



Rita G. Jonse, Mayor  
Gil Burrell, 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**

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Wednesday, August 7, 2019

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**

**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.

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| 1. Consideration, discussion, and possible action to approve the City Council Minutes of the July 17, 2019, Regular Meeting.   | Lluvia T. Almaraz,<br>City Secretary |
| 2. Consideration, discussion, and possible action to approve a Resolution calling the November 5, 2019, General Election; Authorization of an Election Calendar; and Authorization for the Mayor to sign the Notice of General Election. | Lluvia T. Almaraz<br>City Secretary  |

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| 3. <u>Second and Final Reading</u> : Consideration, discussion and possible action on an ordinance amending Ordinance 459 Manor Commons East Planned Unit Development to repeal and replace Exhibit A to rezone 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family, being located near the intersection of N. FM 973 and Old Hwy 20. <b>Applicant</b> : ALM Engineering, Inc. <b>Owner</b> : Greenview Development 973, LP. | Scott Dunlop,<br>Asst. Dev. Services<br>Director |
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## REGULAR AGENDA

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| 4. <u>First Reading</u> : Consideration, discussion and possible action on an ordinance rezoning 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1). <b>Applicant</b> : Rene Maruri Avilez <b>Owner</b> : Rene Maruri Avilez | Scott Dunlop,<br>Asst. Dev. Services<br>Director |
| 5. Consideration, discussion, and possible action on a Right of Entry Agreement with Cellco Partnership d/b/a/ Verizon Wireless for right of entry to city property located at 901 ½ Burnet Street, Manor, Texas, Lot 1, Block 11 Town of Manor.  | Scott Dunlop,<br>Asst. Dev. Services<br>Director |
| 6. Consideration, discussion, and possible action on an ordinance amending Ordinance No. 518 by replacing the name of the official newspaper of the City from Manor Community News to The Manor Journal.  | Thomas Bolt,<br>City Manager                     |
| 7. Consideration, discussion, and possible action on the appointment of a Chairperson on the Park Committee to serve a one- year term.  | Thomas Bolt,<br>City Manager                     |
| 8. Consideration, discussion, and possible action on the Community Development Manager title.   | Tracey Vasquez,<br>HR Coordinator                |
| 9. Consideration, discussion, and possible action on professional services to be paid out of Hotel Occupancy Tax for the City of Manor Cemetery.  | Thomas Bolt,<br>City Manager                     |
| 10. Consideration, discussion, and possible action on amending the City of Manor's Public Improvement District (PID) Policy.  | Thomas Bolt,<br>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 – Interview Candidates for appointments to the Planning and Zoning Commission for Place No. 3, and Place No. 4.*

## 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, August 2, 2019, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/s/ Lluvia T. Almaraz, 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](mailto:ltijerina@cityofmanor.org)*



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** August 7, 2019

**PREPARED BY:** Lluvia T. Almaraz, City Secretary

**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action to approve the City Council Minutes of the July 17, 2019, Regular Meeting.

**BACKGROUND/SUMMARY:**

**PRESENTATION:** ☐ YES ☒ NO

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

July 17, 2019, Regular Meeting Minutes

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve the City Council Minutes for the July 17, 2019, Regular Meeting.

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

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**CITY COUNCIL  
REGULAR SESSION MINUTES  
JULY 17, 2019**

**PRESENT:**

Rita G. Jonse, Mayor

**COUNCIL MEMBERS:**

Gil Burrell, 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  
Denver Collins, Captain  
Scott Dunlop, Assistant Development Services Director  
Sarah Friberg, Court Clerk  
Michael Tuley, Director of Public Works

**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, July 17, 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, Lydia Collins, Director of Finance led the Pledge of Allegiance.

## PUBLIC COMMENTS

Shubhada Saxena with Aspire to Age, PBC, 555 E. 5<sup>th</sup> Street, Austin, Texas, spoke before City Council regarding the older adult services that are currently provided in the Austin area. Ms. Saxena introduced herself and discussed her background in social services. She is offering her assistance for older adult services in the Manor area for Asian Americans. Ms. Saxena requested more information on the needs for older adult services that are needed in the Manor community.

No one else appeared to speak at this time.

## CONSENT AGENDA

Mayor Jonse advised that Agenda Item No. 4 would be removed from the Consent Agenda per Council Member Hill for individual consideration and explanation. The remaining items on the Consent Agenda were recommended as followed:

1. **Consideration, discussion, and possible action to approve the City Council Minutes of the June 19, 2019, Regular Meeting.**
2. **Consideration, discussion, and possible action on the acceptance of the June 2019 Departmental Reports:**
  - **Police – Ryan Phipps, Chief of Police**
  - **Development Services – Scott Dunlop, Assistant Dev. Services Director**
  - **Municipal Court – Sarah Friberg, Court Clerk**
  - **Public Works – Mike Tuley, Director of Public Works**
  - **Finance – Lydia Collins, Director of Finance**
3. **Second and Final Reading: Consideration, discussion and possible action on an ordinance rezoning 5.091 acres of land out of the A C Caldwell Survey No. 52, Abstract 154, locally known as 15105 US Hwy 290 E, from Agricultural (A) to Medium Commercial (C-2). Applicant: AAA Storage LLC Owner: AAA Storage LLC**

Ordinance No. 544: An Ordinance of The City of Manor, Texas, Amending the Zoning Ordinance by Rezoning a Parcel of Land from Agricultural (A) to Medium Commercial (C-2); Making Findings of Fact; and Providing for Related Matters.

**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 and adopt all remaining items on the Consent Agenda. The motion carried unanimously.

4. **Second and Final Reading: Consideration, discussion and possible action on an ordinance rezoning 18.67 acres of land out of the Gates G Survey No. 63, Abstract 315, locally known as 12511 and 12601 US Hwy 290 E, from Agricultural (A) to Multi-Family (R-3) and Medium Commercial (C-2). Applicant: Callaway Architecture Owner: Pilot and Legacy Opportunity Fund, LLC**

Ordinance No. 545: An Ordinance of the City of Manor, Texas, Amending the Zoning Ordinance by Rezoning 18.69 Acre Tracts of Land from Agricultural (A) to Multi-Family (R-3) and Medium Commercial (C-2); Making Findings of Fact; and Providing for Related Matters.

The City staff's recommendation was that the City Council approve the second and final reading of Ordinance No. 545 for 18.67 acres of land out of the Gates G Survey No. 63, Abstract 315, locally known as 12511 and 12601 US Hwy 290 E, from Agricultural (A) to Multi-Family (R-3) and Medium Commercial (C-2) with the condition to cap affordable housing to 25% of dwelling units.

Council Member Hill inquired about the condition to cap affordable housing to 25% of dwelling units and the layout from Agriculture (A) to Medium Commercial (C-2).

City Manager Bolt explained that the request is only for the rezoning at this time and not for the layout of the project. He discussed the cap of 25% for affordable housing.

**MOTION:** Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Council Member Dye the Council voted six (6) For and one (1) Against to approve the second and final reading of Ordinance No. 545 for 18.67 acres of land out of the Gates G Survey No. 63, Abstract 315, locally known as 12511 and 12601 US Hwy 290 E, from Agricultural (A) to Multi-Family (R-3) and Medium Commercial (C-2) with the condition to cap affordable housing to 25% of dwelling units. Council Member Hill voted against. The motion carried.

## **PUBLIC HEARINGS**

- 5. Public Hearing and First Reading: Consideration, discussion and possible action on an ordinance rezoning 24.15 acres of land out of the James Manor Survey No. 40, Abstract 546, near Gregg Manor Road and Hill Lane and known as Las Entradas North, from Single Family (R-2) and Light Commercial (C-1) to Multi-Family (R-3) and Light Commercial (C-1). Applicant: Kimley-Horn & Assoc. Owner: Las Entradas Development Corporation**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council postpone the public hearing and the first reading of an ordinance rezoning 24.15 acres of land out of the James Manor Survey No. 40, Abstract 546, near Gregg Manor Road and Hill Lane and known as Las Entradas North, from Single Family (R-2) and Light Commercial (C-1) to Multi-Family (R-3) and Light Commercial (C-1) to the August 21, 2019 Regular City Council Meeting.

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 Weir and seconded by Council Member Hill the Council voted seven (7) For and none (0) Against to postpone the public hearing and the first reading of an ordinance rezoning 24.15 acres of land out of the James Manor Survey No. 40, Abstract 546, near Gregg Manor Road and Hill Lane and known as Las Entradas North, from Single Family (R-2) and Light Commercial (C-1) to Multi-Family (R-3) and Light Commercial (C-1) to the August 21, 2019, Regular City Council Meeting. The motion carried unanimously.

**6. Public Hearing and First Reading: Consideration, discussion and possible action on an ordinance rezoning 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1). Applicant: Rene Maruri Avilez Owner: Rene Maruri Avilez**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that City Council conduct a public hearing and approve the first reading of an ordinance rezoning 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1).

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

Council Member Burrell expressed his concerns regarding the rezoning in that location. He discussed the City staff's recommendations at the P&Z Commission meetings. He stated that when he was on the P&Z Commission at times, they did not have the opportunity to address rezoning issues due to staff's recommendations.

Council Member Burrell asked Council Member Dr. Wallace Jr., if he was ever given instructions by City staff on items that needed to be approved prior to the P&Z Commission meetings when he was part of the Commission. Council Member Dr. Wallace Jr. stated that items were presented as they are presented to Council in Regular Meetings with staff's recommendations only. He stated he was never directed to vote a certain way on any items prior to P&Z Commission meetings. Council Member Dr. Wallace stated items were also voted against even if city staff recommended approval.

Council Member Burrell stated the location was still too dangerous for the rezoning request.

Maricela Ponce, 430 W. Parsons St., Manor, Texas, spoke before City Council in support of this item. Ms. Ponce discussed her views regarding the potential for light commercial development in that location.



Council Member Dr. Wallace Jr. inquired about the 20/30-year Economic Development Plan for Lexington and Parson area. City Manager Bolt stated that Parson Street would eventually be another gateway to the city. He discussed the future development of the extension of Gregg Manor. He stated staff had always supported the commercial zoning for that area due to the current economic changes.

The discussion was held regarding the Economic Development Plan for the Lexington Street and Parson Street area.

The discussion was held regarding the C-1 requirements for development.

City Manager Bolt discussed the temporary uses that are currently in place on Parson St.

The discussion was held regarding the flood plain limitations on the area.

Mayor Pro Tem Amezcua inquired about the residential homes located in that area. City Manager Bolt stated that the residential homes in the area were currently vacant.

The discussion was held regarding other categories of rezoning in that location.

Council Member Hill inquired about the neighbors next to the property in questioned.

Ms. Ponce stated that one property was vacant, and the owner planned to request for rezoning to C-1 as well in the near future.

**MOTION:** Upon a motion made by Council Member Hill 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 Weir and seconded by Mayor Pro Tem Amezcua the Council voted seven (7) For and none (0) Against to postpone the first reading of an ordinance rezoning 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1) until further clarification on the supermajority vote to overrule the Planning and Zoning Commission recommendations.

**7. Public Hearing and First Reading: Consideration, discussion and possible action on an ordinance amending Ordinance 459 Manor Commons East Planned Unit Development to repeal and replace Exhibit A to rezone 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family, being located near the intersection of N. FM 973 and Old Hwy 20. Applicant: ALM Engineering, Inc. Owner: Greenview Development 973, LP.**

Mayor Jonse opened the public hearing.

