Police – Ryan Phipps, Chief of Police**
 - **Development Services – Scott Dunlop, Assistant Dev. Services Director**
 - **Community Development – Sammie Hatfield, Comm. Dev. Manager**
 - **Municipal Court – Sarah Friberg, Court Clerk**
 - **Public Works – Mike Tuley, Director of Public Works**
 - **Finance – Lydia Collins, Director of Finance**

MOTION: Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Mayor Pro Tem 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.

- 2. Consideration, discussion, and possible action on the destruction of records that have met their retention requirement; and Authorize the City Manager to execute the customer service agreement with Data Armor.**

Mayor Jonse asked if records were being kept electronically after destruction. City Secretary Tijerina explained the process for the destruction of all city records that have met the retention period. She stated the City followed the Texas State Library and Archives retention schedule. Ms. Tijerina explained what records were kept electronically and what records were not kept electronically.

The discussion was held regarding finance records. Director of Finance Collins explained what type of financial records are kept and what records are destroyed.

The discussion was held regarding the process for Records Management within each department.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to approve the destruction of records that have met their retention requirement; and Authorize the City Manager to execute the customer service agreement with Data Armor. The motion carried unanimously.

PUBLIC HEARINGS

4. Public Hearing: 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 conduct the public hearing and approve a conditional use request for 3 acres out of Abstract 315 Survey 63 Gates G, locally known as 13812 Bois D’Arc, to allow for a service station with the condition the service station area is limited to the area shows 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.

Mayor Jonse opened the public hearing.

City Manager Bolt discussed the conditional use permit request.

The discussion was held regarding the notifications sent to residences within 300 feet.

Kim Perry, 13812 Bois D’Arc Road, Manor, Texas, submitted a card in support of this item; however, she did not wish to speak.

MOTION: Upon a motion made by Council Member Mayor Pro Tem Amezcua and seconded by Council Member Dye the Council voted seven (7) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Dye the Council voted five (5) For and two (2) Against to approve the first reading of a conditional use request for 3 acres out of Abstract 315 Survey 63 Gates G, locally known as 13812 Bois D’Arc, to allow for a service station with the condition the service station area is limited to the area shows 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.

5. Public Hearing: Consideration, discussion and possible action on an ordinance rezoning 1.0 acre of land out of Abstract 456, Survey 64 Kimbro L, locally known as 15108 Voelker Lane, from Single Family (R-1) to Agricultural (A). Applicant: Lena Ging. Owner: Lena Ging

The City staff's recommendation was that the City Council conduct the public hearing and approve the first reading of an ordinance rezoning request for 1.0 acre of land out of Abstract 456, Survey 64 Kimbro, L, locally known as 15108 Voelker Lane, from Single Family (R-1) to Agricultural (A).

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

Mayor Jonse opened the public hearing.

City Manager Bolt discussed the rezoning ordinance for 1.0 acres of land, known as 15108 Voelker Lane.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Dye the Council voted seven (7) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

MOTION: Upon a motion made by Council Member Hill and seconded by Council Member Kruppa the Council voted seven (7) For and none (0) Against to approve the first reading of an ordinance rezoning request for 1.0 acre of land out of Abstract 456, Survey 64 Kimbro, L, locally known as 15108 Voelker Lane, from Single Family (R-1) to Agricultural (A). The motion carried unanimously.

REGULAR AGENDA

6. Consideration, discussion, and possible action on a waiver from Manor Code of Ordinances, Chapter 3, Article 3.09, Section 3.09.003(c)(6) Required Plantings for Presidential Glen, Phase 1A, Block KK, Lot 3, locally known as 13201 Bois D'Arc Road, Manor, TX to reduce the number of trees to 86 and shrubs to 352. Applicant: Kimley-Horn & Associates. Owner: West Elgin Development Corporation

The City staff's recommendation was that the City Council approve a waiver from Manor Code of Ordinances, Chapter 3, Article 3.09, Section 3.09.003(c)(6) Required Plantings for Presidential Glen, Phase 1A, Block KK, Lot 3, locally known as 13201 Bois D'Arc Road, Manor, TX to reduce the number of trees to 86 and shrubs to 352.

Assistant Development Services Director Dunlop discussed the waiver request for 13201 Bois D'Arc Road. He explained the landscaping ordinance requirements of the City.

The discussion was held regarding the trees and shrubs for the property.

MOTION: Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to approve a waiver from Manor Code of Ordinances, Chapter 3, Article 3.09, Section 3.09.003(c)(6) Required Plantings for Presidential Glen, Phase 1A, Block KK, Lot 3, locally known as 13201 Bois D'Arc Road, Manor, TX to reduce the number of trees to 86 and shrubs to 352. The motion carried unanimously.

7. Consideration, discussion, and possible action on a Supplement to the Agreement for Street Lighting Service by and Between Oncor Electric Delivery Company and the City of Manor; and authorizing the City Manager to sign Supplements to the Agreement for Street Lighting Service by and Between Oncor Electric Delivery Company and the City of Manor.

The City staff's recommendation was the City Council approve a Supplement to the Agreement for Street Lighting Service by and Between Oncor Electric Delivery Company and the City of Manor; and authorizing the City Manager to sign Supplements to the Agreement for Street Lighting Service by and Between Oncor Electric Delivery Company and the City of Manor.

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

City Manager Bolt explained the supplement agreement for street lighting services.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Dr. Wallace Jr., the Council voted seven (7) For and none (0) Against to approve a Supplement to the Agreement for Street Lighting Service by and Between Oncor Electric Delivery Company and the City of Manor; and Authorize the City Manager to sign Supplements to the Agreement for Street Lighting Service by and Between Oncor Electric Delivery Company and the City of Manor. The motion carried unanimously.

8. Consideration, discussion, and possible action on Change Order No. 3 for the 2017 Paving Improvement Project.

The City staff's recommendation was that the City Council approve the proposed Change Order No. 3 for the 2017 Paving Improvements Project.

City Engineer Phelan discussed the proposed Change Order for the 2017 Paving Improvement Project.

Mayor Jonse expressed her concerns regarding the Change Orders requests on projects.

City Manager Bolt discussed the Change Orders that have been requested by the City on different projects.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to approve the proposed Change Order No. 3 for the 2017 Paving Improvements Project. The motion carried unanimously.

9. Consideration and possible action on a Deposit and Reimbursement Agreement for Proposed Public Improvement District (Lagos).

The City staff's recommendation was that the City Council approve a Deposit and Reimbursement Agreement for Proposed Public Improvement District (Lagos).

