



Dr. Christopher Harvey, Mayor
Emily Hill, Mayor Pro Tem, Place 1
Anne Weir, Place 2
Maria Amezcua, Place 3
Sonia Wallace, Place 4
Aaron Moreno, Place 5
Vacant, Place 6

City Council Called Special Session

Tuesday, March 01, 2022 at 7:00 PM

Manor City Hall, Council Chambers, 105 E. Eggleston St.

AGENDA

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- A. Declaring the month of March, as "Women's History Month"**
- B. Declaring the month of March, as "Youth Art Month"**
- C. Declaring March 8, 2022, as "International Women's Day"**

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.

PUBLIC HEARINGS

- 1. Conduct a public hearing on an ordinance annexing of 5.796 acres of land, more or less, located in Travis County, including the abutting streets, roadways, and rights-of-way into the corporate limits of Manor, Texas, at the request of the property owner, approving an agreement for the provision of services for the annexed area and providing for other related matters.**
Submitted by: Scott Dunlop, Interim City Manager

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.

- 2. Consideration, discussion, and possible action to approve the City Council Minutes.**
Submitted by: Lluvia T. Almaraz, City Secretary

- February 2, 2022, City Council Regular Meeting;
- February 23, 2022, City Council Called Special Executive Session; and
- February 23, 2022, City Council Called Special Session

REGULAR AGENDA

- 3. First Reading: Consideration, discussion, and possible action on an ordinance annexing of 5.796 acres of land, more or less, located in Travis County, including the abutting streets, roadways, and rights-of-way into the corporate limits of Manor, Texas, at the request of the property owner, approving an agreement for the provision of services for the annexed area and providing for other related matters.**

Submitted by: Scott Dunlop, Interim City Manager

- 4. Consideration, discussion, and possible action to award a Construction Contract for the Cottonwood Creek Phase 2 Wastewater Collection System Improvements to R Construction Civil, LLC in the amount of \$697,645.**

Submitted by: Frank T. Phelan, P.E. City Engineer

- 5. Consideration, discussion, and possible action on future TIRZs regarding master communities, housing affordability, retail and library or community center.**

Submitted by: Scott Dunlop, Interim City Manager

EXECUTIVE SESSION

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

- *Section 551.071 Consultation with Attorney and Section 1.05, Texas Disciplinary Rules of Professional Conduct - Regarding pending litigation, specifically Cause No. D-1-GN-21-007391; City of Manor, Texas v. Travis County Emergency Services District No. 12, In the 98th District Court, Travis County, Texas; and*
- *Section 551.074 (Personnel Matters) to interview and consider the appointment of an applicant to the position of City Manager.*

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).

CONFLICT OF INTEREST

In accordance with Section 12.04 (Conflict of Interest) of the City Charter, "No elected or appointed officer or employee of the city shall participate in the deliberation or decision on any issue, subject or matter before the council or any board or commission, if the officer or employee has a personal financial or property interest, direct or indirect, in the issue, subject or matter that is different from that of the public at large. An interest arising from job duties, compensation or benefits payable by the city shall not constitute a personal financial interest."

Further, in accordance with Chapter 171, Texas Local Government Code (Chapter 171), no City Council member and no City officer may vote or participate in discussion of a matter involving a business entity or real property in which the City Council member or City officer has a substantial interest (as defined by Chapter 171) and action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the general public. An affidavit disclosing the conflict of interest must be filled out and filed with the City Secretary before the matter is discussed.

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, February 25, 2022, by 5:00 PM 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 lalmaraz@cityofmanor.org.



PROCLAMATION

Whereas, women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

Whereas, women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

Whereas, women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, the 2022 Women's History theme, "Providing Healing, Promoting Hope," is both a tribute to the ceaseless work of caregivers and frontline workers during this ongoing pandemic and also a recognition of the thousands of ways that women of all cultures have provided both healing and hope throughout history.

NOW THEREFORE, I, Dr. Christopher Harvey., Mayor of the City of Manor, Texas, and on behalf of the Manor City Council, do hereby proclaim the month of March 2022, as:

"Women's History Month"

in the City of Manor, Texas and call upon all citizens to observe March as Women's History Month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Manor to be affixed this 1st day of March 2022.

Dr. Christopher Harvey, Mayor
City of Manor



PROCLAMATION

WHEREAS, Youth Art Month is an annual observance each March to emphasize the value of art education for all children and to encourage support for quality school art programs; and

WHEREAS, Art education develops students' creative potential and improves problem-solving and critical thinking skills by reinforcing and bringing to life what students learn in other subjects; and

WHEREAS, Art education teaches sensitivity to beauty, order and other expressive qualities, and also gives students a deeper understanding of multi-cultural values and beliefs; and

WHEREAS, Art education advances student mastery in art production, art history, art criticism and aesthetics; and

WHEREAS, our national leaders have acknowledged the necessity of including art's experiences in all students' education.

NOW, THEREFORE, I, Dr. Christopher Harvey, Mayor of the City of Manor, Texas, and on behalf of the Manor City Council, do hereby proclaim the month of March 2022 as:

"Youth Art Month"

in the City of Manor and call upon all citizens to give their full support to quality school arts programs for our youth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Manor to be affixed this 1st day of March 2022.

Dr. Christopher Harvey, Mayor
City of Manor



PROCLAMATION

WHEREAS, International Women's Day is a global day celebrating the social, economic, cultural and political achievements of women; and

WHEREAS, the day also marks a call to action for accelerating gender parity. Significant activity is witnessed worldwide as groups come together to celebrate women's achievements or rally for women's equality; and

WHEREAS, the International Women's Day theme for 2022 is #BreakTheBias, which highlights the importance of challenging biases and misconceptions in the interest of creating a more inclusive and gender-equal world; and

WHEREAS, International Women's Day is a time to work toward a world where each woman and girl can exercise her choice, such as participating in politics, getting an education, having an income, and living in societies free from violence and discrimination.

WHEREAS, the City of Manor is committed to promoting equity and justice and will continue to work to address the systemic and structural oppressions that perpetuate inequity.

NOW THEREFORE, I, Dr. Christopher Harvey, Mayor of the City of Manor, Texas, and on behalf of the Manor City Council, do hereby proclaim March 8, 2022, as:

“International Women's Day”

in the City of Manor, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Manor to be affixed this 1st day of March 2022.

Dr. Christopher Harvey, Mayor
City of Manor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: March 1, 2022
PREPARED BY: Scott Dunlop, Interim City Manager
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Conduct a public hearing on an ordinance annexing of 5.796 acres of land, more or less, located in Travis County, including the abutting streets, roadways, and rights-of-way into the corporate limits of Manor, Texas, at the request of the property owner, approving an agreement for the provision of services for the annexed area and providing for other related matters.

BACKGROUND/SUMMARY:

The petition for annexation was accepted by the City Council on February 2nd. This property is outside our wastewater service area but the city is in the design process for a wastewater line in the vicinity of the property. Pursuant to our Subdivision Code, properties outside our utility service areas (water or wastewater) that desire to connect to those services are required to annex into the city limits. This property would like to develop in and connect to that future wastewater line so therefore they have filed for annexation.

LEGAL REVIEW: Yes
FISCAL IMPACT: No
PRESENTATION: No
ATTACHMENTS: Yes

- Ordinance
- Post Annexation Provision of Services Agreement

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the City Council conduct a public hearing on an ordinance annexing of 5.796 acres of land, more or less, located in Travis County, including the abutting streets, roadways, and rights-of-way into the corporate limits of Manor, Texas, at the request of the property owner, approving an agreement for the provision of services for the annexed area and providing for other related matters.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS ANNEXING 5.796 ACRES OF LAND, MORE OR LESS, LOCATED IN TRAVIS COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY INTO THE CORPORATE LIMITS OF THE CITY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING AN AGREEMENT FOR THE PROVISION OF SERVICES FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Manor, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS, the owners of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

WHEREAS, the property is adjacent and contiguous to the present city limits;

WHEREAS, the City Council heard and has decided to grant the owners' request that the City annex said property;

WHEREAS, a public hearing was conducted prior to consideration of this Ordinance in accordance with §43.0673 of the *Tex. Loc. Gov't. Code*;

WHEREAS, notice of the public hearing was published not more than twenty (20) nor less than ten (10) days prior to the public hearing;

WHEREAS, the City intends to provide services to the property to be annexed according to the agreement for the provision of services attached hereto as Exhibit "B".

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. All portions of the following described properties (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, including the abutting streets, roadways and rights-of-way, are hereby annexed into the corporate limits of the City of Manor:

Tract One:

Being 2.899 acres of land, more or less, out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being a part of that certain 58.1 acre tract described in contract of sale between Veterans Land Board of Texas and Robert I. Worley, as recorded in Volume 2970, Page 27, Travis County Deed Records and as further described in that General Warranty Deed between Mary L. Choate a/k/a Mary Lee Choate and John Kerr and Sandy Kerr, as recorded in

ORDINANCE NO. ____**Page 2**

Document No. 2009185727 of the Official Public Records of Travis County, Texas, said 2.899 tract of land being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract Two:

Being 2.897 acres of land, more or less, out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being part of a 5.796 acre tract as recorded in Volume 2970, Page 27, Travis County Deed Records and as further described in that General Warranty Deed between Mary L. Choate a/k/a Mary Lee Choate and John Kerr and Sandy Kerr, as recorded in Document No. 2009185727 of the Official Public Records of Travis County, Texas, said 2.897 tract of land being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. That the provision of services agreement submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the provisions of services agreement attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Manor.

SECTION 6. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

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

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. 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, Tex. Gov't. Code*.

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PASSED AND APPROVED on First Reading this 1st day of March 2022.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2022.