The City staff's recommendation was that the City Council conduct a public hearing and approve the first reading of an ordinance amending Ordinance 459 Manor Commons East Planned Unit Development to repeal and replace Exhibit A to rezone 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family, being located near the intersection of N. FM 973 and Old Hwy 20.

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

City Manager Bolt discussed the amendment to Ordinance No. 459 for the 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family

The discussion was held regarding the expansion of FM 973.

**MOTION:** Upon a motion made by Council Member Hill and seconded by Mayor Pro Tem Amezcua 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 Weir and seconded by Council Member Dye the Council voted six (6) For and one (1) Against to approve the first reading of an ordinance amending Ordinance 459 Manor Commons East Planned Unit Development to repeal and replace Exhibit A to rezone 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family, being located near the intersection of N. FM 973 and Old Hwy 20. Council Member Hill voted against. The motion carried.

## **REGULAR AGENDA**

### **8. Consideration, discussion, and possible action on the Annual Audit of the Basic Financial Statements of the City of Manor, Texas for the year ended September 30, 2018.**

The City staff's recommendation was that the City Council accept and approve the Annual Audit of the Basic Financial Statements of the City of Manor, Texas for the year ended September 30, 2018.

Lydia Collins, Director of Finance, was available to address any questions posed by the City Council.

Jeremy Myers with Atchley & Associates, 1005 La Posada Drive, Austin, Texas, spoke before City Council regarding the audit findings for the City of Manor. Mr. Myers discussed GASB 75 regarding the city pension benefits. He stated overall the audit was very successful and there were no concerns at this time. He thanked City staff for their help throughout the audit process.

Council Member Dr. Wallace Jr. inquired about the significant amount of difference between the expenses of Streets; Municipal Court; and Sanitation for Governmental Activities from 2017 to 2018.

Director of Finance Collins explained the short fall on the amount for streets was due to the weather and the project was not completed as projected.

Mr. Myers stated that the Budget Amendment was accepted and approved with the short fall amounts recorded for the street project delay.

The discussion was held regarding the budget amounts for Municipal Court Expenditures. Director of Finance Collins discussed the expenditures of three (3) attorney judges and training for court bailiffs. She stated due to the addition of staff and training the expenditures for the court department increased.

Mayor Jonse thanked Mr. Myers for his services. Mr. Myers also stated there were no Audit Findings for the fiscal year ending in 2018.

**MOTION:** Upon a motion made by Council Member Dr. Wallace Jr. and seconded by Mayor Pro Tem Amezcua Council voted seven (7) For and none (0) Against to accept and approve the Annual Audit of the Basic Financial Statements of the City of Manor, Texas for the year ended September 30, 2018. The motion carried unanimously.

**9. Consideration, discussion, and possible action on a waiver request for Manor Heights Subdivision from Manor Code of Ordinances, Chapter 10, Article III, Section 41(b)(1) Drainage Improvements to only waive the requirements of Section 1.2.2(D) of the City of Austin's Drainage Criteria Manual. Applicant: Kimley-Horn & Associates. Owner: Sky Village Kimbro Estates, LLC.**

The City staff's recommendation was that the City Council approve a waiver request for Manor Heights Subdivision from Manor Code of Ordinances, Chapter 10, Article III, Section 41(b)(1) Drainage Improvements to only waive the requirements of Section 1.2.2(D) of the City of Austin's Drainage Criteria Manual.

City Manager Bolt discussed the drainage waiver request for Manor Heights Subdivision.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Burrell the Council voted seven (7) For and none (0) Against to approve a waiver request for Manor Heights Subdivision from Manor Code of Ordinances, Chapter 10, Article III, Section 41(b)(1) Drainage Improvements to only waive the requirements of Section 1.2.2(D) of the City of Austin's Drainage Criteria Manual. The motion carried unanimously.

**10. Acknowledge the resignation of Planning and Zoning Commissioner Gil Burrell, Place No. 3 and declare a vacancy.**

The City staff's recommendation was that the City Council acknowledge the resignation of Planning and Zoning Commissioner Gil Burrell, Place No. 3 and declare a vacancy.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Dye the Council voted seven (7) For and none (0) Against to acknowledge the resignation of Planning and Zoning Commissioner Gil Burrell, Place No. 3 and declare a vacancy. The motion carried unanimously.

**11. Acknowledge the resignation of Planning and Zoning Commissioner Mike Burke, Place No. 4 and declare vacancy.**

The City staff's recommendation was that the City Council acknowledge the resignation of Planning and Zoning Commissioner Mike Burke, Place No. 4 and declare vacancy.

**MOTION:** Upon a motion made by Council Member Weir and seconded by Council Member Dr. Wallace Jr. the Council voted seven (7) For and none (0) Against to acknowledge the resignation of Planning and Zoning Commissioner Mike Burke, Place No. 4 and declare vacancy. The motion carried unanimously.

Mayor Jonse adjourned the regular session of the Manor City Council into Executive Session at 7:46 p.m. Wednesday, July 17, 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 551.087, Texas Government Code, to deliberate an offer of financial or economic development incentive.* at 7:46 p.m., on Wednesday, July 17, 2019, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 8:10 p.m. on Wednesday, July 17, 2019.

**OPEN SESSION**

The City Council reconvene into Open Session to take action as determined appropriate in the City Council's discretion regarding an offer of financial or other economic development incentive at 8:10 p.m. on Wednesday, July 17, 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.

There was no action taken.

**ADJOURNMENT**

The Regular Session of the Manor City Council Adjourned at 8:10 p.m. on Wednesday, July 17, 2019.

These minutes approved by the Manor City Council on the 7<sup>th</sup> day of August 2019.

**APPROVED:**

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Rita G. Jonse  
Mayor

**ATTEST:**

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Lluvia T. Almaraz, TRMC  
City Secretary

Draft Minutes



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** August 7, 2019

**PREPARED BY:** Lluvia T. Almaraz, City Secretary

**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action to approve a Resolution calling the November 5, 2019, General Election; Authorization of an Election Calendar; and Authorization for the Mayor to sign the Notice of General Election.

**BACKGROUND/SUMMARY:**

The City of Manor will hold a General Election on November 5, 2019, for the following positions on the City Council: Mayor; Council Member, Place 1; Council Member, Place 3; and Council Member, Place 5. An election calendar has been prepared for the November 5, 2019, General Election, which will be included in the Candidates Packets. Notice of General Election will address polling locations for both Early Voting and Election Day to the registered voters of the City of Manor, Texas.

**PRESENTATION:** ☐ YES ☒ NO

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

Resolution No. 2019-07

Election Calendar

Notice of General Election (Draft)

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve Resolution No. 2019-07 calling the November 5, 2019, General Election; Approve the Election Calendar; and Authorize the Mayor to sign the final Notice of General Election.

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

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## **RESOLUTION NO. 2019-07**

**A RESOLUTION OF THE CITY OF MANOR, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) COUNCIL MEMBERS OF THE CITY COUNCIL (PLACE NOS. 1, 3, AND 5); MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTIONS; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Manor wishes to order a general election for the purpose of electing a Mayor and three (3) Council Members, by the qualified voters of the City of Manor; and

**WHEREAS**, the City Council wishes to proceed with the ordering of an election to be held on November 5, 2019; and

**WHEREAS**, the Texas Election Code is applicable to said election, and in order to comply with said Code, a resolution should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

**WHEREAS**, the City Council wishes to designate certain officials to conduct various aspects of election services for the City;

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

Section 1. General Election Ordered. A general election is hereby ordered to be held on November 5, 2019, for the purpose of electing a Mayor and three (3) Council Members: Council Member, Place 1; Council Member Place 3; and Council Member, Place 5; of the City of Manor, Texas.

Section 2. Joint Election Administration Contract. The City Secretary is hereby authorized to contract with Travis County for joint election services. In the event of a conflict between this Resolution and the Agreement, the Agreement shall control.

Section 3. Election Precincts 105; 106; 120 and Election Day Polling Place. The entire city shall be the election precinct for said election. The polling locations for Precincts 105; 106; and 120 are hereby designated by Travis County Elections Division.



Section 4. Election Officers. The Travis County Election Officer is appointed to serve as the City's Election Officer and Early Voting Clerk and shall coordinate, supervise, and conduct all aspects of administering voting for the City's joint elections. The Travis County Election Officer assumes the responsibility for recruiting election personnel and training thereof.

The City Secretary of the City of Manor will perform those election duties listed (1) through (8) below and any other election duties that may not be delegated to another governmental entity:

- (1). Preparing, adopting, and publishing all required elections orders, ordinances, notices and other documents, including bilingual materials, evidencing action by the City of Manor necessary for the conduct of the election;
- (2). Administer the City's duties under state and local campaign finance laws including but not limited to compliance with hours of operation, preparing and providing candidate information and filing forms for perspective interested citizens; receive filings for office and conduct the City's drawing for places on the ballot;
- (3). Preparing the text for the City's official ballot in English and Spanish, as required by law;
- (4). Providing the Election Officer with a list of candidates showing the order and the exact manner in which the candidates' names are to appear on the official ballot;
- (5). Assist the County whenever possible when required;
- (6). Conduct the official canvass of the City of Manor election;
- (7). Serve as the custodian of the City's election records; and
- (8). Filing the Participating Entity's annual voting system report to the Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

Section 5. Early Voting. That early voting, in said election, shall be designated by Travis County Elections Division. Requests for applications for early voting ballots, by mail, should be mailed to Travis County Clerk Elections Division, P.O. Box 149325, Austin, Texas 78714-9325.

Section 6. Candidate Filing Period. In accordance with Section 143.007(c)(2) of the Texas Election Code, the filing period for an application for a place on the ballot, for this election, is declared to begin at 8:00 a.m. on Saturday, July 20, 2019, and will conclude at 5:00 p.m. on Monday, August 19, 2019. All candidates for the offices to be filled, in the election, to be held on November 5, 2019, shall file their application to become candidates, with the City Secretary at City Hall, 105 E. Eggleston Street, Manor, Texas, on any weekday that is not a City holiday between 8:00 a.m. and 5:00 p.m., and all of said applications shall be on a form as prescribed by the Election Code of the State of Texas.

Section 7. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary, as provided by the Election Code. Such drawing will be held at 9:00 a.m. on Monday, August 26, 2019, at City Hall in the Council Chamber.

Section 8. Notice and Publication. This Resolution shall serve as the Order of Election (as required by Section 3.001 of the Code) for the General Election. A copy of the Resolution shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice of General Election (as required by Section 4.001 of the Code) shall be published in the newspaper in accordance with state law. A copy of the Notice of General Election shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election.

Section 9. Governing Law. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident, qualified voters of the City shall be eligible to vote at the election

Section 10. Necessary Actions. The Mayor and the City Secretary, in consultation with the City Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the City Charter, and the City Code in carrying out and conducting the election, whether or not expressly authorized by this Order.

Section 11. Election Results. The Travis County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on November 5, 2019. The official canvass, tabulations and declaration of the results of the election shall be conducted by the City Council at a regular meeting held in accordance with provisions of the Texas Election Code.