City Manager Bolt discussed the Deposit Agreement for the proposed Lagos PID.

MOTION: Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to approve a Deposit and Reimbursement Agreement for Proposed Public Improvement District (Lagos). The motion carried unanimously.

10. Consideration, discussion, and possible action on selecting an appraiser for the Manor Heights Public Improvement District (PID).

The City staff's recommendation was that the City Council approve the selection of Integra Realty Resources – DFW as the appraiser for the Manor Heights PID; and Authorize the City Manager to enter and execute any agreements necessary for appraisal services regarding the Manor Heights PID.

The discussion was held regarding the process for selecting an appraiser for the Manor Heights PID.

MOTION: Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to approve the selection of Integra Realty Resources – DFW as the appraiser for the Manor Heights PID; and Authorize the City Manager to enter and execute any agreements necessary for appraisal services regarding the Manor Heights PID. The motion carried unanimously.

11. Consideration, discussion, and possible action on approving an agreement for Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ) creation and administration services.

The City staff's recommendation was that the City Council approve entering into an agreement with P3Works, LLC to serve as the administrator for the Manor Heights PID.

The discussion was held regarding the administrative services fees for P3 Works, LLC.

Council Member Dr. Wallace Jr. inquired about the hourly rate fees for services. City Manager stated all fees would be paid by the PID.

The discussion was held regarding the Delinquency Management procedure.

MOTION: Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to approve entering into an agreement with P3Works, LLC to serve as the administrator for the Manor Heights PID. The motion carried unanimously.

12. Consideration, discussion, and possible action on a contract with Municipal Code Corporation for the purpose of providing republication, supplementation, and web hosting of Manor City Code.

The City staff's recommendation was that the City Council approve a contract with Municipal Code Corporation for the purpose of providing republication, supplementation, and web hosting of Manor City Code.

City Manager Bolt discussed the contract with Municode.

City Secretary Tijerina explained the different features that are being offered by Municode. She stated the online code would be user friendlier and the city would be saving money as well.

Council Member Weir inquired about the legal services review, legislature and copies of the code. City Manager Bolt stated the City's Attorney handled the legislature updates for the City. City Secretary Tijerina stated Municode would be providing attorney reviews as well and copies of the code would be available to anyone online.

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 a contract with Municipal Code Corporation for the purpose of providing republication, supplementation, and web hosting of Manor City Code. The motion carried unanimously.

13. 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.

The City staff's recommendation was that the City Council approve Ordinance No. 539 adopting an amended annual budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018.

Director of Finance Collins discussed the amended annual budget for the FY2017-2018.

City Manager Bolt discussed the expenses for Development Services and other city departments.

The discussion was held regarding the completion of the Audit for the City.

MOTION: Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Weir the Council voted seven (7) For and none (0) Against to approve Ordinance No. 539 adopting an amended annual budget for the fiscal year beginning October 1, 2017 and ending September 30, 2018. The motion carried unanimously.

Mayor Jonse adjourned the regular session of the Manor City Council into Executive Session at 8:00 p.m. Wednesday, January 16, 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 Evaluation; and - Section 551.087 Deliberations regarding Economic Development Negotiations* at 8:00 p.m., on Wednesday, January 16, 2019, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 8:41 p.m. on Wednesday, January 16, 2019.

OPEN SESSION

The City Council reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code at 8:41 p.m. on Wednesday, January 16, 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 551.087 Deliberations regarding Economic Development Negotiations*

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Amezcua the Council voted six (6) For and one (1) Against to authorize the City Manager to negotiate for the management of the Lagos PID. Council Member Hill voted against. The motion carried.

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

MOTION: Upon a motion made by Mayor Pro Tem Amezcua and seconded by Council Member Kruppa the Council voted seven (7) For and none (0) Against to approve and accept the City Manager’s Evaluation. The motion carried unanimously.

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 8:43 p.m. on Wednesday, January 16, 2019.

These minutes approved by the Manor City Council on the 6th day of February 2019.

APPROVED:

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina, TRMC
City Secretary



**CITY COUNCIL
SPECIAL SESSION MINUTES
JANUARY 16, 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
Deja Hill, Place 5
Valerie Dye, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia Tijerina, City Secretary
Scott Dunlop, Assistant Development Services Director

SPECIAL SESSION – 8:44 P.M.

With a quorum of the Council Members present, the special session of the Manor City Council was called to order by Mayor Jonse at 8:44 p.m. on Wednesday, January 16, 2019, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

CONSENT AGENDA

- 1. Consideration, discussion and possible action on an ordinance rezoning 1.0 acre of land out of Abstract 456, Survey 64 Kimbro L, locally known as 15108 Voelker Lane, from Single Family (R-1) to Agricultural (A). Applicant: Lena Ging. Owner: Lena Ging**

The City staff's recommendation was that the City Council approve Ordinance No. 540 rezoning 1.0 acre of land out of Abstract 456, Survey 64 Kimbro L, locally known as 15108 Voelker Lane, from Single Family (R-1) to Agricultural (A).

Scott Dunlop, Assistant Development Services Director, 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 seven (7) For and none (0) Against to approve Ordinance No. 540 rezoning 1.0 acre of land out of Abstract 456, Survey 64 Kimbro L, locally known as 15108 Voelker Lane, from Single Family (R-1) to Agricultural (A). The motion carried unanimously.

ADJOURNMENT

The Special Session of the Manor City Council Adjourned at 8:45 p.m. on Wednesday, January 16, 2019.

These minutes approved by the Manor City Council on the 6th day of February 2019.

APPROVED:

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 6, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

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

BACKGROUND/SUMMARY:

This property was annexed in November 2017 and zoned Neighborhood Business in September 2018. NB allows for service stations as a conditional use. The service station occupies approximately 1.38 acres of 2.75 acre tract that is part of a larger 15 acre tract. The service station is at the corner of Tower Road and Bois D'Arc Road.

Planning Commission approved 6-0 the conditional use with the condition the service station area is limited to what is shown on the Preliminary Site Plan. City Council can limit the number of fuel dispensers. 4 are shown on the Preliminary Site Plan. The public hearing and first reading was held at the January 16, 2019, regular council meeting.

PRESENTATION: ☐ YES ☒ NO

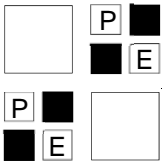
ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Letter of Intent
Preliminary Site Plan
Area Image
Notice Letter
Mailing Labels

STAFF RECOMMENDATION:

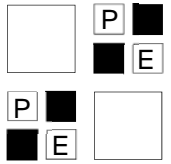
It is City staff's recommendation that the City Council approve the second final reading of a conditional use request for 3 acres out of Abstract 315 Survey 63 Gates G, locally known as 13812 Bois D'Arc Road, to allow for a service station with the condition the service station area is limited to the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

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



PROFESSIONAL STRUCIVIL ENGINEERS, INC.