CITY OF MANOR, TEXAS:

Dr. Christopher Harvey, Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary
City of Manor, Texas

ORDINANCE NO. ____

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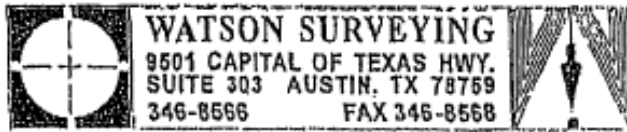
Exhibit “A”

**ANNEXED PROPERTY DESCRIPTION
+/- 5.796 Acres**

ORDINANCE NO. _____

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EXHIBIT "A"

Exhibit A
Page 1 of 2

FIELD NOTES:

TRACT No. 1: 2.899 acres of land out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being part of that certain 58.1 acre tract described in contract of sale between the Veterans Land Board of Texas and Robert I. Worley as recorded in Vol. 2970, page 27, Travis County Deed Records; described by metes and bounds as follows:

BEGINNING at a steel pin found at the intersection of the East ROW line of FM HWY 973 with the North line Arnhann Lane;

THENCE with said East ROW line of said FM 973, N30°00'20"E 440.04 ft to pin found for northwest corner;

THENCE along a fence, S59°48'E 287.4 ft to pin found for northeast cor;

THENCE S30°03'27"W 439.5 ft to pin found for southeast corner;

THENCE with the north line of Arnhann Lane, N59°54'30"W 287.0 ft to the place of BEGINNING, containing 2.899 acres.

Surveyed on the ground Feb. 20, 1998 by: James J. Watson

James T. Watson, RPLS 290

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
12628 0790

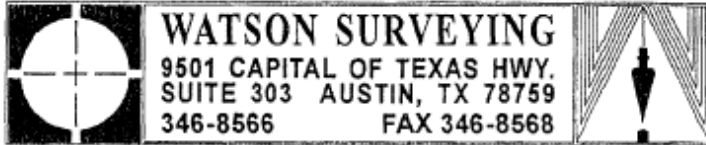


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ORDINANCE NO. ____

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EXHIBIT "A"



TRACT No. 2:

FIELD NOTES FOR 2.897 ACRES OF LAND, MORE OR LESS, OUT OF THE GREENBURY GATES SURVEY NO. 63, TRAVIS COUNTY, TEXAS, BEING PART OF A 5.796 ACRE TRACT AS RECORDED IN VOLUME 2970, PAGE 27, TRAVIS COUNTY DEED RECORDS, SAID 2.897 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " steel pin found at the south corner of a 2.899 acre tract conveyed to Mary L. Choate by deed recorded in Volume 12628, Page 788, Travis County Deed Records, in the northeast ROW line of Arnham Lane, for the west or southwest corner hereof;

THENCE N30°03'27"E 439.50 feet along the southeast line of said 2.899 acres, to a $\frac{1}{2}$ " steel pin found in a fence, for the north or northwest corner hereof;

THENCE S59°48'E 287.60 feet generally following a fence along the southwest line of a 14.76 acre tract conveyed to Robert Nicholas by deed recorded in Volume 13026, Page 2181, to a $\frac{1}{2}$ " steel pipe found in the fence for the east or northeast corner hereof;

THENCE S30°08'09"W 438.95 feet along the south line of said 5.796 acres, to a $\frac{1}{2}$ " steel pin with orange cap set on the southwest side of a 3" steel galvanized fence post, in the northeast ROW line of Arnham Lane, for the south or southeast corner hereof;

THENCE N59°54'30"W 287.00 feet with said ROW line and the south or southwest line of said 5.796 acre tract, to the POINT OF BEGINNING, containing 2.897 acres of land, more or less.

Bearing basis is east or southeast line of 5.796 acre tract (S30°08'09"W)

See survey map for more information

Surveyed 28 October 2009 by:

Stuart Watson
 Stuart Watson, RPLS 4550



ORDINANCE NO. ____

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Exhibit “B”

**AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES
FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR**

Exhibit "B"

AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR

This Agreement Regarding Post-Annexation Provision of Services for Property to be Annexed into the City of Manor (the "Agreement") is entered into by and between the City of Manor, Texas, a municipal corporation ("City"), and John T. Kerr and Sandy Kerr, (collectively, "Landowner"), both of which may be referred to herein singularly as "Party" or collectively as the "Parties."

RECITALS

WHEREAS, upon the request of the Landowner, the City intends to institute annexation proceedings for an area of land described more fully hereinafter and attached hereto (the "subject property");

WHEREAS, Section 43.0672, Loc. Gov't. Code, requires the Parties to enter into a written agreement identifying a list of public services to be provided to the subject property and a schedule for the provision of those services that are not otherwise provided on the effective date of the annexation;

WHEREAS, this Agreement is being entered into by and between the Parties to comply with Texas Local Government Code, Chapter 43, Sub-Chapter C-3, Section 43.0672, prior to the City's consideration of an ordinance annexing the subject property, it being understood, acknowledged and agreed by the Parties that annexation of the subject property is a condition precedent to this Agreement becoming effective;

WHEREAS, this Agreement shall be deemed effective on the effective date of an ordinance approved by the City annexing the subject property (the "Effective Date");

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapter 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

The following services and schedule represent the provision of services agreed to between the Landowner of the subject property and the City establishing a program under which the City will provide municipal services to the subject property, as required by section 43.0672 of the Texas Local Government Code. The services detailed herein will be provided at a level consistent with service levels provided to other similarly situated areas within the City.

The following services will be provided for the subject property on the Effective Date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the landowner and this Agreement, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City. Upon annexation, police protection will be provided to the subject property at a level consistent with the service to other areas of the City with similar population density and characteristics. The City's police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD's present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City. The City provides residential solid waste collection services within the City limits for a fee under a contract between the City and private refuse collection operator. The residential solid waste collection services include garbage collection, recycling, bulky item collection and yard waste collection. Commercial solid waste collection services are also available. This service will be provided for a fee to any person within the subject property requesting the service after the Effective Date of annexation, provided that a privately owned solid waste management service provider is unavailable. If the subject property is already receiving service, the City may not prohibit solid waste collection by the privately owned solid waste management service provider, nor may the City offer solid waste collection services for a period of two (2) years following the Effective Date of the annexation unless a privately owned solid waste management service provider is or becomes unavailable, as established by Texas Local Government Code section 43.0661. If a landowner uses the services of a privately owned solid waste management service provider or services are available from a privately owned solid waste management service provider during the two (2) years following annexation, the City will not provide solid waste collection services to that landowner.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of City-owned parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities. Municipal Court and General Administration services will also be available to property owners and residents in the subject property on the same basis those facilities are available to current City property owners and residents.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "Agricultural District "A"" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff. The City will impose and enforce its adopted ordinances, including but not limited to, zoning, subdivision development, site development and building code regulations within the subject property upon the Effective Date of the annexation. Enforcement will be in accordance with City ordinances. Development plans and plats for projects within the subject property will be reviewed for compliance with City standards.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided herein:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line

extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The Landowner agrees that no improvements are required on such roadways to service the subject property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties. When deemed necessary, capital improvement acquisition or construction will occur in accordance with applicable ordinances and regulations and the adopted capital improvement plans of the City, as applicable and amended, which are incorporated herein by reference.

(4) **Term.** If not previously expired, this agreement expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in the

Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Agreement is attached.

(6) **Binding Effect/Authority.** This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns. Each Party further warrants that each signatory to this Agreement is legally authorized to bind the respective individual or entity for the purposes established herein.

(7) **Choice of Law.** This Agreement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue for any dispute shall lie exclusively in Travis County, Texas.

(8) **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

(9) **Legal Construction.** If any provision in this Agreement is for any reason found to be unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

(10) **Entire Agreement.** This Agreement contains the entire Agreement between the Parties relating to the rights herein granted and the obligations herein assumed and cannot be varied except by written agreement of the Parties. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the Party to be charged.

[signature pages follow]

EXECUTED and AGREED to by the Parties this the ____ day of _____, 20 ____.

ATTEST:

THE CITY OF MANOR, TEXAS

Lluvia T. Almaraz, City Secretary

Dr. Christopher Harvey, Mayor

LANDOWNER(S):

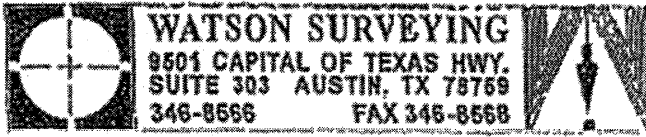
By: John T. Kerr
Name (print): JOHN T. KERR
Title: _____
Date: 2.7.22

LANDOWNER(S):

By: Sandy Kerr
Name (print): Sandy Kerr
Title: _____
Date: 2/8/2022

Subject Property Description

EXHIBIT "A"

Exhibit A
Page 1 of 2

FIELD NOTES:

TRACT No. 1: 2.899 acres of land out of the Greenbury Gates Survey No. 53, Travis County, Texas, and being part of that certain 38.1 acre tract described in contract of sale between the Veterans Land Board of Texas and Robert I. Worley as recorded in Vol. 2970, page 27, Travis County Deed Records; described by metes and bounds as follows:

BEGINNING at a steel pin found at the intersection of the East ROW line of FM HWY 973 with the North line Arnham Lane;

THENCE with said East ROW line of said FM 973, N30°00'20"E 440.04 ft to pin found for northwest corner;

THENCE along a fence, S59°48'E 287.4 ft to pin found for northeast cor;

THENCE S30°03'27"W 439.5 ft to pin found for southeast corner;

THENCE with the north line of Arnham Lane, N59°54'30"W 287.0 ft to the place of BEGINNING, containing 2.899 acres.