Section 12. Effective Date. That this resolution shall be effective immediately upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, ON THIS THE 7<sup>th</sup> DAY OF AUGUST 2019.**

**CITY OF MANOR, TEXAS**

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Rita G. Jonse,  
Mayor

**ATTEST:**

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Lluvia T. Almaraz, TRMC  
City Secretary

**CITY OF MANOR  
GENERAL ELECTION, NOVEMBER 5, 2019  
CANDIDATES CALENDAR**

<u><b>DATE</b></u>	<u><b>DAY</b></u>	<u><b>ACTION</b></u>
July 20, 2019	Saturday	First day for filing application for place on ballot; and First day for declaration of write-in candidacy
July 22, 2019	Monday	The City Secretary's Office will begin accepting applications at Manor City Hall (8:00 a.m. – 5:00 p.m.)
August 19, 2019	Monday	Last day to file for place on ballot (Must be received by 5:00 p.m.)
August 23, 2019	Friday	Last day for write-in candidate to declare candidacy (Must be received by 5:00 p.m.)
August 26, 2019	Monday	Drawing for place on ballot (9:00 a.m. – City Council Chambers)
August 26, 2019	Monday	Last day for candidate to withdraw and have name removed from ballot; Last day for write-in candidate to withdraw and have name removed from ballot; and Last day to declare candidate ineligible (Must be received by 5:00 p.m.)
October 7, 2019	Tuesday	Last day to register to vote
October 7, 2019	Monday	Due date for filing first report of campaign contributions and expenditures by opposed candidates – (Must be received by 5:00 p.m.)
October 21, 2019	Monday	FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE.
October 25, 2019	Friday	Last day to receive application by mail for a ballot to be voted by mail (Must be received by 5:00 p.m.)
October 28, 2019	Monday	Due date to file second report of campaign contributions and expenditures – (Must be received by 5:00 p.m.)
November 1, 2019	Friday	LAST DAY OF EARLY VOTING BY PERSONAL APPEARANCE
November 5, 2019	Tuesday	ELECTION DAY (7:00 a.m. – 7:00 p.m.) UNOFFICIAL TABULATION OF RESULTS <i>Last day to Receive Ballot by Mail by 7pm</i>
November 18, 2019	Monday	Called-Special City Council Meeting to Canvass the Returns of Election; Issue Certificates of Election; Administer Oaths of Office
January 15, 2020	Wednesday	Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)
July 15, 2020	Wednesday	Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)



## **NOTICE OF GENERAL ELECTION**

### **(AVISO DE ELECCIÓN GENERAL)**

To the registered voters of the City of Manor, Texas:  
(A los votantes registrados de la Ciudad de Manor, Tejas):

Notice is hereby given that the polling places listed on "Exhibit A" will be open from 7:00 a.m. to 7:00 p.m., on **Tuesday, November 5, 2019**, to the qualified voters of the City for the purpose of voting in a general election to elect a Mayor and Council Member - Place 1; Council Member - Place 3; and Council Member - Place 5.

*(Se da aviso por escrito que los lugares de votación que figuran en el "Exhibit A" estarán abiertos de 7:00 am a 7:00 pm, el **martes 6 de noviembre de 2019**, a los votantes calificados de la Ciudad con el propósito de votar en una elección general para elegir el Alcalde; Consejal de la Ciudad - Puesto 1; Consejal de la Ciudad - Puesto 3; Y Consejal de la Ciudad - Puesto 5.)*

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Early Voting by personal appearance shall be conducted jointly with other Travis County public entities beginning Monday, October 21 and ends Friday, November 1, 2019.

#### **Early Voting Schedule**

<b>Date</b>	<b>Time</b>
Monday through Saturday - October 21 - October 26, 2019	7:00 a.m. to 7:00 p.m.
Sunday - October 27, 2019	12:00 p.m. to 6:00 p.m.
Monday through Friday - October 28 - November 1, 2019	7:00 a.m. to 7:00 p.m.

*(La votación anticipada por aparición personal se llevará a cabo conjuntamente con otras entidades públicas del condado de Travis a partir del lunes 21 de octubre y terminará el viernes 1 de noviembre de 2019.)*

#### **Horario de votación anticipada**

<b>Fecha</b>	<b>Hora</b>
Lunes a Sábado - 21 de octubre - 26 de octubre de 2019	7:00 a.m. a 7:00 p.m.
Domingo - 27 de octubre de 2019	12:00 p.m. a 6:00 p.m.
De lunes a viernes - 28 de octubre - 1 de noviembre de 2019	7:00 a.m. a 7:00 p.m.

Please See "Exhibit B" for Travis County Early Polling Locations and "Exhibit C" for Travis County Early Mobile Voting Locations.

*(Por favor vea el "Exhibit B" para las ubicaciones de votación temprana del Condado de Travis y el "Exhibit C" para las ubicaciones móvil de votación temprana del Condado de Travis.)*

Applications for ballots by mail shall be mailed to:

*(Las solicitudes para boletas de votación por correo se enviarán a:)*

Elections Division  
Travis County Clerk  
P.O. Box 149325  
Austin, TX 78714-9325

Applications for ballots by mail must be received no later than the close of business on October 25, 2019.  
*(Las solicitudes de boletas por correo deben ser recibidas a más tardar al cierre del día 25 de octubre de 2019.)*

Issued this the 7<sup>th</sup> day of August 2019.

*(Publicado el 7 de agosto de 2019)*

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Rita G. Jonse, Mayor



## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 7, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Second and Final Reading: Consideration, discussion and possible action on an ordinance amending Ordinance 459 Manor Commons East Planned Unit Development to repeal and replace Exhibit A to rezone 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family, being located near the intersection of N. FM 973 and Old Hwy 20. Applicant: ALM Engineering, Inc. Owner: Greenview Development 973, LP.

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### BACKGROUND/SUMMARY:

As currently proposed, the realigned 973 will bridge over the rail line and Old Hwy 20 and utilized frontage type roads to route traffic between Old Hwy 20 and 973 where it connects with Ring Road. Due to the roadway being elevated, this corner of Manor Commons is less desirable for retail commercial because access will be limited but it would function well for apartments. Therefore, the developer is seeking to designate the approx. 15 acres as Commercial PUD/Multi-Family which would maintain the commercial uses if that ends up being a viable option but adds the ability for the site to develop as apartments.

The Planning Commission voted 5-0 to approve. The Public Hearing and first reading of the ordinance was approved at the July 7, 2019, Regular Council Meeting.

PRESENTATION: ☐ YES ☒ NO

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

Ordinance No. 546

Rezoning Map

Notice Letter

Mailing Labels

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the second and final reading of Ordinance No. 546 amending Ordinance 459 Manor Commons East Planned Unit Development to repeal and replace Exhibit A to rezone 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family, being located near the intersection of N. FM 973 and Old Hwy 20.

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

## **ORDINANCE NO. 546**

### **AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING ORDINANCE 459 BY REPEALING AND REPLACING EXHIBIT "A" TO REZONE 14.68 ACRES OF LAND FROM COMMERCIAL-PUD TO COMMERCIAL PUD/MULTI-FAMILY; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, Ordinance 459 was adopted by the City of Manor City Council on March 1, 2017;

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that 14.68 acres of the Property be rezoned;

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

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

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

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

**Section 2. Amendment of Ordinance.** City of Manor Ordinance 459 is hereby modified and amended by repealing Exhibit A in its entirety and replacing it with a new Exhibit A hereto attached describing the rezoning of 14.68 acres of land from Commercial-PUD to Commercial PUD/Multi-Family.

**Section 3. Amendment of Conflicting Ordinances.** Exhibit "A" of the City's Ordinance 459 is hereby amended as provided in this Ordinance. The remainder of Ordinance 459 remains in effect as adopted. All ordinances and parts of ordinances in conflict with this Ordinance are amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.



**PASSED AND APPROVED FIRST READING** on this the 17<sup>th</sup> day of July 2019.

**PASSED AND APPROVED SECOND AND FINAL READING** on this the 7<sup>th</sup> day of August 2019.

**THE CITY OF MANOR, TEXAS**

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Rita G. Jonse,  
Mayor

**ATTEST:**

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Lluvia T. Almaraz, TRMC  
City Secretary

**EXHIBIT “A”**

Property Address: SE Corner of US Hwy 290 and FM 973

Property Legal Description:

Tract 1: Being 39.15 acres of land located in the Greenbury Gates survey number 63, abstract 315 and the Calvin Barker Survey number 38, abstract number 58, in Travis County, Texas and being all of a called 39.169 acre tract of land recorded in the name of Michael J. Paclik in volume 11368, page 1134, of the Travis County Deed Records (T.C.D.R).

Tract 2: Being 104.61 acres of land located in the Greenbury Gates survey number 63, abstract number 315 and the Calvin Barker survey number 38, abstract 58, in Travis County, Texas, and being all of a called 105.50 acre tract of land recorded in the name of George Bell in volume 869, page 550 of the Travis County Deed Records (T.C.D.R).

Tract 3: All of that certain 3.017 acre (131,422 S.F.) tract or parcel of land situated in the Greenbury Gates survey number 63, abstract 315, Travis County, Texas and being a portion of the existing Texas Department of Transportation right-of-way (R.O.W.) at the southeast intersection of U.S. Highway 290 and F.M. 973, conveyed to the State of Texas from Mrs. Cecil Hague in volume 622, page 450 of the Travis County Deed Records (T.C.D.R.) and awarded in judgement of condemnation against J.M. Ashmore and wife in volume K, page 35 of the Civil Minutes of Travis County (C.M.T.C.).