STRUCTURAL CIVIL TRANSPORTATION
12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
512.238.6422 PSCE@PSCEINC.COM REGISTERED FIRM F-4951



LETTER OF INTENT

November 30, 2018

Development Services
City of Manor
105 E. Eggleston
Manor, Texas 78634

Dear Development Services:

The attached application and supplemental information is presented to the City of Manor for a conditional use permit and is hereby submitted by Professional StruCIVIL Engineers, Inc. so that the property owner of the site locally known as Tower Road at Bois D'Arc may proceed with designs for a retail center with a gas station. Because the site has recently been zoned as NB, the project will require a conditional use permit in order to proceed with the portion identified with a gas station.

Please allow the submittal and process for the conditional use permit of the Bois D'Arc Retail Center to begin.

If you have any questions, please contact our office at 512-238-6422 or by email at psce@psceinc.com.

Sincerely,

Diane Bernal
Office/Project Manager
Professional StruCIVIL Engineers, Inc.

GENERAL LEGEND

- PROPERTY LINE
- LIMITS OF CONSTRUCTION
- SILT FENCE
- SILT FENCE & LOC
- PUE PUBLIC UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- EE ELECTRICAL EASEMENT
- SSE SANITARY SEWER EASEMENT
- WSEL WATER SURFACE ELEVATION
- CMP CORRUGATED METAL PIPE
- ELEV. EXISTING CONTOURS
- ELEV. PROPOSED GRADING CONTOURS

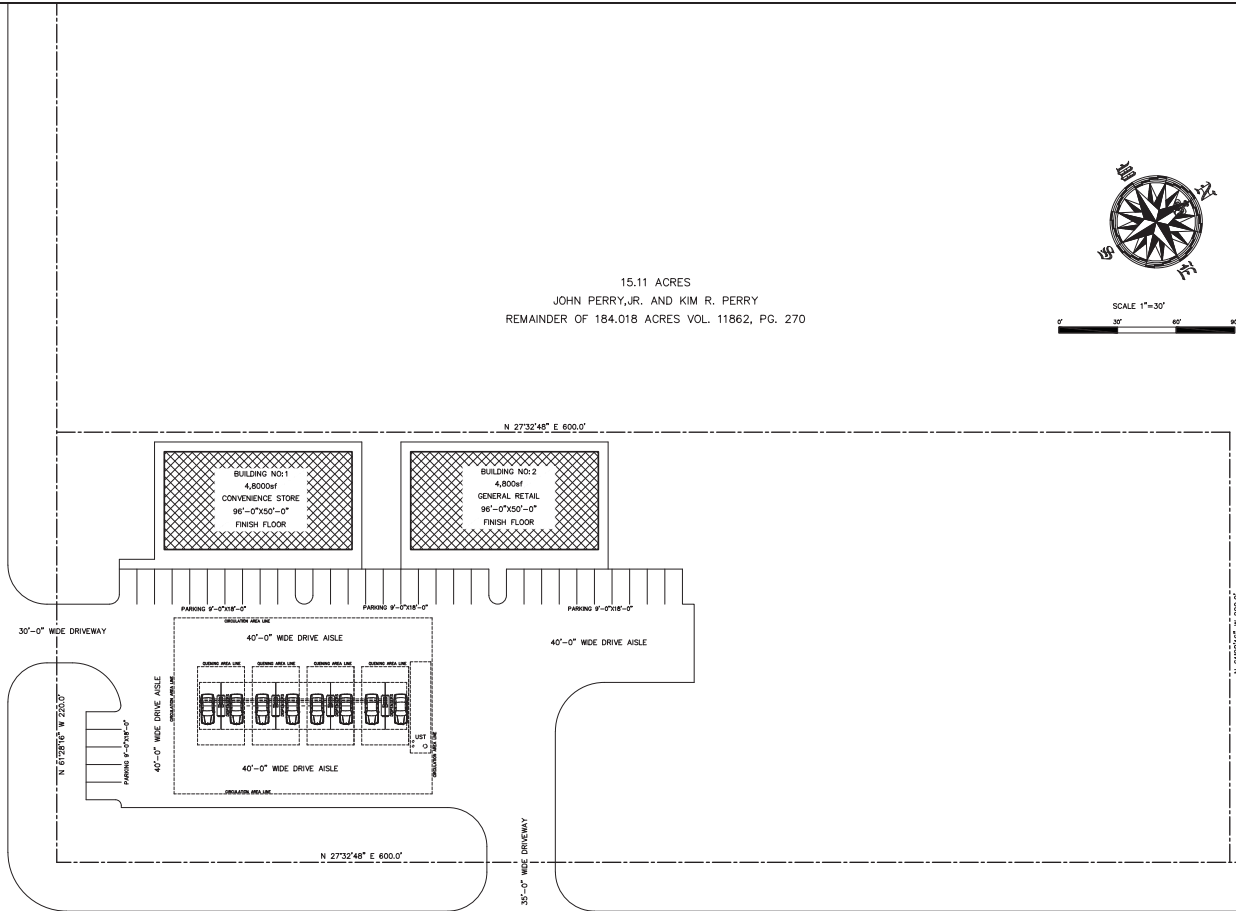
UTILITY LEGEND

- FIRE HYDRANT
- GATE VALVE
- PLUG OR CAP
- STORM SEWER MANHOLE
- WASTEWATER MANHOLE
- WW CLEAN OUT
- WATER LINE
- WASTEWATER LINE
- STORM SEWER LINE
- FLOW INDICATOR (SHOWN TO RIGHT)
- PROPOSED SERVICE TAP
- WATER METER
- IRRIGATION METER
- STORM SEWER INLET
- WATER SERVICE (SINGLE)
- WATER SERVICE (DOUBLE)
- UTILITY POLE
- LIGHT POLE
- OVERHEAD ELECTRIC
- WIRE FENCE

EROSION CONTROL LEGEND

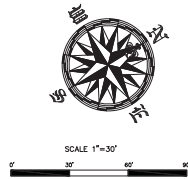
- TREE (EXISTING)
- TREE (TO BE REMOVED) (R)
- TREE PROTECTION

TOUR ROAD
(ROW VARIES)