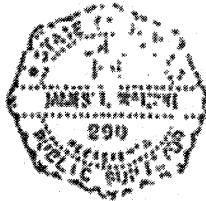
Surveyed on the ground Feb. 20, 1998 by:

James T. Watson

James T. Watson, RPLS 290

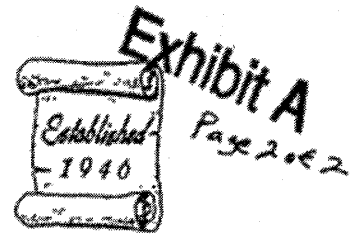
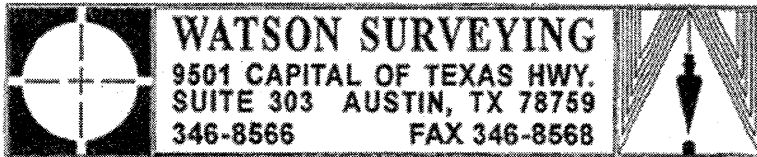
REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12528 0790



Page 1

EXHIBIT "A"



TRACT No. 2:

FIELD NOTES FOR 2.897 ACRES OF LAND, MORE OR LESS, OUT OF THE GREENBURY GATES SURVEY NO. 83, TRAVIS COUNTY, TEXAS, BEING PART OF A 5.796 ACRE TRACT AS RECORDED IN VOLUME 2970, PAGE 27, TRAVIS COUNTY DEED RECORDS, SAID 2.897 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " steel pin found at the south corner of a 2.899 acre tract conveyed to Mary L. Choate by deed recorded in Volume 12628, Page 788, Travis County Deed Records, in the northeast ROW line of Arnham Lane, for the west or southwest corner hereof;

THENCE N30°03'27"E 439.50 feet along the southeast line of said 2.899 acres, to a $\frac{1}{4}$ " steel pin found in a fence, for the north or northwest corner hereof;

THENCE S59°48'E 287.60 feet generally following a fence along the southwest line of a 14.76 acre tract conveyed to Robert Nicholas by deed recorded in Volume 13026, Page 2181, to a $\frac{1}{2}$ " steel pipe found in the fence for the east or northeast corner hereof;

THENCE S30°08'09"W 438.95 feet along the south line of said 5.796 acres, to a $\frac{1}{2}$ " steel pin with orange cap set on the southwest side of a 3" steel galvanized fence post, in the northeast ROW line of Arnham Lane, for the south or southeast corner hereof;

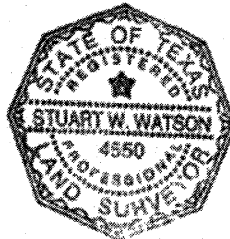
THENCE N59°54'30"W 287.00 feet with said ROW line and the south or southwest line of said 5.796 acre tract, to the POINT OF BEGINNING, containing 2.897 acres of land, more or less.

Bearing basis is east or southeast line of 5.796 acre tract (S30°08'09"W)

See survey map for more information

Surveyed 28 October 2009 by:

Stuart Watson
 Stuart Watson, RPLS 4550





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: March 1, 2022
PREPARED BY: Lluvia T. Almaraz, City Secretary
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

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

- February 2, 2022, City Council Regular Meeting;
- February 23, 2022, City Council Called Special Executive Session; and
- February 23, 2022, City Council Called Special Session

BACKGROUND/SUMMARY:

LEGAL REVIEW: Not Applicable

FISCAL IMPACT: Not Applicable

PRESENTATION: No

ATTACHMENTS: Yes

- February 2, 2022, City Council Regular Meeting Minutes
- February 23, 2022, City Council Called Special Executive Session Minutes
- February 23, 2022, City Council Called Special Session Minutes

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve the City Council Minutes of the February 2, 2022, City Council Regular Meeting, February 23, 2022, City Council Called Special Executive Session and February 23, 2022, City Council Called Special Session.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**



**CITY COUNCIL
REGULAR SESSION MINUTES
FEBRUARY 02, 2022**

PRESENT:

Dr. Christopher Harvey, Mayor

COUNCIL MEMBERS:

Emily Hill, Mayor Pro Tem, Place 1
Anne Weir, Place 2
Maria Amezcua, Place 3 (Absent)
Sonia Wallace, Place 4
Aaron Moreno, Place 5
Vacant, Place 6

CITY STAFF:

Scott Dunlop, Interim City Manager
Lluvia T. Almaraz, City Secretary
Ryan Phipps, Chief of Police
Lydia Collins, Director of Finance
Debbie Charbonneau, Heritage and Tourism Manager

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 Harvey at 7:02 p.m. on Wednesday, February 2, 2022, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Harvey led the Pledge of Allegiance.

At the direction of Mayor Harvey, Presentation B and Proclamations were conducted before Presentation A.

PRESENTATIONS

B. GOGOV City Management Suite presented by Kevin Strauss, VP of Regional Sales.

At the direction of Mayor Harvey, Mr. Strauss joined via Zoom and presented the attached PowerPoint presentation regarding Citizen Management Suite.

PROCLAMATIONS

A. Declaring the month of January, as *“National Mentor Month”*

Proclamation was removed from the agenda and not presented.

B. Declaring the month of February, as *“Black History Month”*

Mayor Harvey read and presented proclamation to Ms. Ruth Briscoe.

C. Declaring Friday, February 4, 2022, as *“National Wear Red Day”*

Mayor Harvey read and presented proclamation to Council Member Weir.

PRESENTATIONS

A. Hotel Occupancy Tax Funds presented by Scott Joslove, President & CEO of the Texas Hotel and Lodging Association.

Mr. Joslove introduced himself and discussed the attached document regarding Hotel Occupancy Tax for cities.

Discussion was held regarding the criteria for H.O.T. Funds.

Discussion was held regarding the process of legislative amendments on behalf of the city.

Discussion was held regarding projects/events around the city that would qualify for H.O.T. Funds.

PUBLIC COMMENTS

Robert Battaile, 502 E. Eggleston Street, Manor, Texas, submitted a speaker card and spoke to City Council regarding restructuring the rental Boccee fees for Timmermann Park and also suggested for 150 cherry trees to be planted along the main road. Mr. Battaile proposed the Texas Open Boccee Tournament and is requesting for H.O.T Funds to be used for this event.

No one else appeared at this time.

CONSENT AGENDA

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

- January 19, 2022, City Council Regular Meeting; and
- January 19, 2022, City Council Called Special Session

2. **Second and Final Reading:** Consideration, discussion and possible action on an ordinance rezoning 3.398 acres, more or less, out of the Greenbury Gates Survey No. 63, Abstract 315, and being located at 13801 N. FM 973, Manor, TX to Heavy Commercial (C-3).
Applicant: Rafiq Kareediya; Owner: Rafiq Kareediya

Ordinance No. 628: 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) With Modifications; Making Findings of Fact; and Providing for Related Matters.

3. **Second and Final Reading:** Consideration, discussion, and possible action on an ordinance rezoning 10.24 acres, more or less, out of the A.C. Caldwell Survey, Abstract 154, and being located near the intersection of Paseo de Presidente and Gunn Lane, Manor, TX from Single Family Suburban (SF-1) to Multi-Family 15 (MF-1).
Applicant: Kimley-Horn and Associates, Inc.; Owner: Dwyer Realty

Ordinance No. 637: An Ordinance of The City of Manor, Texas, Amending the Zoning Ordinance by Rezoning a Parcel of Land From Single Family Suburban (SF-1) to Townhome (TH); Making Findings of Fact; and Providing for Related Matters.

MOTION: Upon a motion made by Council Member Wallace and seconded by Council Member Moreno, to approve the Consent Agenda with staff recommendations on Item 2 and Item 3.

There was no further discussion.

Motion to approve carried 5-0

At the direction of Mayor Harvey, Item No. 9 was conducted next.

REGULAR AGENDA

9. **Consideration, discussion, and possible action on an Ordinance ordering a Special Election to be Held on May 7, 2022 for the Election of City Council Place Six to Serve an Unexpired Term Ending November 2022; Authorization for the Mayor to execute the Notice of General Election; and Authorization for the Interim City Manager to execute the election agreements with Travis County.**

The City staff recommended that the City Council approve Ordinance No. 638 ordering a Special Election to be Held on May 7, 2022, for the Election of City Council Place Six to Serve an Unexpired Term Ending November 2022; Authorization for the Mayor to execute the Notice of General Election; and Authorization for the Interim City Manager to execute the election agreements with Travis County.

Robert Battaile, 502 E. Eggleston Street, Manor, Texas, submitted a speaker card in support of this item. Mr. Battaile asked if other items could be added to the election.

Discussion was held regarding the clarification of the Special Election was to fill the unexpired term of vacancy Place No. 6 and no other additional items could be added to the election at this time.

Ordinance No. 638: An Ordinance of the City of Manor, Texas, Ordering a Special Election to be Held on May 7, 2022 for the Election of City Council Place Six to Serve an Unexpired Term Ending November 2022; Designating the Main Early Voting Place for Such Special Election; Providing for an Order and Notice Of Such Special Election; Providing For Related Matters; Providing A Severability Clause; And Providing An Effective Date.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Wallace, to approve the second and final reading of Ordinance No. 634 annexing 134.529 acres of land, more or less, located in Travis County, Texas at the request of the property owners, and approving an agreement for the provision of services for the annexed area and providing for other related matters.

There was no further discussion.

Motion to approve carried 5-0

4. **First Reading:** Consideration, discussion, and possible action on an ordinance rezoning 8.57 acres, more or less, out of the Greenbury Gates Survey No. 63, Abstract No. 315 and the Calvin Barker Survey No. 38, Abstract No. 58, and being located at 12920 Old Highway 20, Manor, TX from Agricultural (A) to Neighborhood Business (NB) and Townhome (TH). *Applicant: Rao's Consulting Engineers, LLC; Owner: Sampsg Properties, LLC*

The city staff recommended that the City Council approve the first reading of an ordinance rezoning 8.57 acres, more or less, out of the Greenbury Gates Survey No. 63, Abstract No. 315 and the Calvin Barker Survey No. 38, Abstract No. 58, and being located at 12920 Old Highway 20, Manor, TX from Agricultural (A) to Neighborhood Business (NB) and Townhome (TH).