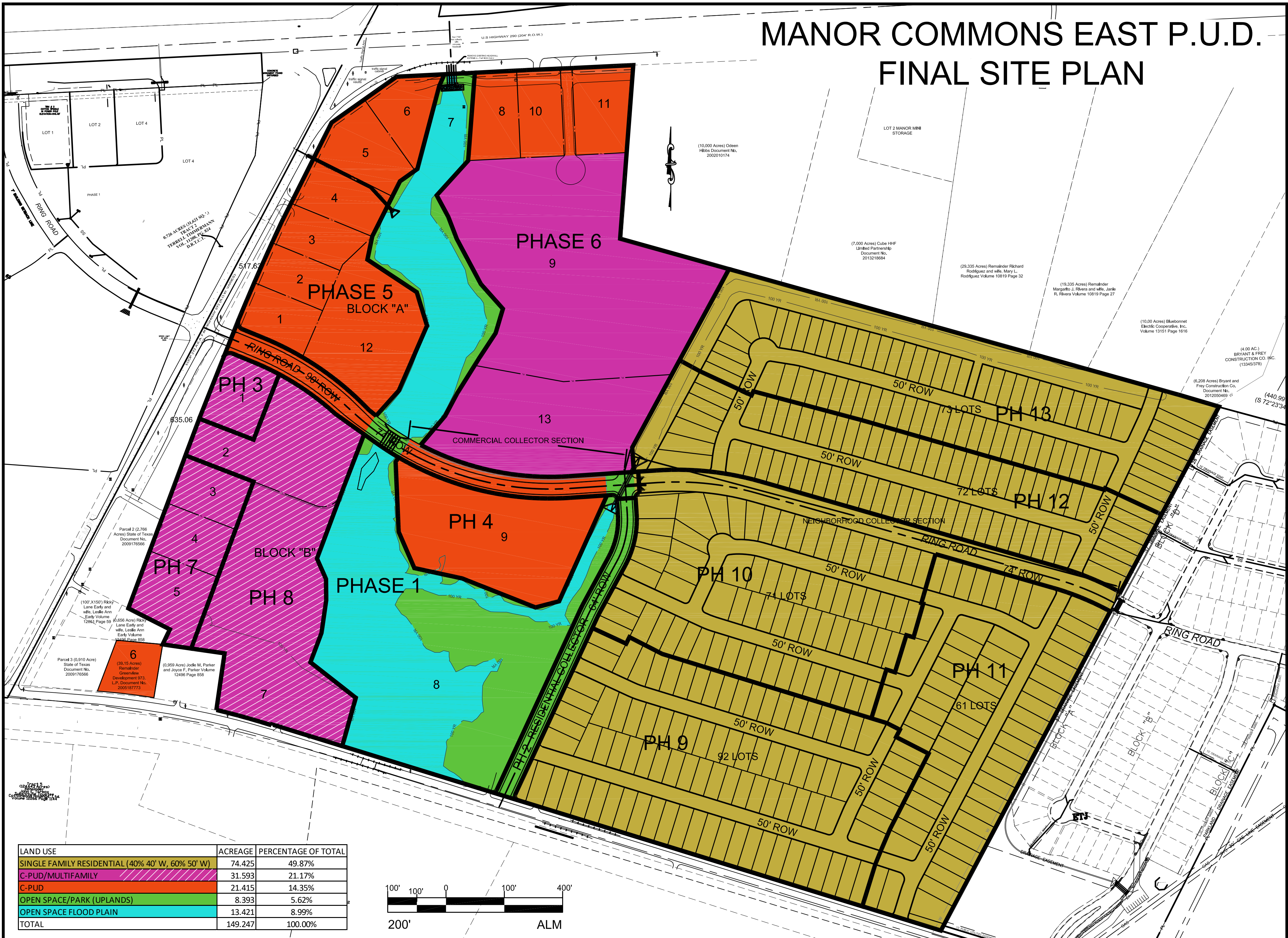
Tract 4: All of that certain 2.50 acre tract or parcel of land, situated in the Greenbury Gates survey number 63, abstract 315, Travis County, Texas and being all of a called 2.50 acre tract of land recorded in the name of son Tan Ma in volume 99845, page 595 of the Travis County Deed Records (T.C.D.R).

Tract 5: All of that certain 3.62 acre tract or parcel of land, situated in the Greenbury Gates survey 63, abstract 315, Travis County, Texas and being all of a called 3.62 acre tract of land recorded in the name of Billie J. and Barbara K Lyna in volume 6153, page 2376 or the Travis County Deed Records (T.C.D.R.).

**MANOR COMMONS EAST P.U.D FINAL SITE PLAN**



MANOR COMMONS EAST P.U.D.  
FINAL SITE PLAN



LAND USE	ACREAGE	PERCENTAGE OF TOTAL
SINGLE FAMILY RESIDENTIAL (40% 40' W, 60% 50' W)	74.425	49.87%
C-PUD/MULTIFAMILY	31.593	21.17%
C-PUD	21.415	14.35%
OPEN SPACE/PARK (UPLANDS)	8.393	5.62%
OPEN SPACE FLOOD PLAIN	13.421	8.99%
TOTAL	149.247	100.00%



C-PUD  
Proposed and Permitted Uses. This district allows a mix of commercial uses including, retail, office, commercial, and similar uses excluding residential and multifamily. This district allows the retail sale of goods and products (in the following listed use areas) to which value has been added on-site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following:

- Administrative Offices and Administrative Services,
- Art Gallery and Art Workshop,
- Automotive Rental,
- Aviation services,
- Bed and Breakfast,
- Business and Trade Schools,
- Civic Uses including but not limited to: a college or university, cultural services, Communication Service Facilities, Community Events, Community Recreation, Local Utility Services, Major Public Facilities, Private and Public Primary and Secondary Education Facilities, Postal Facilities, Religious Assembly, Safety Services, Transportation Terminal and all other Civic Uses (c).
- Club or Lodge,
- Communication Services,
- Construction Sales and Services,
- Convenience Storage,
- Cocktail lounge,
- Consumer Convenience Services,
- Consumer Convenience Stores,
- Consumer Repair Services,
- Counseling Services,
- Day Care Services,
- Employee Recreation,
- Financial Services,
- Florist,
- Food Court Establishment
- Food Preparation less than 5,000 Sq. Ft. GFA
- Food Sales,
- Funeral,
- General Retail Sales,
- Hospital Services,
- aa) Hotel and Motel,
- bb) Indoor Entertainment and Indoor Sports and Recreation,
- cc) Kennels,
- dd) Laundry Services,
- ee) Liquor Sales,
- ff) Medical Offices,
- gg) Monument Retail Sales,
- hh) Off-Site Accessory Parking,
- ii) Outdoor Entertainment and Outdoor Sports and Entertainment,
- jj) Personal Improvement Services and Personal Services,
- kk) Pet Services,
- ll) Plant Nursery,
- mm) Printing and Publishing,
- nn) Professional Office,
- oo) Recreation Equipment Sales,
- pp) Restaurant,
- qq) Restaurant with drive-through
- rr) Service Station,
- ss) Theater,
- tt) Veterinary Services.

Subdivision Information and Guidelines

The Subdivision Allowances and Guidelines requested by the Manor Commons East PUD are as follows:

- Lot frontage widths of single-family lots shall be as follows:
  - Not more than 40% of such lots, not including cul-de-sac lots, may have a lot frontage width of not less than 40 feet.
  - 60% or more of such lots, not including cul-de-sac lots, shall have a lot frontage width of 50 feet or greater.
- The minimum single-family residential lot shall be 4,800 square feet.
- Single Family residential lots shall have a minimum side set back of five (5) feet for each lot.
- Single family residential lots shall have a minimum rear set back of ten (10) feet for each lot.
- Lots shall not be required to face a similar lot across the street.
- Concept Plan and the Preliminary Plat will expire five (5) years after the filing date instead of the period designated in Ordinance No. 263B.
- Unless the Final Plat is recorded in the Official Public Records within two years of approval by the Commission, such approval shall be void, except that the developer may apply in writing to allow extension of approval prior to the end of such two (2) year period, stating just cause therefore, and the Commission may grant an extension not to exceed one year.

Zoning Guidelines Requested and Zoning Information Provided

The Zoning Allowances and Guidelines requested for the Manor Commons East PUD are as follows:

1. Approved Land Uses

The land uses shown on the master plan shall be permitted. Changes to the location of the land uses shown on the master plan shall be granted by the planning and zoning commission if (a) the proposed land uses are consistent with the following table; or (b) the change in location of land uses does not result in a higher density use than the use shown on the master plan. Any application for a change in location of land uses is deemed approved if the planning and zoning commission does not disapprove it within 30 days after the date the application is filed with the city secretary. If the planning and zoning commission disapproves an application for a change of land uses, then the applicant may appeal that disapproval to the City Council. The City Council will act on appeal within 30 days of the date the appeal is filed with the City Secretary.

LAND USE	ACREAGE	PERCENTAGE OF TOTAL ACREAGE
SINGLE FAMILY RESIDENTIAL	74.425	49.87 %
MULTIFAMILY (R-3) / COMMERCIAL C-PUD	31.593	21.17 %
COMMERCIAL C-PUD	21.415	14.35 %
OPEN SPACE / CITY PARKLAND	21.814	14.61 %
TOTAL	149.247	100.0 %

2. Minimum Lot Size, Height, and Lot Width Information

LAND USE	FRONT YARD SETBACK (FT)	SIDE YARD SETBACK (FT)	STREET SIDE YARD SETBACK (FT)	REAR YARD SETBACK (FT)	MINIMUM LOT SIZE (SQ. FT)	MINIMUM LOT WIDTH (FT)	MAX HEIGHT LIMIT (FT)
SINGLE FAMILY RES.	20	5	15	10	4,800	40	35
R-3	25	5	15	10	7,500	50	50
C-PUD	25	7	15	15	5,750	50	50
OS	25	10	15	25	7,500	60	35

- Note: Single Family Development will follow the guidelines above and below when such category is listed (when a guideline is not listed, Single Family will default to R-2 zoning in the City of Manor Zoning Ordinance for interpretation of a specific guideline):
- Not more than 40% of such lots, not including cul-de-sac lots, may have a lot frontage width of not less than 40 feet.
  - 60% or more of such lots, not including cul-de-sac lots, shall have a lot frontage width of 50 feet or greater.
  - The minimum single-family residential lot shall be 4,800 square feet.
  - Duplexes will not be allowed.
  - Cul-de-sac lots shall have minimum frontage of 33 feet.

3. Multifamily Development

Multifamily Development will follow the guidelines above and below for R-3 zoning when such category is referenced unless an exception is noted. Multifamily development will not allow more than 25% of any project to be affordable units that are in a government program with the exception of Senior Housing in which a community may have an unlimited amount of affordable units. When no specific guideline is listed, Multifamily Development will follow the R-3 Zoning guidelines listed in the City of Manor Zoning Ordinance 185-P effective as of June 20, 2016.

4. Commercial Development

Commercial Development will follow the uses and guidelines listed under C-PUD. When a specific guideline is not listed, Commercial Development will follow the guidelines as listed under C-1 and C-2 Zoning in the City of Manor Zoning ordinance 185-P effective as of June 20, 2016.

5. Lot Coverage

TABLE 3: ALLOWABLE LOT COVERAGE

LAND USE	MAIN BUILDINGS	MAIN AND ACCESSORY BUILDINGS
Single Family Residential	40%	50%
R-3	40%	50%
C-PUD	60%	70%
OS	50%	60%

Note: Single Family development will follow the Single Family Residential Guidelines. Multifamily will follow the R-3 Guidelines, Commercial development will follow the C-PUD Guidelines and Open Space will follow the OS guidelines.

6. Open Space

In addition, to the uses allowed under the OS guidelines, food trailers will be a permitted use. Parkland Dedication requirements for the entire PUD including but not limited to single family, multifamily and commercial will be satisfied upon the dedication of Open Space to the City of Manor by developer.

7. Landscaping

The following percentage of the net area of each lot shall be landscaped. The net lot area shall equal the total area less the area to be left unimproved because of the existence of natural features that are worthy of preservation or that would make improvements impractical.

TABLE 4: LANDSCAPING REQUIREMENTS

LAND USE	NET LOT AREA
Single Family Residential	SEE NOTE
R-3	20%
C-PUD	15%
OS	20%

Note: minimum landscaping requirements for each lot within a single-family dwelling shall be a minimum of two (2) two-inch trees, six (6) two-gallon shrubs and lawn grass from the property line to the front two (2) corners of the structure. Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public right of ways.

8. Maximum Density

TABLE 5: ALLOWABLE MAXIMUM DENSITIES

LAND USE	MAXIMUM DENSITY
R-3	23 UNITS PER ACRE
C-PUD	1.8 TO 1 FAR

9. Tree Removal and Tree Mitigation

For any commercial lots, all tree mitigation related to a particular lot will occur and be addressed at the time of a site development permit related to such particular lot and will not be required to be addressed prior to such time.