BOIS D'ARC LANE
(ROW VARIES)

- ACCESSIBLE SITE PLAN NOTE:
- ACCESSIBLE ROUTES WITHIN THE BOUNDARY OF THE SITE MUST BE PROVIDED FROM PUBLIC TRANSPORTATION STOPS, ACCESSIBLE PARKING AND PASSENGER LOADING ZONES, AND PUBLIC STREETS OR SIDEWALKS TO THE ACCESSIBLE BUILDING ENTRANCE THEY SERVE. [ADA 403.3.1]
 - ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ANSI 403.3]
 - OUTDOOR RAMPS AND THEIR APPROACHES MUST BE DESIGNED SO THAT WATER WILL NOT ACCUMULATE ON WALKING SURFACES. [ANSI 405.10]
 - CHANGES IN LEVEL GREATER THAN 1/2 INCH MUST BE ACCOMPANIED BY MEANS OF A CURB RAMP, RAMP, ELEVATOR, OR PLATFORM LIFT. STAIRS SHALL NOT BE PART OF AN ACCESSIBLE ROUTE. [ANSI 405.3]
 - GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT. [ANSI 302.1.5] SURFACE TEXTURE SHALL BE PROVIDED.
 - PARKING ACCESSIBLE ROUTES MUST BE PART OF THE ACCESSIBLE ROUTE TO THE BUILDING OR FACILITY ENTRANCE AND MUST HAVE A RUNNING SLOPE NO GREATER THAN 1:20 AND A CROSS SLOPE NO GREATER THAN 1:50. [ANSI 302.5]
 - PARKING VEHICLE OVERHANGS MUST NOT REDUCE THE CLEAR WIDTH OF AN ACCESSIBLE CIRCULATION ROUTE TO LESS THAN 36" WIDTH THE SIDEWALK TO A MINIMUM OF 5 FEET OR PROVIDE WHEEL STOPS 1.5 FEET FROM THE CURB. [ANSI 403.3, TABLE 403.3]
 - CURB RAMPS MUST BE PROVIDED WHEREVER AN ACCESSIBLE ROUTE CROSSES A CURB. [ANSI 404.1]
 - IF A CURB RAMP IS LOCATED WHERE PEDESTRIANS MUST WALK ACROSS THE RAMP, IT MUST HAVE FLARED SIDES. IF THE LEVEL LANDING AT THE TOP OF THE RAMP IS LESS THAN 48" WIDE, THE SLOPE OF THE FLARE MAY NOT EXCEED 1:12. OTHERWISE, THE MAXIMUM SLOPE OF THE FLARE IS 1:10. CURB RAMPS WITH RETURNED CURBS MAY BE USED WHERE PEDESTRIANS WOULD NOT NORMALLY WALK ACROSS THE RAMP. [ANSI 404.3, FIG. 404.3, FIG. 4-1, 4-5]
 - CURB RAMPS AT MARKED CROSSINGS MUST BE WHOLLY CONTAINED WITHIN THE MARKINGS, INCLUDING ANY FLARED SIDEWALKS. [ANSI 404.3]
 - EVERY ACCESSIBLE PARKING SPACE MUST BE IDENTIFIED BY A SIGN, CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE RESERVED, OR EQUIVALENT LANGUAGE. CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED 80" MINIMUM ABOVE GROUND SO THAT THEY CANNOT BE OBSCURED BY A VEHICLE PARKED IN THE SPACE.
 - APPROVAL OF THESE PLANS BY THE CITY OF DALLAS INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
 - ALL SIDEWALK AND ACCESSIBLE ROUTE SHALL BE CONCRETE FINISH.



15.11
JOHN PERRY, JR.
REMAINDER OF 184.018

Professional Seal and Stamp of Mirza Taher Bagh, P.E., No. 85577, State of Texas, Professional Engineer. The seal includes the text: 'THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MIRZA TAHER BAGH, P.E., #85577 ON 11/10/2018. FIRM REGISTRATION F-4951'.

Professional Seal and Stamp of Professional Structural Engineers, Inc., Consulting Civil and Structural Engineers. The seal includes the text: 'PROFESSIONAL STRUCTURAL ENGINEERS, INC. CONSULTING CIVIL AND STRUCTURAL ENGINEERS 2018 RESEARCH BLVD. SUITE 200 AUSTIN, TEXAS 78746-1000'.

Project: BOIS D'ARC RETAIL CENTER 30504

Sheet: DIMENSIONAL SITE PLAN SK2 OF 19





December 18, 2018

RE: 13812 Bois D'Arc Road Conditional Use

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting public hearings to consider a conditional use request for 13812 Bois D'Arc Road. 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 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.

The Planning and Zoning Commission will convene at 6:30PM on January 9, 2019 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on January 16, 2019 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

Sincerely,

Scott Dunlop
Assistant Development Director
512-272-5555 ext. 5

TCAD PID: 248046
J L Perry Jr
13812 Bois D'Arc Ln
Manor TX 78653

TCAD PID: 248072
Sky Village Kimbro Estates LLC
2730 Transit Road
Seneca NY 14224-2523

TCAD PID: 897492
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5694

TCAD PID: 897489
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5694

TCAD PID: 897486
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5694

TCAD PID: 897483
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5695

TCAD PID: 897480
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5698

TCAD PID: 897477
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5700

TCAD PID: 897474
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5703

TCAD PID: 897471
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5706

TCAD PID: 706089
Kevin Coleman ETAL
901 Westlake Dr
West Lake Hills TX 78746-4509

TCAD PID: 897498
West Elgin Development CORP
ATTN Pete Dwyer
9900 US HWY 290 E
Manor TX 78653-9720

TCAD PID: 897491
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5694

TCAD PID: 897488
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5694

TCAD PID: 897485
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
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10721 Research Blvd., Ste B210
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TCAD PID: 897476
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5701

TCAD PID: 897473
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5704

TCAD PID: 897470
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5707

TCAD PID: 547088
Presidential Meadows L P
c/o W2 Real Estate Partners
1221 S MOPAC EXPWY Ste. 355
Austin TX 78746

TCAD PID: 897493
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5694

TCAD PID: 897490
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Austin TX 78759-5697

TCAD PID: 897478
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10721 Research Blvd., Ste B210
Austin TX 78759-5699

TCAD PID: 897475
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5702

TCAD PID: 897472
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5705

TCAD PID: 897469
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10721 Research Blvd., Ste B210
Austin TX 78759-5708

TCAD PID: 897468
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10721 Research Blvd., Ste B210
Austin TX 78759-5709