Tyler Burke, 12701 Wedding Drive, Manor, Texas, submitted a speaker card in opposition to this item. Mr. Burke is the HOA President of Bells Farms and spoke on behalf of his community. He stated that the developer had met with the residents via zoom but they were unanswered questions and concerns that were not provided by the developer regarding traffic issues. He asserted that the neighborhood was in support of Neighborhood Business but not Townhome development at this location.

Mark Thoman, 12741 Bella Parkway, Manor, Texas, submitted a speaker card in opposition to this item. Mr. Thoman expressed his concerns with the proposed development plan. He reiterated what Mr. Burke discussed prior regarding the neighborhoods' concerns.

Julie Leonard, 12821 Ring Drive, Manor, Texas, submitted a speaker card in opposition to this item. Ms. Leonard presented the attached petition to City Council. Ms. Leonard expressed her concerns with the proposed development plan. She also discussed previous development that the developer had completed in another community. She thanked the city staff for attending the meeting with the developer. Ms. Leonard also echoed what Mr. Burke and Mr. Thoman discussed regarding the neighborhood's concerns.

Justin Stevens, 12700 Casting Dr., Manor, Texas, submitted a speaker card in opposition to this item; however, he did not wish to speak.

Interim City Manager Dunlop discussed the regulations for Neighborhood Business. He clarified the type of development that would be allowed in the area.

MOTION: Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Hill, to deny the first reading of an ordinance rezoning 8.57 acres, more or less, out of the Greenbury Gates Survey No. 63, Abstract No. 315 and the Calvin Barker Survey No. 38, Abstract No. 58, and being located at 12920 Old Highway 20, Manor, TX from Agricultural (A) to Neighborhood Business (NB) and Townhome (TH).

There was no further discussion.

Motion to deny carried 5-0

5. Consideration, discussion, and possible action on a Purchase Contract with Eternal Faith Baptist Church for a utility easement with temporary construction easement.

The city staff recommended that the City Council approve the purchase contract with Eternal Faith Baptist Church for a utility easement with temporary construction easement.

Interim City Manager Dunlop discussed the proposed purchase contract.

MOTION: Upon a motion made by Council Member Wallace and seconded by Mayor Pro Tem Hill, to approve the purchase contract with Eternal Faith Baptist Church for a utility easement with temporary construction easement.

Discussion was held regarding clarification of the temporary construction easement.

There was no further discussion.

Motion to approve carried 5-0

6. Consideration, discussion, and possible action on a Resolution accepting the petition for annexation of 5.796 acres of land, more or less, being located in Travis County, Texas and adjacent and contiguous to the city limits.

The city staff recommended that the City Council approve Resolution No. 2022-03 accepting the petition for annexation of 5.796 acres of land, more or less, being located in Travis County, Texas and adjacent and contiguous to the city limits.

Resolution No. 2022-03: A Resolution of The City of Manor, Texas, Accepting the Petition for Annexation of 5.796 Acres of Land, More or Less; Being Located in Travis County, Texas and Adjacent and Contiguous to the City Limits; and Providing for Open Meetings and Other Related Matters.

MOTION: Upon a motion made by Council Member Moreno and seconded by Council Member Wallace, to approve Resolution No. 2022-03 accepting the petition for annexation of 5.796 acres of land, more or less, being located in Travis County, Texas and adjacent and contiguous to the city limits.

There was no further discussion.

Motion to approve carried 5-0

7. Consideration, discussion, and possible action an Interlocal Agreement for Wastewater Service with Wilbarger MUD No. 1.

The city staff recommended that the City Council approve the Interlocal Agreement for Wastewater Service with Wilbarger MUD No. 1.

Interim City Manager Dunlop discussed the proposed agreement.

MOTION: Upon a motion made by Council Member Moreno and seconded by Council Member Wallace, to approve the Interlocal Agreement for Wastewater Service with Wilbarger MUD No. 1.

There was no further discussion.

Motion to approve carried 5-0

8. Consideration, discussion, and possible action on the Termination of the Agreement regarding the Dissolution of the Lagos Public Improvement District.

The city staff recommended that the City Council approve the Termination of the Agreement Regarding the Dissolution of the Lagos Public Improvement District.

Interim City Manager Dunlop discussed the proposed termination of agreement.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Weir, to approve the Termination of the Agreement Regarding the Dissolution of the Lagos Public Improvement District.

There was no further discussion.

Motion to approve carried 5-0

10. Consideration, discussion, and possible action on RFQ2021-49 City of Manor Space Needs Assessment and Facilities Master Plan.

The city staff recommended that the City Council select PGAL to enter contract negotiations for RFQ 2021-49 City of Manor Space Needs Assessment and Facilities Master Plan.

Interim City Manager Dunlop discussed the RFQ for City of Manor Space Needs Assessment and staff's recommendation.

MOTION: Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Hill, to select PGAL to enter contract negotiations for RFQ 2021-49 City of Manor Space Needs Assessment and Facilities Master Plan.

Discussion was held regarding the timeline for the assessment.

Discussion was held regarding the types of buildings the company would assess for the City of Manor.

Mayor Harvey requested for PGAL to present to council the final assessment once completed and asked if any adjustments could be made by council if requested prior to the final assessment.

Discussion was held regarding clarification on community outreach timeline.

There was no further discussion.

Motion to approve carried 5-0

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 9:07 p.m. on Wednesday, February 2, 2022.

These minutes approved by the Manor City Council on the 1st day of March 2022. *(Audio recording archived)*

APPROVED:

Dr. Christopher Harvey
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Draft Minutes



Citizen Management Suite

Citizen Request
Management



Citizen Notifications
& Alerts



Company Overview

- Founded in 2004
- Over 175 Municipal Customers
- Over 2 Million Users!

Item 2.

Products



Citizen Notifications

- Branded Mobile App
- Send to Multiple Channels (Push, Email, Facebook, Twitter)
- Subscription Groups
- Applets
 - Elected Officials
 - Phone Lists
 - Social Media Integrated
 - Surveys
 - Local Places
 - Pages
 - Any Mobile Content

Citizen Request (CRM)

- Service Requests
- Knowledge Base
- Workflow
- Reporting & Mapping
- Satisfaction Surveys
- Work Order Lite (Time & Materials)
- Integrations
 - ESRI ArcGIS
 - LDAP / Active Directory
 - Work Order Systems

Code Enforcement (Not Included)

- Case Management
- Violations & Actions
- Attach Pictures, Videos & more
- Letters & Citations
- Fees & Payments
- Special Features
 - Rental Inspections
 - Weed Abatement
 - Vehicle Abatement
 - Business License Enforcement
- Integrations
 - ESRI ArcGIS
 - Permitting Systems
 - Collection Services

Branded Mobile App for Citizens




- Branded specifically for your Agency
- Access Useful City Information
- Submit Service Requests
- Knowledge Base of FAQs for Citizen Self-Service
- Receive Notifications & Alerts

Web Portal

- Embedded into City's Website
- Submit Service Requests
- Browse Knowledge Base
- Promotes Downloads of App
- Sign up for Email Notifications & Alerts



 **Placentia** + New Issue Item 2.

? Looking for Information?

This site is designed to provide our residents, businesses and visitors with a Virtual City Hall, giving you the opportunity to access City Hall, 24-hours a day, 7-days a week, from the comfort of your own home.

IMPORTANT NOTE: Requests are NOT monitored on a 24/7 basis and are addressed during business hours. If you have an emergency, please call 9-1-1.

We are here to serve you!

[Click here to search by key words](#)

Topic Areas

▶ Administration	▶ Homelessness Concerns
▶ Animals and Pest Control	▶ Landscaping
▶ Building and Facility Maintenance	▶ Parks & Recreation
▶ Business Licenses	▶ Permits and Licenses
▶ City Council	▶ Police and Public Safety
▶ City Government	▶ Procurement
▶ Code Enforcement	▶ Streets, Curbs and Gutters
▶ Elections	▶ Traffic Signs / Signals
▶ Employment Opportunities	▶ Trash and Recycling
▶ Finance	▶ Utilities
▶ Fire Prevention	▶ Website
▶ Graffiti	

Most Requested

City Job Openings

How do I find the current job openings for the City of Placentia?

Business License Renewal

When is Business License due for renewal?

Business License Application and Fees

Pothole Repair

To report potholes for repairs to be completed by Public Works maintenance staff

Building and Facility Maintenance

How do I report a maintenance issue at a City facility or building?

Contact Us

How can I contact the City?

Trash Pickup

Who do I call for a bulky item garbage collection?

Dangerous or Unsightly Property


How can I report dangerous or unsightly property?


Graffiti


How do I report graffiti and arrange for its removal?


Curb/Gutter Damage/Water Ponding


Repair and/or Replacement of Damaged Curb and Gutters

 Download on the App Store

 GET IT ON Google Play

Select Language 

Powered by  Google Translate

Powered by  GOGov

Staff Software



Item 2.