10. Sidewalks on Ring Road

No sidewalks will be required on Ring Road on the south side of the road in areas designated on Exhibit A as an 8 foot concrete walk along the north side of Ring Road. An 8 foot sidewalk will be required on the north side of Ring Road in such designated areas.

11. Landscaping

Landscaping will comply with City of Manor Ordinance 365.

12. Off-street Parking and Loading Facilities

Standard City of Manor Parking requirements will be used but any user may apply for a variance from the City of Manor parking requirements with signed authorization from the developer without revising or amending the PUD document.

13. Environmental

Development will be in accordance with the Environmental Assessment for the site.

14. Drainage

A CLOMR has been approved for the proposed development and drainage requirements will be demonstrated with the Preliminary Plan Submittal.

15. Water and Wastewater

Wastewater for the entire development will be provided by the City of Manor. Water for the commercial areas will be provided by the City of Manor and for the residential areas by Manville W.S.C. The area designated as potential multifamily will be served by Manville W.S.C. unless they differ to the City of Manor.

16. Garbage Service

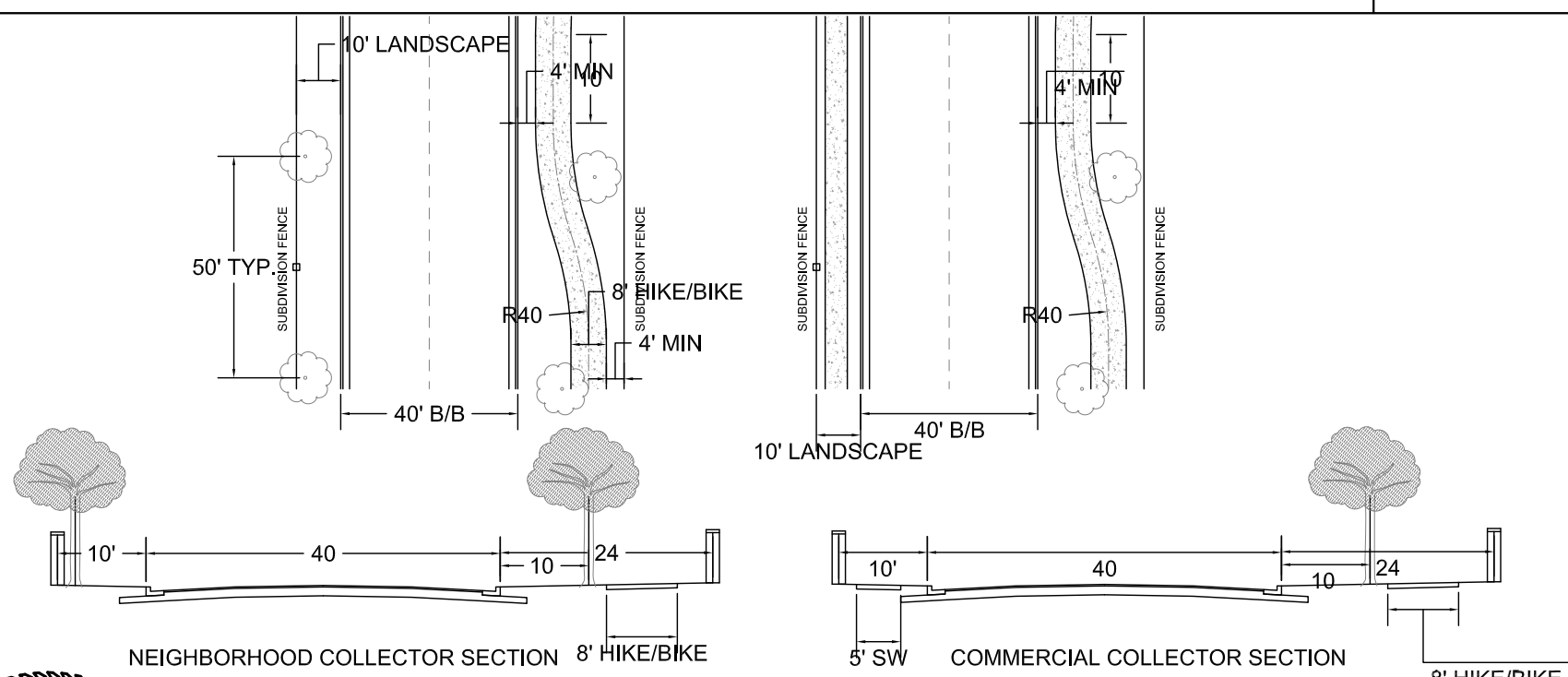
Garbage Service will be provided by a state permitted waste disposal service.

17. Electric and Gas

Electric service will be provided by Bluebonnet Electric. Gas service will be provided by Atmos.



LOCATION MAP  
SCALE 1"=2000'



ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Manor, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, A.D.

Approved:

Attest:

William Myers, Chairperson

City Secretary

ACCEPTED AND AUTHORIZED for record by the City Council of the City of Manor, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, A.D.

Approved:

Attest:

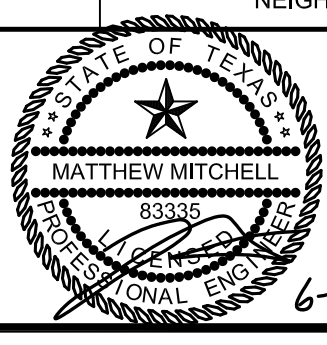
Rita G. Jonse, Mayor

City Secretary

MANOR COMMONS EAST P.U.D.

FINAL SITE PLAN

MANOR, TEXAS



ALM ENGINEERING, INC.

CONSULTING ENGINEERS  
1705 S Capital of TX Hwy, Ste. 150  
Austin, Texas, 78746.

(512)431-9600 \* almeng@sbcglobal.net

F-3565

SCALE:	1"=200'	#	REVISION	DATE
DATE:	6/10/2019	1	INCREASE C-PUD/MULTIFAMILY ZONING AREA	6/10/2019
JOB:	DRAINAGE			
DRAWN BY:				
CHECKED BY:	MM			





June 21, 2019

RE: Manor Commons East Planned Unit Development Amendment

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting public hearings to consider an amendment to the Manor Commons East Planned Unit Development. 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:

**Public Hearing: Consideration, discussion and possible action on an amendment to the Manor Commons East Planned Unit Development to change 14.64 acres from Commercial-PUD to Commercial PUD/Multi-Family and being located near the intersection of N. FM 973 and Old Hwy 20.**

The Planning and Zoning Commission will convene at 6:30PM on July 10, 2019 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on July 17, 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](mailto:sdunlop@cityofmanor.org)

Sincerely,

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



## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 7, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

First Reading: Consideration, discussion and possible action on an ordinance rezoning 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1). Applicant: Rene Maruri Avilez Owner: Rene Maruri Avilez

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### BACKGROUND/SUMMARY:

This property is across the street from the Lions Club which is zoned C-1 and is 4 properties to the east of a C-1 zoned property. The future Gregg Manor extension will create an intersection where the Lions Club driveway exists currently.

The Planning Commission voted 4-1 to approve. The Public Hearing was conducted and close at the July 7, 2019, Regular Council Meeting. The first reading of the ordinance was postpone to the August 7, 2019, Regular Council Meeting due to supermajority vote clarification.

PRESENTATION: ☐ YES ☒ NO

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

Ordinance  
Rezoning Map  
Area Map  
Notice Letter  
Mailing Labels

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the first reading of an ordinance rezoning 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1).

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

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

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

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

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

**PASSED AND APPROVED FIRST READING** on this the 17<sup>th</sup> day of July 2019.

**PASSED AND APPROVED SECOND AND FINAL READING** on this the \_\_\_\_ day of August 2019.

**THE CITY OF MANOR, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
Lluvia T. Almaraz, TRMC  
City Secretary



**EXHIBIT “A”**

Property Address:  
430 West Parsons Street, Manor, Texas 78653

Property Legal Description:  
0.56 acres of land out of the James Manor Survey No. 40, Abstract 546

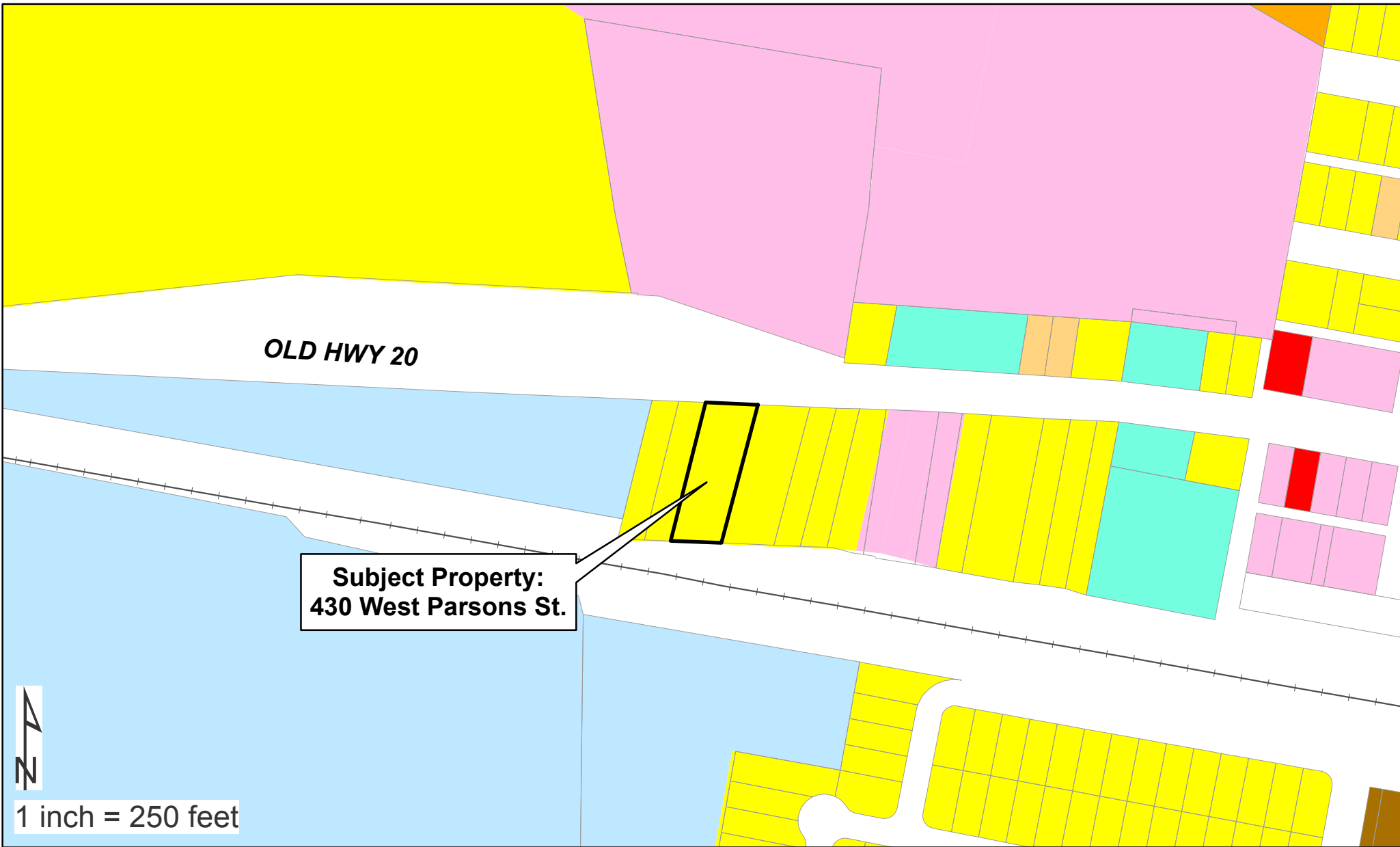
BEGINNING at a ½” iron rod found for the northeast corner of the herein described tract, being on the south right-of-way line of Parson Street (Old State Highway 20) and is the northwest corner of that 0.63-acre tract of land conveyed to Samuel and Racheal Jones by the deed recorded in Volume 12787, Page 2149 of the said Deed Records;