TCAD PID: 897467
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5710

TCAD PID: 897466
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5711

TCAD PID: 897465
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10721 Research Blvd., Ste B210
Austin TX 78759-5712

TCAD PID: 897464
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5713

TCAD PID: 897463
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5714

TCAD PID: 897462
Starlight Homes Texas LLC
10721 Research Blvd., Ste B210
Austin TX 78759-5714

TCAD PID: 897456
West Elgin Development CORP
ATTN Pete Dwyer
9900 US HWY 290 E
Manor TX 78653-9720

Manor Independent School District
PO Box 359
Manor TX 78653

Atmos Energy Corporation
PO Box 650205
Dallas TX 75265

AT&T Texas
909 Colorado Street, Floor 8, Room 810
Austin TX 78701

Time Warner Cable - Austin Division
12012 N Mopac Expressway
Austin Tx 78758

Bluebonnet Electric Cooperative
3198 Austin Street
Giddings TX 78942

Manville Water Corporation
PO Box 248
Coupland TX 78615

Repulic Services ofA ustin
2900 N FM 973
Austin TX 78725

TCAD PID: 248046
J L Perry Jr
13812 Bois D'Arc Ln
Manor TX 78653

TCAD PID: 706089
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901 Westlake Dr
West Lake Hills TX 78746-4509

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Manor Independent School District
PO Box 359
Manor TX 78653

Atmos Energy Corporation
PO Box 650205
Dallas TX 75265

AT&T Texas
909 Colorado Street, Floor 8, Room 810
Austin TX 78701

Time Warner Cable - Austin Division
12012 N Mopac Expressway
Austin Tx 78758

Bluebonnet Electric Cooperative
3198 Austin Street
Giddings TX 78942

Manville Water Corporation
PO Box 248
Coupland TX 78615

Repulic Services ofA ustin
2900 N FM 973
Austin TX 78725



AGENDA ITEM NO. 3

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 6, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

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

BACKGROUND/SUMMARY:

Eternal Faith Baptist Church property is not within Manor's city limits. They obtained development permits from the County to expand their facility and were under the assumption sign permits were also not required to be reviewed and issued by the City. However, sign permits are required from properties in our ETJ. Subsequently, the sign that was installed did meet city code. Current code does not allow pole signs on this section of 973 and the sign was installed without a permit. Our sign ordinance is currently being amended, and as part of that proposed amendment, pole signs would be permitted on the section of 973 between 290 and Old 20 if approved. Additionally, the sign is an electronic message board and our current ordinance places restrictions on the frequency of image changes and screen brightness that they would need to adhere to.

PRESENTATION: ☐ YES ☒ NO

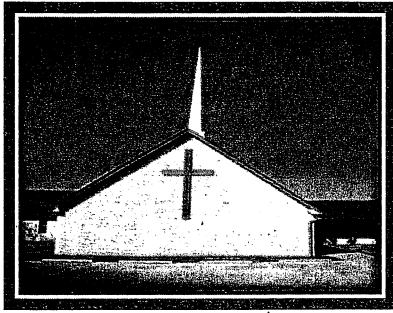
ATTACHMENTS: ☒ YES (IF YES, LIST IN ORDER TO BE PRESENTED) ☐ NO

Waiver

STAFF RECOMMENDATION:

It is City staff's recommendation 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.

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



Eternal Faith Baptist Church

12720 FM 973 North
Manor, Texas 78653
(512) 272-4043 (Phone & Fax)
www.eternalfaith.org

January 30, 2019

Mr. Scott Dunlap
Assistant Director Development Services
City of Manor
105 E. Eggleston
PO Box 387
Manor, Texas 78653

Dear Mr. Dunlap:

Eternal Faith Baptist Church, located at 12720 N. FM 973, Manor, Texas, requests a waiver from the current sign ordinance per Manor Code of Ordinance, Chapter 3, Article 3.10, Section 3.10.007(1) Freestanding High Profile Sign-Single Tenant. Our new sign is in violation of this code, and we are attempting to rectify the error. We also have plans to remove the old sign but are waiting to resolve this issue.

Blessings,

Pastor Gene

Gene Smith, Pastor
Eternal Faith Baptist Church

Sharing the Love of Christ with the World... John 3:16

Gene Smith, Pastor

Cody Snow, Pastor to Students

Misti Snow, Worship Leader



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 6, 2019

PREPARED BY: Frank T. Phelan, P.E.

DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

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.

BACKGROUND/SUMMARY:

The TCEQ requires discharge permits to be renewed at five year intervals. The permit expires on September 1, 2019. Typically, applications are submitted 180 days in advance of the permit expiration. This permit renewal application will also include amendments to incorporate a 0.1875 MGD Interim I Phase, 0.375 MGD Interim II Phase and 0.500 MGD Final Phase.

PRESENTATION: ☒ YES ☐ NO

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

Contract Addendum

STAFF RECOMMENDATION:

It is City staff's recommendation 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.

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

EXHIBIT B

ADDENDUM NO. 50

ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

An addendum to the Professional Services Agreement between the City of Manor, Texas, as CLIENT, and Jay Engineering Company, Inc., as ENGINEER, dated October 15, 2001.

Through this addendum, CLIENT hereby authorizes ENGINEER to undertake the work assignment described in the following, said assignment to be performed within the terms and conditions defined in said Professional Services Agreement, except as modified herein.

ASSIGNMENT: COTTONWOOD CREEK WWTP PERMIT APPLICATION RENEWAL/AMENDMENT

SCOPE OF SERVICES:

- ☐ See attached.
- ☒ Scope as defined in the following: Prepare and submit discharge permit application for the renewal and amendment of the Cottonwood Creek WWTP, increasing permitted capacity from 0.25 MGD to 0.50 MGD. All mapping, evaluations, meetings and technical support services for application, through attendance at first hearing is included. Permitting and publication fees not included.

COMPENSATION:

- ☒ Lump Sum Fee of \$28,100.00
- ☐ ____ (%) Preset Percent of Construction Cost (curve fee times actual construction cost)
- ☐ TSPE/ACEC Fees of Median Compensation (fee determined by actual construction cost)

CITY OF MANOR, TEXAS

JAY ENGINEERING COMPANY, INC.

By: _____

By:  _____

Date: _____

Date: January 9, 2019

JAECO Project No.: 100-077-20



AGENDA ITEM NO. 5

AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: January 10, 2019

PREPARED BY: Frank T. Phelan, P.E.

DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

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.