None Reset Return to Classic Create

Status Category: Open Expand

Showing 53 requests out of 58 in 0.004 seconds Top

	STATUS	DUE	TOPIC+	PEOPLE	UPDATED	ENTERED
	Scheduled	Mar 3, 2021 +7D	Trash and Debris Code Enforcement 6 Oak St, Nesconset Please have someone clean up this trash I am tired of looking at it!	Ryan Reporter Kevin Strauss	Feb 17, 2021 4:53 PM	Feb 17, 2021 4:46 PM
	Open	Feb 25, 2021 +1D	Tall Grass/Weeds Code Enforcement 8 Moonlit Ct, Smithtown please help get the grass cut!	Kevin Strauss Kevin Strauss	Feb 11, 2021 1:53 PM	Feb 11, 2021 1:53 PM
	Open	Feb 18, 2021 -6D	Sidewalk Repair Public Works W Main St Job is to fix all sidewalk damage caused by recent parade	Kevin Strauss Kevin Strauss	Feb 24, 2021 9:39 AM	Feb 11, 2021 1:43 PM
	Open	Feb 25, 2021 +1D	Snow on Sidewalks Code Enforcement W Main St Guys - Please remove all snow from sidewalks and put down salt...	Kevin Strauss Kevin Strauss	Feb 24, 2021 9:39 AM	Feb 11, 2021 10:37 AM
	Open	Feb 23, 2021 -1D	Tall Grass/Weeds Code Enforcement 8 Moonlit Ct This grass is really long!	Jack Greenstone Kevin Strauss	Feb 24, 2021 9:40 AM	Feb 9, 2021 4:53 PM
	Open	Feb 22, 2021 -2D	Barking Dog Information Code Enforcement 8 Moonlit Ct The dog doesnt	Jack Greenstone Kevin Strauss	Feb 24, 2021 9:40 AM	Feb 8, 2021 4:28 PM
	Scheduled	Mar 17, 2021 +21D	Pothole Public Works 6 Oak St, Nesconset please fix this!	Ryan Reporter Kevin Strauss	Feb 3, 2021 4:15 PM	Feb 3, 2021 4:14 PM

- Manage & Route Requests
- Assign & Track Work
- Collaborate with Citizens and Staff
- Integrations with Third-Party Software
- Browser Based



Reports



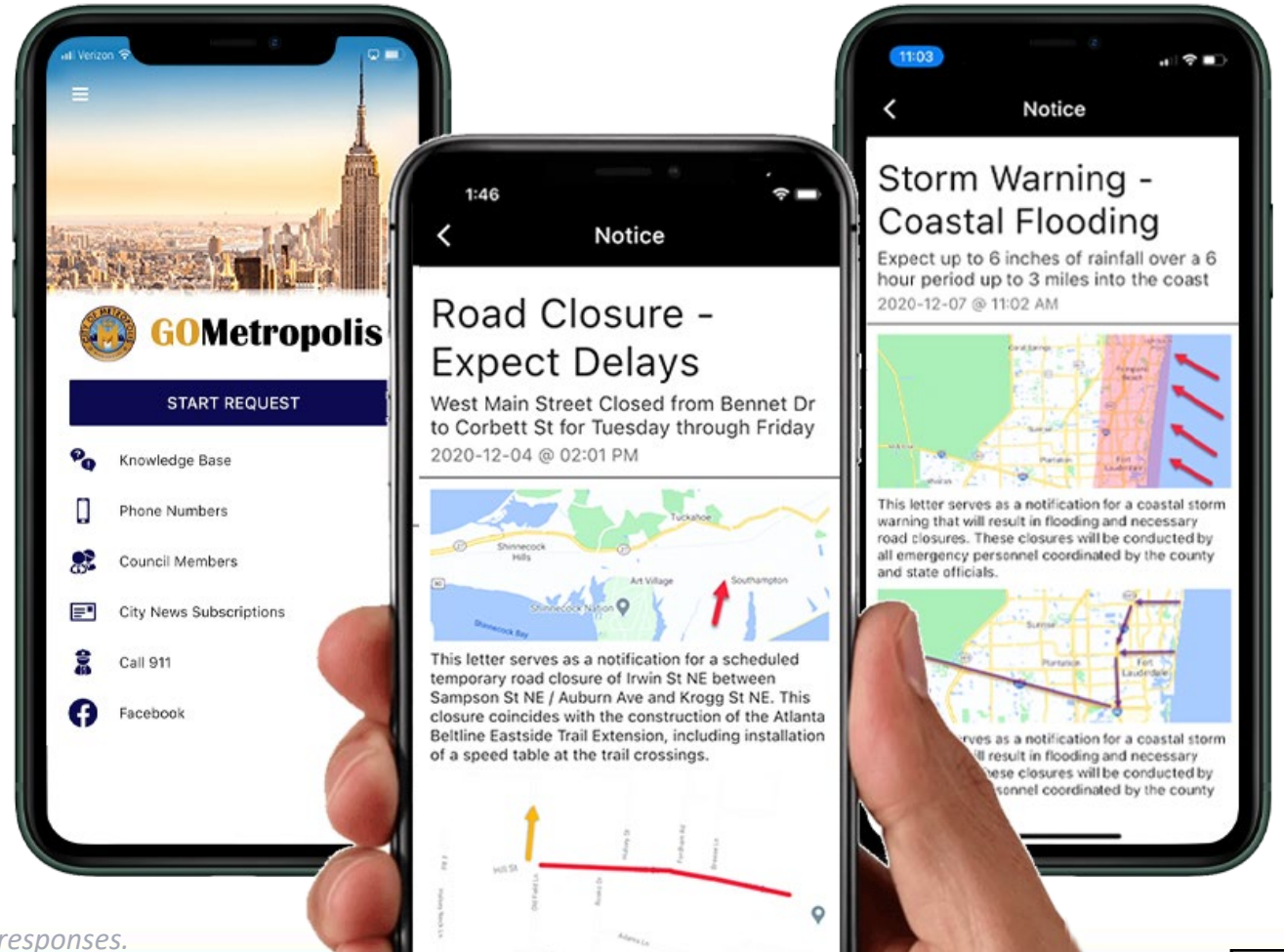
- Agency-wide Reports
- Departmental Reports
- Backlog by Department or Topic
- Response Times
- Citizen Satisfaction
- Custom Reports
- View Reports on a Map
- Save, Schedule & Export to Excel



Citizen Notifications



- Informational Messages
- Emergency Alerts
- Real Time Push Notifications
- Push to Social Media
- Send via Email
- Scheduled Sending
- Subscription Lists
- Manage Follow up Questions*



* Additional CRM module required to allow citizens to reply to notifications and manage responses.

Training & Implementation



- Average Implementation is only a Few Weeks Long
- Unlimited Training for the Life of Working Together
- Dedicated Project Manager
- All Training Performed Remotely, via GoToMeeting
- All Sessions Recorded & Provided to City as a Video Library
- Continued Support Available via Phone, Email & Online Ticketing System



Pricing Model

Purchase Features you can use, not Licenses!



Population Based Pricing



No Up-Front Costs



Unlimited Users & Departments



Unlimited Training & Support



Fully Hosted



Software as a Service Subscription





SCOTT JOSLOVE

Scott Joslove has served as President and CEO of the Texas Hotel & Lodging Association (THLA) for the past 21 years. In that time, THLA has grown from the fourth largest state hotel association to the largest state hotel association in the nation, with over 5,000 lodging-related member businesses, from the smallest bed and breakfast properties to the largest convention center hotels.

Since joining THLA, Scott and his staff have passed every legislative bill they have offered over the last nineteen years and have defeated every legislative initiative opposed by the lodging industry. The International Society of Hotel Associations has recognized THLA ten times for having the Best Membership Program and the Best Governmental Affairs Program in the nation. Scott was recognized with the Top Watchdog award by the San Antonio Tourism Council, the Anthony G. Marshall Hospitality Law Lifetime Achievement Award, the Lifetime Achievement award from the Hotel & Lodging Association of Greater Houston, and the first non-elected official to receive the Friend of the Hotelier Award from the Asian American Hotel Owners Association.

Scott has a master's degree in public administration and has been a licensed attorney for over 25 years. Prior to joining THLA, Scott served as Chief of Municipal Affairs for the Texas Attorney General and as First Assistant General Counsel for the Texas Municipal League.

What Cities Need to Know to Administer Municipal Hotel Occupancy Taxes

Abridged Version

Texas Hotel & Lodging Association

REVISED 2018

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Editor’s Note

This is the abridged version of THLA’s *What Cities Need to Know to Administer Municipal Hotel Occupancy Taxes*. A full version of this article, with information including expanded information on hotel tax collection, tax exemptions, and city-specific rules, is available by contacting THLA at 512-474-2996 or emailing us at news@texaslodging.com.

Authorized Entities

All incorporated Texas municipalities, including general law and home rule cities, may enact a hotel occupancy tax within the city limits.¹ A city with a population of under 35,000 may also adopt the hotel occupancy tax within that city’s extraterritorial jurisdiction (ETJ).² Most cities are eligible to adopt a hotel occupancy tax at a rate of up to 7 percent of the price paid for the use of a hotel room.³ Additionally, a city or county may not propose a hotel occupancy tax rate that would result in a combined hotel occupancy tax rate imposed from all sources that would exceed 17 percent of the price paid for the room.⁴ If a city adopts the hotel occupancy tax within its ETJ, the combined state, county, and municipal hotel occupancy tax rate may not exceed 15 percent.⁵ Texas has among the highest combined hotel occupancy tax rates of any major metropolitan areas in the nation, with El Paso at 17 ½ percent, Houston at 17 percent, and San Antonio at 16 ¾ percent.⁶

In addition to local hotel occupancy taxes, all lodging properties operating in Texas are subject to a six percent state hotel occupancy tax.⁷ Governed under Chapter 156 of the Texas Tax Code, the state hotel occupancy tax is administered by the Texas Comptroller. Funds from the state six percent hotel occupancy tax flow directly to the Texas Comptroller’s office and are largely used for the general governmental operations of the State. A portion of the state hotel occupancy tax revenue also goes toward funding tourism promotion through Texas’s ad campaign. Most Texans know this successful ad campaign by its famous tagline, “Texas, it’s like a whole other country.”

Collecting the Tax

Under the Texas Tax Code, the following businesses are considered “hotels” and are required to collect hotel occupancy taxes from their guests: “Any building or buildings in which members of the public obtain sleeping accommodations for consideration” for less than 30 days, including a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast facilities.⁸ Additionally, a “short-term rental,” defined as the rental of all or part of a residential property to a person

¹ Tex. Tax Code Ann. § 351.002(a) (Vernon 2017).