THENCE, S10° 07’ 00” W, (S12° 15’ W – 275.00 feet), with the west line of said 0.63 acre tract, at a distance of 230.18 feet passing a ½” iron rod found perpendicular and 2.41 feet to the east, continuing for a total distance of 256.81 feet to a ½” iron rod set with a plastic cap (stamped “Capital Surveying Co. Inc.”) for the southeast corner of the herein described tract, being on the north right-of-way line of the old H. & T.C. Railroad (200 feet wide), said railroad right-of-way having been conveyed to the City of Austin by a Quit Claim Deed recorded in Volume 9837, Page 414 of the aforementioned Deed Records;

THENCE, N79° 53’ 00” W, (West – 100.00 feet), along the north line of the said railroad right-of-way, being parallel with and 100.00 feet northeast of the center of the existing rails, a distance of 96.53 feet to a ½” iron rod set with a plastic cap (stamped “Capital Surveying Co. Inc.”) for the southwest corner of the herein described tract and the southeast corner of that 0.31 acre tract of land conveyed to Morris Williams by a deed recorded in Volume 4018, Page 1794 of the above said Deed Record;

THENCE, N10° 07’ 00” E, (N12° 15’ – 275.00 feet), leaving the north line of the said railroad right-of-way, with the east line of the 0.31 acre tract, 244.40 feet to a ½” iron rod set with a plastic cap (stamped “Capital Surveying Co. Inc.”) for the northwest corner of the herein described tract, being on the south right-of-way line of the aforesaid Parsons Street and the northeast corner of the said 0.31 acre tract bears N87° 12’ 34” W 50.41 feet;

THENCE, S87° 12’ 34” E, (East – 100.00 feet), with the south right-of-way line of Parsons Street, 97.33 feet to the POINT OF BEGINNING, and CONTAINING within these metes and bounds 0.5554 acres of land area.



# **Proposed Zoning: Light Commercial (C-1)**

*Current Zoning District:  
Single Family Residential (R-1)*

Zone		
<span style="background-color: yellow;"> </span>	R-1 - Single Family	<span style="background-color: red;"> </span> DB - Downtown Business District
<span style="background-color: orange;"> </span>	R-2 - Single Family	<span style="background-color: lightcoral;"> </span> NB - Neighborhood Business
<span style="background-color: darkorange;"> </span>	R-3 - Multi Family	<span style="background-color: purple;"> </span> IN-1 - Light Industrial
<span style="background-color: brown;"> </span>	R-4 - Multi Family Special	<span style="background-color: darkblue;"> </span> IN-2 - Heavy Industrial
<span style="background-color: lightblue;"> </span>	M-1 - Manufactured Housing	<span style="background-color: cyan;"> </span> I - Institutional
<span style="background-color: darkblue;"> </span>	M-2 - Manufactured Housing Park	<span style="background-color: lightgreen;"> </span> PUD - Planned Unit Development
<span style="background-color: pink;"> </span>	C-1 - Light Commercial	<span style="background-color: green;"> </span> A - Agricultural
<span style="background-color: magenta;"> </span>	C-2 - Medium Commercial	<span style="background-color: lightblue;"> </span> Manor ETJ









June 21, 2019

RE: 430 West Parsons Street Rezoning

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting public hearings to consider a rezoning request for 430 West Parsons Street. 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:

**Public Hearing: Consideration, discussion and possible action on a rezoning request for 0.56 acres of land out of the James Manor Survey No. 40, Abstract 546, locally known as 430 West Parsons Street, from Single Family (R-1) to Light Commercial (C-1).**

The Planning and Zoning Commission will convene at 6:30PM on July 10, 2019 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on July 17, 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](mailto:sdunlop@cityofmanor.org)

Sincerely,

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

Margarita De Mireles &  
Christian Mireles  
11202 Burton St  
Manor Tx, 78653

Martin Urbano & Lucia De Urbano  
12202 Abernathy St  
Manor Tx, 78653

Travis County  
PO BOX 1748  
Austin TX, 78767

Arthur & Nydia Jimenez  
11301 Carrie Manor St  
Manor Tx, 78653

Jorge Briones &  
Walkiria Cardy-Briones  
945 Playa Del Norte Dr  
Tempe Arizona, 85281

Selendra & Davis Laabs  
12204 Abernathy St  
Manor Tx, 78653

Jessica & Joshua Avery  
12206 Abernathy St  
Manor Tx, 78653

Marcos Chavez  
12555 Kimbro Rd  
Manor Tx, 78653

Elbert Burns  
PO Box 413  
Manor Tx, 78653

Joetta Wilson  
411 W Parsons St  
Manor Tx, 78653

Juan Benites  
4704 W Parsons St  
Manor Tx, 78653

Chiamo Okoro  
11503 Hereford St  
Manor Tx, 78653

Ambus & Purinea Habbit  
432 W Parsons St  
Manor TX, 78653

Felipe Carbajol & Isabel Ortuno  
PO Box 214  
Manor Tx, 78653

Finish Milligan  
409 W Parson St  
Manor Tx, 78653

Oralia Riojas  
PO BOX 89  
Manor Tx, 78653

Greal & Daisy Barrs  
421 W Parsons st  
Manor Tx, 78653

Samuel & Rachel Jones  
PO Box 416  
Manor Tx, 78653

Entradas Las  
9900 US Highway 290  
Manor Tx, 78653

Antonio Esparza  
16709 Hamilton Point Cir  
Manor Tx, 78653

Iglesia Nueva Vida Pentecostal  
UPCI  
Burns Mem Temple Ch Of God In  
413 W Parsons St  
Manor Tx, 78653

Roberto Montero  
709 Busleigh Castle  
Pflugerville Tx, 78660

Travis County Emergency Services  
PO Box 846  
Manor Tx, 78653

Audrey Smith  
10304 Ivy Jade  
Schertz Tx, 78154

Lions Club of Manor Inc  
PO Box 68  
Manor Tx, 78653



AGENDA ITEM NO. 5

## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 7, 2019

PREPARED BY: Scott Dunlop, Assistant Development Director

DEPARTMENT: Development Services

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on a Right of Entry Agreement with Cellco Partnership d/b/a/ Verizon Wireless for right of entry to city property located at 901 ½ Burnet Street, Manor, Texas, Lot 1, Block 11 Town of Manor.

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### BACKGROUND/SUMMARY:

Verizon has been doing preliminary work to see if the un-used water tower behind Sonic on 290 would be appropriate to collocate new cell facilities rather than building a new tower in the area. As part of their background they would like access to the site to take paint and soil samples as well as other measurements. In order to attach the facilities they would still need a conditional use permit approved by Council.

PRESENTATION: ☐ YES ☒ NO

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

Right of Entry Agreement

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve a Right of Entry Agreement with Cellco Partnership d/b/a/ Verizon Wireless for right of entry to city property located at 901 ½ Burnet Street, Manor, Texas, Lot 1, Block 11 Town of Manor.

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

## RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT ("Agreement"), made as of the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_, between Cellco Partnership d/b/a Verizon Wireless, with an address at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 ("VERIZON WIRELESS") and The City of Manor, with a mailing address of 105 E. Eggleston Street Manor, TX 78653 (hereinafter referred to as "LICENSOR").

### WITNESSETH:

**WHEREAS**, LICENSOR owns or has the rights to certain real property in Travis County, Texas as identified in Exhibit A attached hereto and incorporated herein (the "Site"), and has the authority to grant the access permitted by this agreement, to the Site where VERIZON WIRELESS desires to construct a communications tower or collocate on an existing structure and to install related equipment;

**WHEREAS**, VERIZON WIRELESS and LICENSOR are in the process of negotiating an agreement for the lease or purchase of the Site, and in order for VERIZON WIRELESS to determine the viability and feasibility of the Site, VERIZON WIRELESS desires to enter upon and inspect the Site and/or to temporarily locate communications equipment on the Site to conduct short term radio propagation tests such that it can determine the suitability of the Site for its intended use; and

**WHEREAS**, as an accommodation to VERIZON WIRELESS, LICENSOR is willing to grant permission to VERIZON WIRELESS, its employees, agents or contractors, to enter onto the Site in order to conduct such investigations, under the terms and conditions stated herein.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the parties hereto agree as follows:

1. LICENSOR grants to VERIZON WIRELESS a right of entry and license to enter upon the Site as identified on Exhibit A attached hereto and incorporated herein to conduct and perform boundary surveys, tree surveys, environmental testing, and radio propagation studies (the "Permitted Activities"). VERIZON WIRELESS' entry rights are specifically limited to the Permitted Activities and to the Site and shall not include any other activities or any other portion of the real property surrounding the Site. VERIZON WIRELESS shall be responsible for any and all costs related to the Permitted Activities, including installation, operation and removal of equipment on the Site.
2. No annual fee shall be due in connection with this Agreement.
3. VERIZON WIRELESS agrees to comply with all local, state and federal laws,



rules and ordinances applicable to the Permitted Activities. VERIZON WIRELESS further agrees to exercise due care in the performance of all Permitted Activities on the Site, and not to unreasonably interfere with LICENSOR or any other party's activities on the Site.

4. VERIZON WIRELESS agrees to indemnify and save LICENSOR, its employees, agents or contractors, harmless from and against any and all liability, damage, expense, claims, liens or judgments, resulting from injury to person or damage to property to the extent caused by the activities of VERIZON WIRELESS, its agents, employees, contractors, or invitees, upon the Site or any property surrounding the Site, including without limitation, the Permitted Activities, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the LICENSOR, or its employees, contractors or agents; provided that for the purposes of the foregoing, LICENSOR's entering into this Agreement shall not be deemed to be a "negligent or willful act." This indemnification obligation shall survive the expiration or termination of this Agreement. LICENSOR shall: Provide prompt notice of any claim; reasonably cooperate with VERIZON WIRELESS in the management and defense of covered claims; and allow VERIZON WIRELESS to defend and manage any claim with employees, consultants, contractors and attorneys of its choosing.
5. The term of this Agreement shall be from the date on which this Agreement has been executed by both LICENSOR and VERIZON WIRELESS to the earlier of LICENSOR and VERIZON WIRELESS entering into a Lease Agreement or consummation of a purchase with respect to the Site, or a decision by VERIZON WIRELESS that the site is unsuitable.
6. In the event this Agreement expires or is terminated without the existence of a fully executed lease agreement or consummation of a purchase for the Site, VERIZON WIRELESS will promptly remove any and all of its equipment from the Site and restore the Site to a condition substantially similar to that which existed immediately prior to VERIZON WIRELESS' entry, damage not caused by VERIZON WIRELESS, reasonable wear and tear, excepted.
7. LICENSOR will ensure that VERIZON WIRELESS, its agents, employees, invitees, are granted access to the Site at the scheduled time(s) that the Permitted Activities will be performed.
8. VERIZON WIRELESS shall not take any actions that unreasonably interrupt the normal operations of LICENSOR on the Site. VERIZON WIRELESS agrees that its Permitted Activities shall not cause interference to the use or enjoyment of the property of LICENSOR and any other parties or licensees located at the Site or neighboring landowners, including, but not necessarily limited to interference with radio communication facilities. In the event that VERIZON WIRELESS' equipment or Permitted Activities cause such interference to such use or enjoyment, VERIZON WIRELESS agrees to promptly cease operations until

such interference is removed by VERIZON WIRELESS, at its sole expense.