BACKGROUND/SUMMARY:

The TCEQ requires discharge permits to be renewed at five year intervals. The permit expires on September 1, 2019. Typically, applications are submitted 180 days in advance of the permit expiration. This permit renewal application will also include an amendment to incorporate a 1.33 MGD Interim Phase.

PRESENTATION: ☒ YES ☐ NO

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

Contract Addendum

STAFF RECOMMENDATION:

It is City staff's recommendation 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.

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

EXHIBIT B

ADDENDUM NO. 51

ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

An addendum to the Professional Services Agreement between the City of Manor, Texas, as CLIENT, and Jay Engineering Company, Inc., as ENGINEER, dated October 15, 2001.

Through this addendum, CLIENT hereby authorizes ENGINEER to undertake the work assignment described in the following, said assignment to be performed within the terms and conditions defined in said Professional Services Agreement, except as modified herein.

ASSIGNMENT: **WILBARGER CREEK WWTP PERMIT APPLICATION RENEWAL/AMENDMENT**

SCOPE OF SERVICES:

- ☐ See attached.
- ☒ Scope as defined in the following: Prepare and submit discharge permit application for the renewal and amendment of the Wilbarger Creek WWTP, adding a 1.33 MGD Interim II Phase. All mapping, evaluations, meetings and technical support services for application, through attendance at first hearing is included. Permitting and publication fees not included.


COMPENSATION:

- ☒ Lump Sum Fee of \$28,100.00
- ☐ ____ (%) Preset Percent of Construction Cost (curve fee times actual construction cost)
- ☐ TSPE/ACEC Fees of Median Compensation (fee determined by actual construction cost)

CITY OF MANOR, TEXAS

JAY ENGINEERING COMPANY, INC.

By: _____

By:  _____

Date: _____

Date: January 10, 2019

JAECO Project No.: 100-078-20



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 6, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

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

BACKGROUND/SUMMARY:

The City adopted a PID policy in February 2018 whereby the City selects a PID bond counsel when a PID is created. The City Council approved the creation of the Manor Heights PID in November 2018. In anticipation that PID bonds may be issued in May of this year, City staff makes the recommendation that the City enter into an agreement with Bickerstaff Heath Delgado Acosta, LLC to provide bond counsel services.

PRESENTATION: ☐ YES ☒ NO

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

Engagement Letter for Bond Counsel Services

STAFF RECOMMENDATION:

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

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



January 31, 2019

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

Attention: Thomas M. Bolt
City Manager

Re: Bond Counsel Services for Public Improvement District Special Assessment
Revenue Bonds

Dear Mr. Bolt:

This letter is submitted to state our fees and describe our legal services in performing the duties of bond counsel for the City of Manor, Texas (the "City") with reference to the City's proposed creation and implementation from time to time of one or more Public Improvement Districts (the "District" or "Districts") and the related issuance of bonds secured by assessment of properties in any such Districts or other financing by the City in the Districts (the "Bonds"). For purposes of this letter, the issuance of each series of Bonds secured by the City's Special Assessment Revenues in a District constitutes a separate project (a "Project").

Generally, we will perform all usual and necessary legal services as bond counsel in connection with the authorization, issuance, and delivery of the Bonds for a Project.

As regards, the issuance of the Bonds for a Project, specifically, we will prepare and direct the legal proceedings and perform the other necessary legal services with reference to the authorization, issuance, and delivery of the Bonds, including the following:

1. Prepare all resolutions, orders, notices and other instruments pursuant to which the Bonds will be authorized, issued, delivered and secured, including election proceedings, if necessary, in cooperation and upon consultation with the City Council, City Attorney and other City staff, their consultants, and other legal and financial advisors of the City.
2. Attend meetings of the City with reference to the authorization and issuance of the Bonds to the extent required or requested.
3. Cooperate with the City and all other interested parties in the sale of the Bonds to the purchasers.
4. Submit bond transcript to the Attorney General for approval.

5. Supervise the execution of the Bonds and the delivery thereof to the purchasers.
6. Prepare documents for closings, provide instructions and advice for closings, and attend closings.
7. When the Bonds are issued, we will give our approving opinion covering the validity of the Bonds and if issued as tax-exempt obligations, the exclusion of interest from federal income taxes, it being understood that the approving opinion will be fully acceptable nationally in regular commercial investment banking bond marketing channels.

The fee covering the legal services of this firm, as bond counsel, for the above described work on a District and the issuance of the Bonds for a Project, shall be based on 2% of the par amount of the Bonds.

Also, we would expect to be reimbursed for our actual client costs advanced (expenses) reasonably and necessarily incurred in connection with the authorization, issuance, and delivery of such Bonds, *i.e.*, travel, photocopies, courier, Form 8038-G filing and the Attorney General's filing fee. A list of our current costs for expenses is enclosed.

In addition, upon your request, the firm will provide assistance and advice to the City in connection with the creation of a District, the establishment of a financing structure, and other related aspects of the Project which may need attention before the issuance of bonds is initiated ("Pre-Bond Services").

Also, following the creation of the District, imposition of a PID assessment and the issuance of bonds, the Firm is prepared to assist the City, as requested from time to time, with the preparation and review of the annual updates to the Service and Assessment Plans for such Districts as may be requested by the City.

Our rates for Pre-Bond Services and for services provided in connection with the annual updates, which typically are reimbursed to the City by the Developer through a funding agreement or are paid from administrative funds established as part of a bond issuance, are set out below:

David Méndez, Partner	\$420/hour
Gregory Miller, Associate	\$300/hour
Irv Finkel, Tax Lawyer	\$300/hour
Elizabeth Myers, Legal Assistant	\$180/hour
Esther Moreno, Legal Assistant	\$180/hour
Denise Anderson, Legal Assistant	\$180/hour

The foregoing legal services as special bond counsel do not include any direct responsibility for the "disclosure obligations" owed to the investing public under the federal securities laws and the various state securities laws, and this is to state that our engagement is not that broad. We will, however, provide assistance to the City in identifying what the City's responsibility is in meeting its continuing disclosure responsibilities.

The fees discussed do not apply to litigation work in reference to the Bonds. All fees in respect to litigation shall be agreed upon separately between the City and our firm.

In a typical Project, it is anticipated that your financial advisor or the Underwriter will be responsible for the preparation of an Official Statement or any other disclosure document with respect to the Bonds. While we are not responsible for performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document, our responsibility will include the preparation or review of any description within the Official Statement of: (i) federal law pertinent to the validity of the Bonds and the tax treatment of interest paid on the Bonds, (ii) the terms of the Bonds, and (iii) our opinion.