² § 351.0025(a).

³ § 351.003(a).

⁴ Tex. Loc. Gov’t Code § 334.254(d). Note that the 17 percent cap does not apply to a city that approved a higher hotel tax through a venue ballot proposition prior to September 1, 2013, such as El Paso.

⁵ § 351.0025(b).

⁶ Source: National Business Travel Association 2009 Survey.

⁷ Tex. Tax Code § 156.051.

⁸ Tex. Tax Code § 156.001(a); 34 Tex. Admin. Code Ann. § 3.161(a)(3) (Vernon 2017).

who is not a permanent resident, is subject to hotel occupancy taxes.⁹ The Texas Administrative Code also includes “manufactured homes, skid mounted bunk houses, residency inns, condominiums, cabins, and cottages within the definition of a “hotel” if the facility is rented for periods of under 30 days.¹⁰ Hospitals, sanitariums, nursing homes, dormitories or other non-hotel housing facilities owned by institutions of higher education, and oilfield portable units do not collect the tax.¹¹ Subject to various exemptions, the hotel tax is imposed on any “person” who pays for the use of a room in a hotel, including corporations, organizations, and other legal entities. The hotel room must cost \$2 or more per day for the local hotel tax to apply, and \$15 or more per day for the state hotel tax to apply.¹²

Meeting rooms versus sleeping rooms:

The rental of sleeping rooms in hotels is subject to both state and local hotel taxes. However, there is a difference in how state and local hotel taxes apply to the rental of hotel meeting rooms. While the rental of sleeping rooms in hotels are subject to both state and local hotel taxes, meeting room rentals are not subject to local hotel occupancy taxes.¹³ The rental of a meeting room or meeting space in a hotel is subject to the state 6 percent hotel occupancy tax, provided the room or space is physically located in a structure that also contains sleeping rooms.¹⁴ For meeting rooms and banquet halls located in a structure that is physically separated from a structure that contains sleeping rooms, neither state nor local hotel occupancy taxes apply to that rental of those meeting rooms or banquet halls, provided rental costs or charges are separately stated from any lodging costs or charges on the guest’s invoice or receipt.¹⁵

However, it must be noted that sales tax may apply to the costs associated with the rental of meeting rooms or banquet halls located in a structure that is physically separated from a structure that contains sleeping rooms, if the lodging facility provides food or beverage service that is subject to sales tax.¹⁶ Such sales tax would apply to the meeting room or banquet hall rental costs or charges regardless of whether the food or beverage charges are separately stated on the guest’s invoice or receipt.¹⁷

Food and beverage and other hotel charges:

Certain charges assessed by a hotel to a guest are subject to hotel occupancy taxes, while other added charges are subject to state and local sales tax. Common hotel charges usually subject to sales taxes (but generally not subject to hotel occupancy taxes) are banquet service fees, food and beverage fees, movie rentals, dry cleaning/laundry services, internet connection, parking, and portage or bellhop fees.

Hotel charges related to occupancy of a sleeping room or readying a sleeping room for occupancy are usually subject to hotel occupancy taxes only. Common hotel charges subject to hotel occupancy tax are rollaway bed charges, pet charges, smoking fees, room damage fees, room safe charges, and late or early checkout fees.¹⁸ It is important to note that if a hotel offers services as part of a package rate included with lodging, and the price of a specific good or service is not separately stated on a guest’s invoice, bill, or folio, the entire package is subject to hotel occupancy taxes.¹⁹

⁹ Tex. Tax Code § 156.001(c).

¹⁰ Tex. Tax Code § 156.001(a); 34 Tex. Admin. Code Ann. § 3.161(a)(3) (Vernon 2017).

¹¹ Tex. Tax Code § 156.001.

¹² Tex. Tax Code § 156.051(a); § 351.002(a).

¹³ *Id.*

¹⁴ Tex. Tax Code § 156.051(a); Tex. Comptroller Opinion Letter No. 200103106L, Mar. 9, 2001.

¹⁵ *Id.*

¹⁶ 34 Tex. Admin. Code Ann. § 3.161(a)(3) (Vernon 2017); Tex. Comptroller Opinion Letter No. 201010556L, Oct. 2010.

¹⁷ *Id.*

¹⁸ THLA maintains a list of most hotel charges and which tax, if any is assessed on a particular charge. This list is available upon request to THLA members.

¹⁹ Tex. Comptroller Opinion Letter No. 200102031L, Feb. 7, 2001.

Additionally, a special rule applies to whether hotel occupancy taxes are imposed on a hotel room rental cancellation fee. A 1989 Texas Comptroller's hearing concluded that hotel taxes are not due on charges to guests who 1) cancel more than 30 days before the scheduled stay begins, or 2) when the charge to the guest is less than the reserved room rate.²⁰ This rule applies both to individual reservations and also to group contracts.²¹

Application of local hotel tax rate increases on pre-existing contracts

If a municipality increases its hotel tax rate, the increased tax rate does not apply to a hotel room under a contract that was executed before the date the increased rate takes effect and if the contract provides for payment of the tax at the rate in effect when the contract was executed.²² This statute does not apply if the contract's terms state that the contract is subject to change or modification from a tax rate increase.²³

Exemptions from the Local Tax

Texas law provides certain hotel tax exemptions based on the length of a guest's stay or the guest's affiliation with an exempt organization. Texas law is more permissive for exemptions from the state 6% hotel occupancy tax than it is for local hotel tax exemptions. The state hotel occupancy tax allows for an exemption for the following entities: educational, charitable, and religious entities are often exempt from the state hotel occupancy tax. These entities are *not exempt* from local hotel occupancy taxes.²⁴

Focusing specifically on the local hotel occupancy taxes, there are primarily four categories of exemptions permitted from municipal and county hotel occupancy taxes:

- 1) **Federal Employees:** Federal employees traveling on official business;
- 2) **Diplomats:** Foreign diplomats with a tax exempt card issued by the U.S. Department of State;
- 3) **High Ranking State Officials:** A very limited number of state officials with a hotel tax exemption card (e.g. heads of state agencies, state legislators and legislative staff, members of state boards and commissions, and state judges); and
- 4) **Permanent Resident/Over 30 Day Stay:** Persons or businesses who have agreed in advance to use a hotel room for more than 30 consecutive days (i.e. the "permanent resident" hotel tax exemption).²⁵
- 5) A full version of this article with information including expanded information on tax exemptions is available by contacting THLA.

²⁰ Texas Comptroller's Hearing Decision No. 24,654 (1989).

²¹ *Id.*

²² Tex. Tax Code § 351.007.

²³ *Id.*

²⁴ Tex. Tax Code § 156.102.

²⁵ Tex. Tax Code § 156.104.

Penalties for Failure to Report or Collect the Tax

The local hotel occupancy tax statutes provide for specific penalties a city may assess against hotel operators who fail to file the hotel tax collections report, file late or without full payment, or produce false tax returns.²⁶

A full version of this article with information including expanded information on hotel tax penalties is available by contacting THLA.

²⁶ § 351.004.

Use of Local Hotel Occupancy Tax Revenues

There is a two-part test for every expenditure of local hotel occupancy tax.²⁷

Criteria #1: First, every expenditure must DIRECTLY enhance and promote tourism AND the convention and hotel industry.²⁸

Under the Tax Code, every event, program, or facility funded with hotel occupancy tax revenues must be likely to do two things: 1) directly promote tourism; and 2) directly promote the convention and hotel industry.²⁹ “Tourism” is defined under Texas law as guiding or managing individuals who are traveling to a different, city, county, state, or country.³⁰ A “direct” promotion of the convention and hotel industry has been consistently interpreted by the Texas Attorney General as a program, event, or facility likely to cause increased hotel or convention activity.³¹ This activity may result from hotel or convention guests that are already in town and choose to attend the hotel tax funded facility or arts or historical event, or it may result from individuals who come from another city or county to stay in an area lodging property at least in part to attend the hotel tax funded event or facility.

If the funded event or facility is not reasonably likely to directly enhance tourism and the hotel and convention industry, local hotel occupancy tax revenues cannot legally fund it.³² However, it is important to note that events and facilities that do not qualify for hotel occupancy tax funding are often still legally eligible for city funding from most of the other funding sources available to the city (general property tax revenues, general sales tax revenues, franchise fee revenues, etc.). State law is stricter in terms of how the local hotel occupancy tax revenues can be spent.

There is no statutory formula for determining the level of impact an event must have to satisfy the requirement to directly promote tourism and hotel and convention activity.³³ However, communities with successful tourism promotion programs generally award the amount of the hotel occupancy tax by the proportionate impact on tourism and hotel activity incident to the funding request. Entities applying for hotel occupancy tax revenue funding should indicate how they will market the event to attract tourists and hotel guests. If an entity does not adequately market its events to tourists and hotel guests, it is difficult to produce an event or facility that will effectively promote tourism and hotel activity.

A city or delegated entity should also consider whether a funded event will be held in a venue that will likely attract tourists and hotel guests. For example, if an event is held in a local school or community center, it may be less likely to attract tourists than if it is held at a local performing arts venue, museum or civic center. Each community will need to assess whether the facility hosting the function is likely to attract tourists and hotel guests. Similarly, if an event is a community picnic, local parade, educational class, or other similar type of event, it is often not likely to attract tourists and hotel guests, and would likely not be eligible for hotel occupancy tax funding.

²⁷ §§ 351.101(a), (b).

²⁸ §§ 351.101(b).

²⁹ *Id.*

³⁰ § 351.001(6).

³¹ See Op. Tex. Att’y Gen. Nos. GA-0124 (2003), JM-690 (1987).

³² *Id.*

³³ See generally Tex. Tax Code §§ 351.101(a), (b).