9. In the event that VERIZON WIRELESS fails to otherwise comply with the terms or conditions as set forth herein, LICENSOR shall give VERIZON WIRELESS written notice thereof, by registered or certified mail, return receipt requested, to the address set forth below. VERIZON WIRELESS shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of, and, if VERIZON WIRELESS does not satisfactorily remedy the same within the thirty (30) day period, LICENSOR may terminate this Agreement, provided VERIZON WIRELESS shall have an extended period of time beyond thirty (30) days if the nature of the remedy is such that it reasonably requires more than thirty (30) days and VERIZON WIRELESS commences the remedy within the thirty (30) day period and diligently pursues the remedy to completion.

LICENSOR:

City of Manor  
Attn: City Manager  
105 E. Eggleston Street  
Manor, Texas 78653

with a copy to:  
The Knight Law Firm, LLP  
Attn: Paige Saenz  
223 West Anderson Lane, Suite A-105  
Austin, Texas 78752

VERIZON WIRELESS:  
One Verizon Way,  
Mail Stop 4AW100,  
Basking Ridge, New Jersey 07920

10. VERIZON WIRELESS agrees that in the event of any default beyond any reasonable default period, on its part under this Agreement, LICENSOR shall have available to it equitable remedies including, without limitation, the right of LICENSOR to obtain a writ of mandamus or an injunction, or seek specific performance against VERIZON WIRELESS to enforce VERIZON WIRELESS' obligations under this Agreement.
11. Neither party shall be responsible for lost profits or other consequential damages that may arise out of a breach of this agreement.
12. If eminent domain is exerted on the Site by paramount authority, then LICENSOR will, to the extent permitted by law, cooperate with VERIZON WIRELESS to effect the removal of VERIZON WIRELESS' affected equipment

thereon, at VERIZON WIRELESS' sole expense. VERIZON WIRELESS shall be entitled to retain all monies paid by the condemning authority to VERIZON WIRELESS for VERIZON WIRELESS' equipment taken, if any.

13. This Agreement constitutes the entire understanding between the parties with respect to the activities contemplated by this Agreement. All prior agreements or understandings, whether oral or written, are superseded. This Agreement may be amended only by a witnessed document executed by the parties.
14. This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.
15. Venue for all lawsuits concerning this Agreement will be in Travis County, Texas.
16. This Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns. Either party may waive any default of the other at any time by written instrument, without affecting or impairing any right arising from any subsequent or other default.
17. VERIZON WIRELESS shall not assign, sublet or transfer its interest in this Agreement without the written consent of LICENSOR, which consent shall not be unreasonably withheld.

[SIGNATURE PAGE IMMEDIATELY FOLLOWING]

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

**VERIZON WIRELESS:  
CELLCO PARTNERSHIP  
D/B/A VERIZON WIRELESS**

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**LICENSOR:  
CITY OF MANOR**

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

Print Name: Rita G. Jonse

Title: Mayor

Date: \_\_\_\_\_

**ATTEST:**

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

Name: Lluvia T. Almaraz

Title: City Secretary

Date: \_\_\_\_\_

## EXHIBIT A

## SITE TO BE TESTED

**SITE NAME**

Manor\_DT

**SITE ADDRESS**

901 ½ N. Burnett Street





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

### AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 7, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on an ordinance amending Ordinance No. 518 by replacing the name of the official newspaper of the City from Manor Community News to The Manor Journal.

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**BACKGROUND/SUMMARY:**

PRESENTATION: ☐ YES ☒ NO

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

Ordinance No. 547

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**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve Ordinance No. 547 amending Ordinance No. 518 by replacing the name of the official newspaper of the City from Manor Community News to The Manor Journal.

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

**ORDINANCE NO. 547**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING ORDINANCE 518 BY REPLACING THE NAME OF THE OFFICAL NEWSPAPER OF THE CITY FROM MANOR COMMUNITY NEWS TO THE MANOR JOURNAL; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN OPEN MEETINGS CLAUSE AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, Ordinance 518 was adopted by the City of Manor City Council (the “City Council”) on May 2, 2018 designating the Manor Community News as the official newspaper of the City of Manor (the “City”);

**WHEREAS**, on July 4, 2019 the newspaper Manor Community News changed its name and became known as “The Manor Journal”;

**WHEREAS**, the City Council desires to replace the name of the newspaper from Manor Community News to its new name, “The Manor Journal”;

**WHEREAS**, the City Council desires to continue the designation of The Manor Journal as the official newspaper of the City for publications of all ordinances or captions thereof, notices, and other matters required to be published by law or by ordinance, or which the City may deem necessary or desirable to publish; and

**WHEREAS**, the City Council finds The Manor Journal complies with the requirements of Section 2015.044 of the Texas Government Code;

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

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

**Section 2. Amendment of Ordinance.** City of Manor Ordinance 518 is hereby modified and amended by replacing the name of the newspaper from Manor Community News to “The Manor Journal.” The remainder of Ordinance 518 remains in effect as adopted.

**Section 3. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared severable.

**Section 4. Amendment of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

**Section 5. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** on this the 7<sup>th</sup> day of August 2019.

**THE CITY OF MANOR, TEXAS**

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Rita G. Jonse,  
Mayor

**ATTEST:**

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Lluvia T. Almaraz, TRMC  
City Secretary





AGENDA ITEM NO. 7

## AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 7, 2019

PREPARED BY: Thomas Bolt, City Manager

DEPARTMENT: Administration

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### AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the appointment of a Chairperson on the Park Committee to serve a one- year term.

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### BACKGROUND/SUMMARY:

At the June 19, 2019, Regular Council Meeting the Council appointed three (3) Park Committee Council Members to serve a one year- term. Mayor Pro Tem Maria Amezcua, Council Member Valerie Dye, and Council Member Deja Hill were appointed to serve on the Committee. The Park Committee had their first meeting on July 23, 2019, and discussed the nomination of a Chairperson. Mayor Pro Tem Maria Amezcua was nominated to serve as Chairperson for a one year-term.

PRESENTATION: ☐ YES ☒ NO

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

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### STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council appoint Mayor Pro Tem Maria Amezcua to Chairperson on the Park Committee to serve a one-year term.

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



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** August 7, 2019

**PREPARED BY:** Tracey Vasquez, HR Coordinator

**DEPARTMENT:** Human Resources

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on the Community Development Manager title.

**BACKGROUND/SUMMARY:**

The City staff is recommending reinstatement of the title Community Development Manager replacing the Main Street Manager title, there will not be any adjustment in pay scale.

**PRESENTATION:** ☐ YES ☐ NO

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

Community Development Manager job description.

**STAFF RECOMMENDATION:**

It is the City staff's recommendation that City Council approve the reinstatement of the Community Development Manager title maintaining the current pay scale and replace the Main Street Manager title.

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

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## **Community Development Manager**

Under the direction of the City Manager or their designee, this position will coordinate, preserve, program, market, and guide the continued revitalization of the City of Manor. Represent the department and City in certain tourism, arts and economic development opportunities as identified by the City Manager. Assist efforts to enhance community partnerships, provide special event support, and contribute to the City and engagement efforts. The ideal candidate would be an energetic leader who is passionate about advocacy, builds consensus, and possesses exceptional marketing and interpersonal skills.

**Reports to:**

City Manager

**Salary:**

\$55,258- \$74,762

**Exempt:**

Yes

**Essential Functions:**

Duties include, but are not limited, to:

- Develop and encourage opportunities for new business and growth or expansion of current business in the community.
- Develop a data system on reinvestment in the community, available properties, and on businesses, jobs, and property owners.
- Identify unique assets and resources within the community.
- Prepares a variety of communications, including analytical reports, correspondence, commentary, and drafts of promotion, design, organization and economic restructuring.
- Build opportunities for partnership with the Chamber of Commerce, developmental organizations, and key downtown/neighborhood organizations.
- Assist businesses and property owners with property improvement projects.
- Manages community/economic development activities and initiatives for a designated market area and local venues.
- Coordinate marketing strategies and initiatives to the community and other interest groups.
- Develop, manage and evaluate marketing plans and innovative strategies for the City.
- Assists with the development and distribution of special event promotions, brochures, downtown newsletters, and other marketing materials.

- Explores and evaluates the current and future needs of the community and develops a strong understanding of local issues and needs.
- Conduct market research.
- Uses computers and software programs for various programs and projects.
- May instruct others in work procedures and may provide direction to others on a project basis.
- Performs related work as assigned.
- Maintain regular attendance.

**Qualification Requirements:**

- Typical administrative practices and processes associated with local government offices or functions, or possess ability to acquire and put such knowledge into practice.
- General computer operations, specifically familiarity of Microsoft Office software.
- Office machines, such as scanner, computer, copier and fax machine; and of office practices and procedures.
- Able to maintain a pleasant and courteous demeanor working in a fast pace environment.
- Establish and maintain an effective working relationship with all levels of management, City officials, vendors, other employees, and the general public.
- Communicate effectively in person, by telephone, and by e-mail with all levels of management, City officials, vendors, other employees, and the general public.
- Meet deadlines and perform multiple tasks under pressure.
- Basic ability to read and requires the basic knowledge of grammar and spelling.
- Basic mathematical, in order to calculate fees, work hours and sufficient math to complete reports and basic bookkeeping skills.
- Able to perform multiple task efficiently and applies knowledge of procedures to fulfill essential job duties.
- Ability to organize, prioritize, and carry out office work with minimal supervision.
- Maintain a professional appearance and attire.

**Education/Experience Required:**

- High School diploma/GED required.
- Historic preservation knowledge a plus.
- Preferred Bachelor's degree in Marketing.
- Two (2) years of experience and training in Community Development, or an equivalent combination of education, training, and experience.

**Other Requirements:**

- Valid Texas Class C Driver's License with satisfactory driving record, as defined by City policy.
- Proof of citizenship and/or eligibility to legally work in the United States.
- Must submit to and pass a pre-employment drug test.
- Bilingual preferred
- Texas Downtown Association Membership
- Membership in Texas Economic Development Council (TEDC)
- Membership in the Film Friendly Texas (FFTX) Office of the Governor
- Membership in Texas Association of Convention and Visitor Bureau (TACVB).
- Texas Travel Industry Association Membership.

**Preferred Certification:**

- First Aid and CPR/AED

**Supervisory Responsibilities:**

No

**Working Conditions:**

The work condition characteristics describe here are representatives of those an employee encounters while performing the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- A portion of work takes place in an outdoor setting in extreme temperatures including heat, cold, and temperature swings and inclement weather. Subject to sunburn and other sun exposure related incidents.
- May include flexible hours, including weekends, holidays and some after-hours work or overtime work in response to emergencies and meetings
- Stressful situations are inherent to this position.
- Work may require travel, including over-night stays, involving training and conducting City business.