Our fees and expenses in connection with the issuance of the Bonds for a Project will be payable at the time of the delivery of and payment for the Bonds, but our fees for these services are wholly contingent upon actual issuance of the Bonds. Fees for work performed on annual updates for Projects are payable on a monthly fee basis and will be invoiced separately to the City. The City may also terminate the agreement with bond counsel at any time by providing notice in writing at least thirty days prior to the effective date of termination.

If the arrangement proposed is satisfactory, please indicate the City's acceptance by signing the acceptance clause below and return one copy of this letter to me.

Respectfully submitted,

BICKERSTAFF HEATH DELGADO ACOSTA LLP

A handwritten signature in black ink, appearing to read 'D. Méndez', with a stylized flourish at the end.

David Méndez

ACCEPTED this, the _____ day of _____, 2019:

CITY OF MANOR, TEXAS

Name: _____

Title: _____

EXHIBIT A – Client Costs Advanced

Bickerstaff Heath Delgado Acosta LLP

The firm incurs expenses on behalf of clients only when required by the legal needs of the clients. Some cases or matters require extensive use of outside copy facilities, and other cases may not be so paper-intensive. Standard services handled within the firm are not charged, and client specific expenses are billed to the client needing those services. An explanation of the billing structure is as follows:

Not Charged

Secretarial and word processing time, routine postage, file setup, file storage, local or ordinary long distance charges, fax charges, and computerized legal research data charges.

Delivery Services

Outside delivery services are used for pickup and delivery of documents to the client as well as to courts, agencies, and opposing parties. Outside delivery fees are charged to the client at the rate charged to the firm. Overnight delivery services are also charged at the rate charged to the firm. Firm Office Services Department personnel may provide delivery service in urgent situations and charges for such in-house service will not exceed the charge that would be made by an outside service in a similar situation.

Postage

Our postal equipment calculates exact U.S. postage for all sizes and weights of posted material. The rate charged for postage is the same as the amount affixed to the material that is mailed. We will not charge clients for postage on routine correspondence; however, the cost of large-volume mail, certified mail, or other additional mail services will be charged to the client.

Copies and Prints

Our standard rate for black and white copies and prints made by firm personnel is \$0.15 per page. Color copies and prints are charged at a standard rate of \$0.55 per page. These charges cover paper, equipment costs, and other supplies. If savings can be realized within the required time frame by sending copy jobs to subcontractors, the firm uses only qualified legal services copiers and the cost charged to the client is the same as the amount billed to the firm.

Phone Charges

Only charges for conference calls or international calls are charged, and charges are billed at the same amount billed to the firm by the outside provider.

Travel

Attorney and other timekeeper time spent traveling on behalf of a client is billed to the client. Hotel, meals, local transportation, and similar expenses are charged based on receipts and travel expense forms submitted by the attorney. Documentation is available to the client if requested.

Maps

Maps produced in conjunction with a project will be billed at \$50 for each 34 x 44 inch map and \$20 for each smaller map, plus cost (time fees) for preparation.

Other Expenses

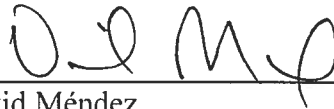
Expenses incurred with outside providers in connection with the client's legal services will be paid by the client directly to the outside provider unless specifically arranged in advance. If the firm agrees to pay outside providers, the cost charged to the client is the same as the amount billed to the firm. Examples of such charges include: court reporter fees, filing fees, newspaper charges for publication notices, expert witness fees, consultants and other similar expenses.

Exhibit B – Verification Required by Texas Government Code Chapter 2270
Bickerstaff Heath Delgado Acosta LLP

By signing below, Bickerstaff Heath Delgado Acosta LLP hereby verifies the following:

1. The Firm does not boycott Israel; and
2. The Firm will not boycott Israel during the term of this Engagement Agreement.

SIGNED BY:



David Méndez

January 31, 2019

This Verification is incorporated and made a part of the Engagement Agreement between Bickerstaff Heath Delgado Acosta LLP and the City of Manor, Texas.

**AGENDA ITEM SUMMARY FORM****PROPOSED MEETING DATE:** February 6, 2019**PREPARED BY:** Thomas Bolt**DEPARTMENT:** Development Services

AGENDA ITEM DESCRIPTION:

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.

BACKGROUND/SUMMARY:

The property owner at 709 N. Lexington Street has requested the alley right-of-way that bisects the property be closed and abandoned. The alley right-of-way is approximately 20' by 250'. The alley right-of-way is surplus and not necessary for use by the City, the general public, or the landowners adjacent thereto as an alley or street. This action will permanently close, abandon and vacate the alley right-of-way located between and perpendicular to Lexington and N. Caldwell Streets.

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

Ordinance No. 541

STAFF RECOMMENDATION:

It is City staff's recommendation 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.

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

ORDINANCE NO. 541

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, CLOSING, VACATING, AND ABANDONING AN ALLEY RIGHT-OF-WAY LOCATED BETWEEN AND PERPENDICULAR TO LEXINGTON STREET AND NORTH CALDWELL STREET AND BETWEEN AND PARALLEL TO WEST LANE AVENUE AND WEST TOWNES STREET; LOCATED IN BLOCK 8, LOTS 1-10, LANE A E ADDITION TO THE TOWN OF MANOR, A SUBDIVISION IN TRAVIS COUNTY, TEXAS; RECORDED IN VOLUME 2, PAGE 223A, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AUTHORIZING CONVEYANCE TO THE ABUTTING PROPERTY OWNER; AUTHORIZING THE EXECUTION OF A SPECIAL WARRANTY DEED; PROVIDING FINDINGS OF FACT; PROVIDING SEVERABILITY, AN EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the alley right-of-way located on the property described more particularly in Section 2 (the "Alley"), is surplus and not necessary for use by the City, the general public, or the landowners adjacent thereto as an alley or street, except as otherwise provided herein;

WHEREAS, Chapt. 272, *Tex. Loc. Gov't Code*, authorizes political subdivisions to sell and convey rights-of-way and easements to abutting owners in proportion to abutting ownership at an appraised fair market value;

WHEREAS, a single individual owner owns the property abutting both sides of the Alley;
and

WHEREAS, the City and the owner accepted a valuation of the Alley which establishes the fair market value of the above described Alley as being \$5,010.00;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Manor, Texas.