Finally, it is a good practice to utilize a hotel tax application form. THLA has a sample hotel occupancy tax application form and a “post event” form that are already in use by many city governments throughout Texas. For a copy of these two forms, simply call THLA at (512) 474-2996, or email THLA at news@texaslodging.com. These forms pose questions of funding applicants such as “Do you have a hotel room block for your events?” and “What do you expect to be the number of room nights sold for this event?” Additionally, the application asks if the entity has negotiated a special hotel price for attendees of their funded event. If the entity does not find the need to reserve a hotel block or negotiate a special hotel rate, it is not likely that they anticipate their event/s will have a meaningful impact on hotel activity.

Funded entities can also visit with area hoteliers who, in many cases, can provide feedback on whether any of their hotel guests expressed an interest in attending such events or facilities in the past. Hotel front desk and management staff usually know what local events and facilities were of interest to their guests by notes in their reservation systems, requests for directions, information and transportation to such venues by hotel patrons.

After an applicant’s event or program is offered for several years, the applicant should have a reasonable idea as to whether their event or program’s attendance includes a number of tourists and hotel guests. For example, some entities track whether guests are staying at local hotels via their guest registry. Other entities measure potential out-of-town attendance from their ticket sales records or other survey information.

It is important to note that Texas law also provides that the hotel occupancy tax may not be used for general revenue purposes or general governmental operations of a municipality.³⁴ It also may not be used to pay for governmental expenses that are not directly related to increasing tourism and hotel and convention activity.³⁵ For example, consider a request to use the hotel occupancy tax to pay for construction of additional lighting, restrooms, roads, sidewalks, or landscaping in a downtown area. These are expenditures for which the city would traditionally use its general revenues. Therefore, such an expenditure would violate the prohibition against using the hotel tax for “general governmental operations of a municipality.”³⁶ It is difficult to argue that such improvements to a non-tourism facility would “directly” promote tourism and hotel activity. At best, one could argue the improvements would “indirectly” enhance tourism and hotel activity—which is not sufficient under the clear language of the Tax Code to qualify for funding from the hotel occupancy tax.

³⁴ Tex. Tax Code § 351.101(b); *see also* Op. Tex. Att’y Gen. Nos. JM-184 (1984), JM-965(1988).

³⁵ *Id.*

³⁶ *Id.*

Criteria #2: Every expenditure of the hotel occupancy tax must clearly fit into one of nine statutorily provided categories for expenditure of local hotel occupancy tax revenues.³⁷

The nine categories for expenditure of the hotel occupancy tax are as follows:

1) Funding the establishment, improvement, or maintenance of a convention center or visitor information center.

This category allows expenditures of the hotel tax for the creation, improvement, or upkeep of a convention center or a visitor information center.³⁸ The term “convention center” is defined to include civic centers, auditoriums, exhibition halls, and coliseums that are owned by the city or another governmental entity or that are managed in whole or in part by the city.³⁹ It also includes parking areas in the immediate vicinity of a convention center facility, and certain hotels that are owned by the city or another governmental entity, or that are managed in whole or in part by the city.⁴⁰ It does not include facilities that are not of the same general characteristics as the structures listed above.

Texas law specifies that for a facility to be funded as a convention center, it must be a facility primarily used to host conventions and meetings.⁴¹ “Primarily used” in this context would arguably mean that more than 50 percent of the bookings for the facility are to host conventions or meetings that directly promote tourism and the hotel and convention industry.⁴² In other words, holding local resident meetings in a facility would not count toward qualifying the facility as a convention center, but meetings of individuals from out-of-town who in part stay at hotels would qualify.

Simply naming a facility a convention center or visitor information center does not automatically qualify the facility as a “convention center.” The authority to use the hotel occupancy tax for facilities is limited and any such facility must meet the above noted “primary usage” test. For example, general civic buildings such as the city hall, local senior citizen centers or activity centers would not qualify as convention centers that could be funded by hotel tax.

2) Paying the administrative costs for facilitating convention registration.

This provision allows expenditures for administrative costs that are actually incurred for assisting in the registration of convention delegates or attendees.⁴³ This is generally an expenditure for larger cities that hold large conventions, and includes covering the personnel costs and costs of materials for the registration of convention delegates or attendees.

³⁷ Tex. Tax Code § 351.101(a).

³⁸ § 351.101(a)(1).

³⁹ § 351.001(2).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*; see generally Tex. Tax Code §§ 351.101(a), (b).

⁴³ Tex. Tax Code § 351.101(a)(2).

3) Paying for advertising, solicitations, and promotions that attract tourists and convention delegates to the city or its vicinity.

This provision allows expenditures for solicitations or promotional programs/advertising directly related to attracting tourists and convention delegates to the city or its vicinity.⁴⁴ Such expenditures are traditionally in the form of internet, newspaper, mail, television, or radio ads; or solicitations to promote an event or facility. The advertising or promotion must directly promote the hotel and convention industry.⁴⁵ For example, the Texas Attorney General ruled that the local hotel occupancy tax may not be used for advertising or other economic development initiatives or improvements to attract new businesses or permanent residents to a city.⁴⁶

In certain cases, a city may be able to use the advertising and promotion category to justify covering the costs of advertising an event that will attract tourists and hotel guests, even though the administrative or facility costs for the underlying event would not qualify for hotel tax funding.⁴⁷

4) Expenditures that promote the arts.

This section authorizes the expenditure of local hotel occupancy tax for a variety of art-related programs that also promote tourism and local hotel and convention activity.⁴⁸ Specifically, it allows funding the encouragement, promotion, improvement, and application of the arts including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution and exhibition of these major art forms.⁴⁹ However, it is not enough that a facility or event promotes the arts; Texas law requires that the arts related expenditure also directly promote tourism and the hotel and convention industry.⁵⁰

Section 351.101(a) of the Tax Code specifically states that “the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry.” The Texas Attorney General reaffirmed this standard when it held in Opinion GA-0124: “Under section 351.101 of the Tax Code, a municipality may expend its municipal hotel occupancy tax revenue only to promote tourism and the convention and hotel industry, and only for the specific uses listed in the statute.”

Additionally, the amount of funding a city allocates to the arts category may be limited by statute. See the “Special Rules” section of this guide

Attorney General opinion on arts facilities

In 2017, the Texas Attorney General issued opinion number KP-0131 regarding whether a city can expend hotel tax revenues for an arts-related facility under the arts category of the Tax Code. This opinion was requested by the City of Lakeway regarding funding the construction of a new performing arts center (referred to as “PAC”), to be owned by the City. The City of Lakeway requested an Attorney General

⁴⁴ § 351.101(a)(3).

⁴⁵ § 351.101(b).

⁴⁶ Op. Tex. Att’y Gen. No. JM-690 (1987).

⁴⁷ See generally Tex. Tax Code § 351.101(a)(3).

⁴⁸ Tex. Tax Code § 351.101(a)(4).

⁴⁹ *Id.*

⁵⁰ § 351.101(b).

opinion on whether the City may legally use hotel occupancy tax revenue to pay for 1) a feasibility study for the PAC, and 2) the construction, operation, and maintenance of the PAC.

In Opinion KP-0131, the Attorney General took a strict position on using local hotel tax revenue for an arts facility. The opinion states that the phrase, "promotion of the arts," in the state statute does not expressly authorize the use of municipal hotel tax revenues for the construction of arts facilities. The opinion continues, "construction costs of theater facilities, considered alone, are not within the scope" of the arts category of hotel occupancy tax expenditures.⁵¹ Based on this reasoning, it seems that the Texas Attorney General holds that funding of a physical structure with local hotel tax revenue must be coupled with some other authorized category of hotel tax expenditures aside from "promotion of the arts" alone.

5) Funding historical restoration or preservation programs.

A city may spend a portion of its hotel occupancy tax revenues to enhance historical restoration and preservation projects or activities, or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums that are likely to attract tourists and hotel guests.⁵² Texas law does not limit such funding to structures that are owned by a public or nonprofit entity, or to whether the project is listed on a historic registry, but the city may choose to impose such limitations.

It is not enough that a project or activity event merely be historical in nature; Texas law requires that the historical related expenditure also directly promote tourism and the hotel and convention industry.⁵³ Section 351.101(a) of the Tax Code specifically states that "the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry." The Attorney General in Opinion GA-0124 (2003) reaffirmed this standard when it held: "Under section 351.101 of the Tax Code, a municipality may expend its municipal hotel occupancy tax revenue "only to promote tourism and the convention and hotel industry" and only for the specific uses listed in the statute."

Additionally, the amount of funding a city allocates to the historical programs category may be limited by statute. See the "Special Rules" section of this guide, starting on page 24.

6) Funding certain expenses, including promotional expenses, directly related to a sporting event within counties with a population of under 1 million.

This section authorizes a municipality located in a county with a population of under 1 million to use local hotel occupancy tax revenue to fund certain expenses, including promotional expenses, directly related to a sporting event.⁵⁴ To qualify under this authorization, the sporting event must be one that would "substantially increase economic activity at hotels and motels within the city or its vicinity."⁵⁵ The statutory authorization also requires that a majority of the participants in the sporting event also be tourists to the area.⁵⁶

⁵¹ Op. Tex. Att'y Gen. No. KP-0131 (2017).

⁵² § 351.101(a)(5).

⁵³ § 351.101(b).

⁵⁴ § 351.101(a)(6).

⁵⁵ *Id.*

⁵⁶ *Id.*

This category is intended to allow communities to fund the event costs for sporting tournaments that result in substantial hotel activity. For example, if a city had to pay an application fee to seek a particular sporting event or tournament, it could use hotel tax for such an expenditure if the sporting event would substantially increase economic activity at hotels and the city was within a county of under one million population. The requirement that a majority of the participants must be “tourists” is included in the statutory authority to prohibit the use of local hotel tax for sporting related facilities or events that are purely local (e.g.; local recreation centers, local little league and parks events, intramural sports, etc.).