**Physical Requirements:**

The physical requirements described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Must be able to sit or stand for long periods answering phones, performing keyboarding, computer work, filing, copying and other administrative work.
- Must possess general manual dexterity to operate computer, office machines, perform filing or other office functions; and reach with hands or arms.
- Must be able to move about office, bend or stoop, retrieve files, lift books or other materials, use step-stools and step-ladders to store and retrieve items of various sizes, shapes and forms weighing up to 30 pounds.
- Must be able to handle stressful situations.
- Must possess mental acuity for attention to accuracy and detail.
- Must see in the normal visual range with or without correction.
- Must hear in the normal audio range with or without correction.

Nothing in this job description restricts management's right to assign or reassign duties and responsibilities to this job at any time.

This description reflects management's assignment of essential functions; it does not prescribe or restrict the tasks that may be assigned.

This job description is subject to change at any time.

City of Manor is committed to compliance with the American Disabilities Act & Accommodations Act. If you require reasonable accommodation during the application process or have a question regarding an essential job function, please contact the Human Resources Department at (512) 272-5555.

**The City of Manor is an Equal Opportunity Employer**

**AGENDA ITEM SUMMARY FORM****PROPOSED MEETING DATE:** August 07, 2019**PREPARED BY:** Tom Bolt, City Manager**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on professional services to be paid out of Hotel Occupancy Tax for the City of Manor Cemetery.

**BACKGROUND/SUMMARY:**

Previously the City Council authorized funding from Hotel Occupancy Taxes, for the straightening, repair and cleaning of headstones (monuments). The repairs made on the initial monuments are visible from nearly every vantage point in the cemetery. I have received favorable comments on the work completed and resulting beautification and preservation of the monuments. This submission includes the piecing together of broken monuments which cannot be reinstalled in an upright position. The work described with this request, is considered to be a 4th phase. It is anticipated that another phase will be needed for completion but that request is not to be considered under this request.

Cemetery restoration is an appropriate use of Hotel Occupancy Tax funds.

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

Rick Travis Cemetery Services Invoice

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve \$9995.00 for the work completed in this phase payable to Rick Travis Cemetery Services using Hotel Tax Funds.

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

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# RICK TRAVIS CEMETERY SERVICES

Cement Curbs, Relevel Monuments,  
Restore Cemeteries, Sale of Monuments



Rick 979-224-3331  
Cyndi 979-224-3353

## Rick Travis

~~654 S. Madison~~ 695 Kerr Rd  
~~La Grange, TX 78945~~ Fredericksburg, TX 78624  
(979) 224-3331  
(979) 224-3353

7/28/2019  
Date

Name City of Manor

Address 105 E. Eggleston

Phone \_\_\_\_\_

QTY	DESCRIPTION	AMOUNT
	City of Manor Cemetery	
40	monuments - Level, clean, reglue	
	① J.B. + Ada Fuller	
	② J.H. + Martha Allison	
	③ J.P. Bryan	
	④ James + Fannie Fisher	
	⑤ Hememar	
	⑥ J.T. Jester	
	⑦ Henry Schieffer	
	⑧ Robert Glass	
	⑨ Willie Skaggs	
	⑩ Alice Glass	
	⑪ R.O. Glass	
	⑫ Anne Wilson	
	⑬ Jessie + Jennie Brawling	
	⑭ David William	
	⑮ Calvin + Nora Anderson	
	⑯ T.O. Tam	
	⑰ Pinkie + Charlie House	
	⑱ W.M. + Mary Vaughan	
	⑲ O.P. Hein + Mattie House	
	⑳ Charle Wheeler	
	⑳ C.C. + Anne Reeves	
	26 H.M. Reeves	
	27 W.P. Marrow	
	28 Barbara Ellen Hill	
	29 W.J. Hickman	
	30 W.T. Hickman	
	31 W.M. Weatherford	
	32 Ashmore	
	33 Thurman	
	34 James Bascon	
	35 J.H. Vorwood	
	36 Ernest Johnson	
	37 Frances Snider	
	38 Snider, E.J.	
	39 Houser	
	40 W.M. Vaughan	
	TB 7-29-19	
	TOTAL	9995.00



## AGENDA ITEM SUMMARY FORM

**PROPOSED MEETING DATE:** August 07, 2019

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

**DEPARTMENT:** Administration

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**AGENDA ITEM DESCRIPTION:**

Consideration, discussion, and possible action on amending the City of Manor's Public Improvement District (PID) Policy.

**BACKGROUND/SUMMARY:**

The current PID policy provides for a specific tax rate of \$3.26 not allowing for fluctuation in ad - valorem tax rates. The tax rate remains as was intended at \$.30 above the overall rate but more specifically provides for adjustments by providing a lesser amount clause. The 30K increase in home prices from adjacent developments has not provided for the outcome intended.

**PRESENTATION:** ☐ YES ☒ NO

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

Amended PID Policy

**STAFF RECOMMENDATION:**

It is City staff's recommendation that the City Council approve the amendment to the City of Manor's Public Improvement District (PID) Policy.

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

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## Public Improvement District (PID) Policy

A Public Improvement District (“PID”) in accordance with Texas Local Government Code Chapter 372, provides the City of Manor (“the City”) an economic development tool that finances the costs of public improvements that benefit a definable part of the City or its ETJ. A PID may be located either within the City’s corporate limits or within its extra-territorial jurisdiction. PIDs allow the costs of public improvements to be borne by those who receive special benefits from the improvements.

The purpose of this PID policy is to outline the policies and procedures the City will use to consider whether creation of a PID, the levy of PID assessments, and issuance of PID bonds is in the best interest of the City. Any aspect not specifically addressed by this policy will be considered on an individual project basis.

The City may, on a case-by-case project basis, waive a requirement of this policy if it does not conflict with state or federal law. Any requirements waived shall be noted in the resolution approving the PID petition, or other relevant document, and must include a finding that the waiver is in the best interest of the City.

### **Location**

The City will consider a petition for formation of a PID within the City’s corporate limits and within its extra-territorial jurisdiction (“the ETJ”). For projects within the ETJ:

1. a development agreement must be entered into prior to the levy of assessments requiring (i) compliance with the City’s development standards, (ii) City building permits, and (iii) easements over City streets to enable the City to collect franchise fees;
2. a maintenance assessment will be required to maintain roads funded by the PID at the City’s standards only if such roads are not maintained to City standards by another public jurisdiction; and
3. a separate services assessment for police and/or fire services may be required if the City determines it is in its best interest unless such services are being provided by another public jurisdiction.

### **Application Fee and Professional Services Reimbursement Agreement**

A non-refundable application fee of \$15,000.00 is required at the time a petition is filed. If the City determines it is in its best interest to establish a PID, a Professional Services Reimbursement Agreement will be entered into with the developer. The Professional Services Reimbursement Agreement will require the developer to initially deposit funds in the amount of \$45,000 (in addition to the amounts already required to pay for the City's costs for staff including the City Attorney, City Engineer and City Planning staff) to pay for third party consultants including, but not limited to, Bond Counsel, Financial Advisor, PID Administrator, Trustee, Underwriter, Appraiser, and Market Study Analysts. An additional \$25,000 deposit will be required to be deposited by the developer when the deposit balance reaches \$10,000. The unused balance will be returned to the developer. The developer may recover the professional fee deposit at bond closing.

### **Development Standards**

The City will consider petitions for PID projects that support real estate developments which confer benefits to the City to a degree that is superior to benefits typically generated by projects that do not involve PID financing.

1. The project must include improvements that enhance the City's master plan, including the City's thoroughfare plan and water and wastewater plans (improvements must exceed current subdivision regulations) and advance the City's trail and park plans.
2. Any improvements that are offsite or are part of the City's master plans must obtain approval from the City Engineer prior to being included in the PID.
3. Preference will be given to high quality projects that exceed the City's subdivision requirements for overall design, building standards and amenities with enhanced landscaping and appealing architecture throughout.
4. Preference will be given to mixed use projects that include a mix of residential and commercial uses.
5. Preference will be given to projects where an average home price is expected to exceed other surrounding new home community pricing by ~~\$30,000~~ \$65,000.
6. Preference will be given to projects within the ETJ that voluntarily annex into the City's corporate limits.

### **Collection of Assessments**

Prior to the levy of assessments, the City will enter into an agreement with Travis County to include the annual PID installments on the Travis County Tax Bill.

### **Disclosure to Homeowners**

To satisfy disclosure to homeowners, the City will require the petitioner to comply with the following:

1. Landowner's Agreement to be recorded in the Official Public Records of Travis County.
2. Signage at major entryways and exits.
3. Signage and information flyers in any sales centers within the PID that include:
  - a. Frequently Asked Questions
  - b. Total Assessment
  - c. Average Annual Installment
  - d. Equivalent Tax Rate

4. Homebuyer disclosure documents in accordance with Section 5.014 of the Texas Property Code to be signed both at contract signing and at closing with such agreements maintained on file by each homebuilder and available for inspection by the City
5. Developer contracts with homebuilders must require the homebuilder to disclose the PID on any MLS listing.

### **City Consultants**

The City will independently select a Bond Counsel, Financial Advisor, PID Administrator, Trustee and Market Study Analyst. With input by the Developer, the City will select an Underwriter and Appraiser. The City's PID Administrator, in conjunction with the developer's PID Consultant, will draft the Service and Assessment Plan and prepare all annual updates.

### **Maximum Assessment**

The annual PID installment shall ~~not exceed an amount that increases the expected total equivalent~~  
~~the lesser of a combined~~ tax rate ~~upon buildout above of~~ \$3.26 ~~or a PID rate of \$0.30~~ per \$100 of assessed value. A true-up calculation will be performed at each bond issuance and upon filing of a final plat to ensure that the maximum assessment is not exceeded, which may result in a mandatory prepayment from the developer.

### **Assessment Term/Bond Term**

The maximum term of a PID assessment is not to exceed 30 years and the assessment term must equal the bond term.

### **PID Bonds**

The following performance standards shall apply to PID bonds:

1. Minimum appraised value to lien ratio of 3:1.
2. All improvements to be funded with PID bonds must be fully engineered and bid. A competitive bidding process with at least three bids will be required.
3. Developer is required to demonstrate committed capital in the form of cash deposit, proof of bank financing and/or equity capital, or letter of credit to the City with an amount confirmed by an engineer's opinion of probable cost, which represents the difference between budgeted cost to complete the public improvements assumed to be complete in the appraisal and the net proceeds of the PID bonds. The form of committed capital (cash deposit, letter of credit or bank/equity commitment) will be determined by the City on a case-by-case basis on advice from its Financial Advisor.

### **Dissolution Agreement**

A dissolution agreement must be entered into at the time the City considers creation of the PID authorizing dissolution of the PID if assessments are not levied within three (3) years after the creation of the PID.

### **Applicability**

This amended PID Policy shall apply to PID applications filed after August 7, 2019.

**CITY OF MANOR, TEXAS**

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

**Rita G. Jonse, Mayor**

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Lluvia Tijerina Almaraz**, City Secretary