Section 2. The Alley. This Ordinance applies to the following property: that certain tract being alley right-of-way located between Lexington Street and N. Caldwell Street, being an approximate 20' by 250' portion of alley right-of-way abutting and located between Lots 1 - 10 in Block 8, Lane A E Addition to the Town of Manor, Travis County, Texas, recorded in Volume 2, Page 223A, of the Plat Records of Travis County Texas, and being more particularly shown and described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Alley").

Section 3. Right-of-Way. The Alley is hereby permanently closed, vacated, terminated, and abandoned by the City and the general public, subject to any restrictions, covenants, conditions and easements, if any, apparent on the ground, in use or existing of record.

Section 4. Consideration and Authorization to Execute Special Warranty Deed. The Mayor and the City Secretary be and are hereby authorized, empowered, instructed and directed to execute a special warranty deed, in a form substantially similar to that set forth in Exhibit "B", conveying the rights and interests of the City in the Alley to the abutting property owner, in proportion to their ownership of the abutting property; provided that the purchase price to be paid for the Alley shall be \$5,010.00. Upon the payment of the purchase price, any surveying fees incurred by the City in surveying the Alley, and attorneys fees related to drafting and reviewing documents necessary to convey the Alley, and the execution and recording of such deed, such deed shall be and become a valid and binding act and deed of the City of Manor, Texas.

Section 5. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

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

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

PASSED AND APPROVED on this ____ day of _____, 2019.

THE CITY OF MANOR, TEXAS

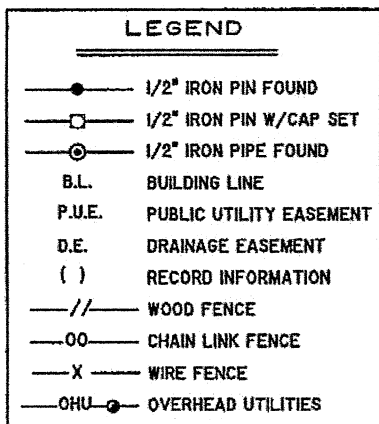
Rita G. Jonse,
Mayor

ATTEST:

Lluvia Tijerina, TRMC
City Secretary

Exhibit “A”

REFERENCE: REBECCA L. DAVIES AND JEFFREY A. WILKINSON



This property is in Zone "X" of the F.E.M.A. Flood Insurance Rate Map for Travis County, Texas, Community Panel No. 481027 0055 E, Dated June 16th, 1993.

Exhibit "B"

SPECIAL WARRANTY DEED

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§ KNOW ALL PERSONS BY THESE PRESENTS:

That the **City of Manor, Texas**, a Texas municipal corporation, hereinafter called "**GRANTOR**," for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), together with other good and valuable consideration, to **GRANTOR** cash in hand paid by

(insert name(s) of buyer), hereinafter called "**GRANTEE**", the receipt of which is hereby acknowledged, has **GRANTED, SOLD** and **CONVEYED**, and by these presents does **GRANT, SELL** and **CONVEY** unto the said **GRANTEE**, all that certain lot, tract or parcel of land known and described as follows:

PROPERTY: That certain tract being alley right-of-way located between Lexington Street and N. Caldwell Street in Manor, Travis County, Texas and being an approximate 20' by 250' portion of alley right-of-way abutting and located between Lots 1 - 10 in Block 8, Lane A E Addition to the Town of Manor, Travis County, Texas, recorded in Volume 2, Page 223A, of the Plat Records of Travis County Texas, and being more particularly shown and described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Alley").

This conveyance is expressly made subject to the easements reserved in this instrument, and the restrictions, covenants, conditions and easements, if any, apparent on the ground, in use or existing of record in the office of the County Clerk of Travis County, Texas, to which reference is here made for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said **GRANTEE**, the heirs, executors, successors and assigns forever, and **GRANTOR** does hereby bind its successors and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the said premises unto the said **GRANTEE**, the heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same by, through or under the City of Manor, Texas, but not otherwise.

EXECUTED at Manor, Travis County, Texas, this the ____ day of _____ 2019.

Attest:

City of Manor, Texas

Lluvia Tijerina, City Secretary

Rita G. Jonse, Mayor

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Rita G. Jonse, Mayor, of the City of Manor, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____ 2019.

Notary Public-State of Texas

AFTER RECORDING PLEASE RETURN TO:

City of Manor
City Secretary
P.O. Box 387
Manor, Texas 78653-0387

EXHIBIT “A” to Special Warranty Deed

LEGAL DESCRIPTION: LOTS 1,2,3,4,5,6,7,8,9 AND 10, BLOCK 8, A. E. LANE'S ADDITION TO THE TOWN OF MANOR, A SUBDIVISION IN TRA
TO THE MAP OR PLAT OF RECORD IN VOLUME 2, PAGE 223A, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

RECTOR STREET
(N 78°W)
(60' R.O.W.)

LOT 1
(125')
(50')

LOT 2
(125')
(50')

LOT 3
(125')
(50')

LOT 4
(125')
(50')

LOT 5
(125')
(50')

LOT 6
(125')
(50')

LOT 7
(125')
(50')

LOT 8
(125')
(50')

LOT 9
(125')
(50')

LOT 10
(125')
(50')

2-STORY BRICK & FRAME HOUSE
28.4'
17.5'
14.8'
18.7'
19.3'
17.7'
8.3'
20.5'
5.1'
8.3'
COV. WOOD DECK
BRICK WALK
CONC. SIDEWALK

FRAME SHED
18.1'
20.1'

METAL BARN
35.6'
(125')
33.4'
52.5'

2-STORY FRAME BLDG.
40.3'

WELL HOUSE
11.0'

SEPTIC
61.4'
61.3'

GRAVEL DRIVEWAY
78.6'

COV. AREA
N 12° C 6 C

EDGE OF PAVEMENT
(N 12°E) (80' R.O.W.)
N 12°00'00"E 250.00'








LEXINGTON STREET
(80' R.O.W.)
(S 12°W)
S 12°00'00"W 250.00'

GAS PIPELINE MARKER
O O TEL.

PER PLAT VOL. 2 PG. 223A

59.11' TEL.
S 13°19'31"W

LEGEND

	1/2" IRON PIN FOUND
	1/2" IRON PIN W/CAP SET
	1/2" IRON PIPE FOUND
B.L.	BUILDING LINE
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
()	RECORD INFORMATION
	WOOD FENCE
	CHAIN LINK FENCE
	WIRE FENCE
	OVERHEAD UTILITIES

This property is in Zone "X" of the F.E.M.A. Flood Insurance Rate Map for Travis County, Texas, Community Panel No. 481027 0055 E, Dated June 16th, 1993.