7) Funding the enhancement or upgrading of existing sports facilities or sports fields for certain municipalities.

Certain statutorily bracketed cities may use local hotel occupancy tax to enhance and upgrade existing sports facilities owned by the municipality.⁵⁷ The municipality must own the sporting facility, and the municipality must meet applicable population requirements. A full version of this article, with information including which cities are eligible for this category, is available by contacting THLA.

Texas law further requires that before local hotel tax to be used for this purpose, the sports facilities and fields must have been used a combined total of more than 10 times for district, state, regional, or national sports tournaments in the preceding calendar year.⁵⁸

If hotel tax revenues are spent on enhancing or upgrading a sports facility, the municipality must also determine the amount of “area hotel revenue” generated by hotel activity from sports events held at the hotel tax funded facility for five years after the upgrades to the sport facility are completed.⁵⁹ The area hotel revenues that were generated from sports events at the hotel tax funded facility over that five year period must at least equal the amount of hotel tax that was spent to upgrade the sports facility.⁶⁰ If the amount of hotel tax that was spent on the facility upgrades exceeds hotel revenue attributable to events held at that facility over that five year period, the municipality must reimburse the hotel occupancy tax revenue fund any such difference from the municipality’s general fund.⁶¹

For example, if a city spent \$400,000 on improvements to its soccer fields, it would have to show at least \$400,000 in area hotel revenue directly attributable to events held at that soccer field over the five year period after the soccer field improvements were completed. If the city could only show \$300,000 in hotel industry revenue due to events held at that soccer field, the city would have to reimburse the city hotel tax with the \$100,000 difference from the city’s general fund.

8) Funding transportation systems for tourists

Often with conventions and large meetings, there is a need to transport the attendees to different tourism venues. In 2007, the Texas Legislature authorized the use of city hotel tax for any sized city to cover the costs for transporting tourists from hotels to and near the city to any of the following destinations:

⁵⁷ § 351.101(a)(7).

⁵⁸ Tex. Tax Code §§ 351.101(a)(7), 351.1076.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

- the commercial center of the city;
- a convention center in the city;
- other hotels in or near the city; and
- tourist attractions in or near the city.⁶²

The reimbursed transportation system must be owned and operated by the city, or privately owned and operated but financed in part by the city.⁶³ For example, this authority could be used to cover the costs of a city to finance certain private shuttles to operate between the convention center and area hotels and attractions for a large city-wide convention. The law specifically prohibits the use of the local hotel tax to cover the costs for a transportation system that serves the general public.⁶⁴

9) Signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality.

In 2009, the Texas Legislature added a statutory category that allows cities to use municipal hotel occupancy tax revenue to pay for signage directing tourists to sights and attractions frequently visited by hotel guests in the municipality.⁶⁵ Arguably, this type of expenditure was permissible as “advertising and promotion” prior to this 2009 legislation. However, the Legislature codified this understanding to officially include signage directing tourists to sights and attractions that are frequently visited by hotel guests.⁶⁶

⁶² § 351.110(a).

⁶³ § 351.110(b).

⁶⁴ § 351.110(c).

⁶⁵ § 351.101(a)(9).

⁶⁶ *Id.*

Administering Hotel Occupancy Tax Revenue Expenditures

City reporting of information to the Texas Comptroller

In 2017, the Texas Legislature passed a statute to require Texas cities to annually report hotel tax rate and spending information the State Comptroller. Specifically, the statute requires the city to report: 1) its municipal hotel tax rate, 2) any applicable venue tax rate, 3) the amount of hotel tax revenue collected for the preceding fiscal year, and 4) the amount and percentage of funds spent on each major category under state law.

The Comptroller will adopt rules to administer this new statute in the second half of 2017. These new rules will include a form for cities to complete when providing the information to the State.

Duty of funded entities to provide a list of activities.

All entities (including the city itself) that are directly or indirectly funded by the local hotel occupancy tax are annually required to provide a list of the scheduled activities, programs, or events that will directly enhance and promote tourism and the convention and hotel industry.⁶⁷ This list is to be provided annually to the city secretary or his/her designee prior to the expenditure of the hotel occupancy tax funding by the funded entity.⁶⁸ An entity may add items to this list at any time, and each city decides the format for providing this information. This documentation requirement does not apply if the entity already provides written information to the city indicating which scheduled activities or events that it offers that directly enhance and promote tourism and the convention and hotel industry. For example, cities that require quarterly or annual reports on the use of hotel tax by hotel tax funded entities would satisfy this requirement if their report addresses the extent to which their events directly promote tourism and hotel activity.⁶⁹

It is important to remember that if an entity does not have any such events or programs reasonably expected to directly promote tourism and the hotel and convention industry, it is not eligible for local hotel occupancy tax funding.⁷⁰ If only a portion of an entity's programs fit these criteria, then only a proportionate amount of that entity's costs should be covered by the local hotel occupancy tax.⁷¹

Delegating management of funded activities.

The governing body of a city may delegate the management or supervision of programs funded by the hotel occupancy tax by written contract.⁷² This delegation may be made to a person, another governmental entity, or to a private organization.⁷³ This delegation is often made to a local arts council, a chamber of commerce, or to the convention and visitors bureau. The municipality shall approve the entity's annual budget prior to delegating the management or supervision of hotel tax funded programs.⁷⁴ Furthermore, the municipality shall require the delegated entity to make periodic reports, at least

⁶⁷ § 351.108(b).

⁶⁸ *Id.*; § 351.108(d).

⁶⁹ § 351.108(g).

⁷⁰ § 351.101(b).

⁷¹ § 351.101(e).

⁷² § 351.101(c).

⁷³ *Id.*

⁷⁴ *Id.*

quarterly, listing the hotel occupancy tax expenditures made by the delegated entity.⁷⁵ Additionally, the Code requires that the contracted entity maintain complete and accurate financial records for every expenditure of hotel occupancy tax revenue, and upon the request of the municipality or another person, make the records available for inspection and review.⁷⁶

An entity with delegated authority to manage hotel tax funded programs undertakes a fiduciary duty with respect to the use of the tax revenue.⁷⁷ Such entities are also required to maintain the city hotel occupancy tax revenue in a separate bank account that may not be commingled with any other account or funds.⁷⁸ The Tax Code does not contain similar prohibitions against commingling the funds for individual organizations, such as an arts or historical group that receives hotel tax funding for their individual program, but do not themselves oversee hotel tax funding to other entities.

Use of hotel occupancy tax revenues to cover administrative expenses.

Texas law allows proceeds of the municipal hotel occupancy tax to be used to cover the portion of administrative costs that are directly attributable to work on activities that may be funded by the tax.⁷⁹ For example, entities that manage activities funded by the hotel occupancy tax may spend some of the tax for certain day-to-day operational expenses.⁸⁰ These expenses may include supplies, salaries, office rental, travel expenses, and other administrative costs.⁸¹ However, these costs may be reimbursed only if the expenses are incurred in the promotion and servicing of expenditures authorized under the hotel occupancy tax laws.⁸² The portion of the administrative costs that are covered should not exceed the percentage of the cost that is attributable to the activity funded by the hotel occupancy tax.⁸³ For example, administrators who spend 33 percent of their time overseeing hotel occupancy tax funded programs should seek funding for no more than 33 percent of their salary or 33 percent of other related overhead costs. Additionally, hotel occupancy tax revenues may be spent on travel that is directly related to the performance of the person's job in an efficient and professional manner.⁸⁴ This travel should facilitate the acquisition of skills and knowledge that will promote tourism and the convention and hotel industry.⁸⁵

⁷⁵ *Id.*

⁷⁶ § 351.101(d).

⁷⁷ § 351.101(c).

⁷⁸ *Id.*

⁷⁹ § 351.101(e).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ § 351.101(f).

⁸⁵ *Id.*

Special Rules for Selected Municipalities

The Texas Tax Code provides additional rules for certain Texas cities based on the city's population bracket. The Texas Tax Code provides additional rules for certain Texas cities based on the city's population brackets. A full version of this article with information on city-specific rules is available by contacting THLA.

Additional Information

If a city or funded entity has additional questions about the administration or use of the hotel occupancy tax, it is welcome to contact the Texas Hotel & Lodging Association for assistance by phone at (512) 474-2996 or by email at news@texaslodging.com. THLA has sample documents available to assist in administering hotel taxes, such as funding grant application forms, post event forms, and tax collection guidelines.

Texas city officials can also make inquiries to the legal staff of the Texas Municipal League at (512) 231-7400.





Lone Star Realty & Property Management Inc.



Lone Star Realty & Property Management Inc.

Statement of Petition

To the Mayor, City Council, and Planning and Zoning Commission Members of Manor TX

December 6, 2021

A Petition of Extraordinary Interest by the Home Owner Abutters and other Neighborhood Residents of the Bell Farms Subdivision to the Planning and Zoning Commission and City Council of Manor, Texas regarding abutting property described as 8.57 acres being located at 12920 Old Highway 20, Manor, TX owned by Sampsg Properties, LLC.

As a very interested contingent of homeowners whose names are listed below, we the concerned neighbors of the property do request the Manor Planning and Zoning Commission and City Council to prioritize and respond on record to the following items for consideration by the council in matters of future zoning of the subject property.

1. That the principled interest of maintaining a peaceful, private and safe Bell Farms residential neighborhood be protected
2. That the Commission/Council take into account the potential danger to the community of any property use potentially disrupting the safe buried status of the buried petroleum pipeline that crosses a significant portion of the subject property currently guarded by a restricted easement
3. That the Commission/Council's decision take into account any development potential environmental pollution to the surrounding neighborhood and property including:
 - a. Any substance, liquid or solid, surface or subsurface pollution of water or soils of surrounding neighborhood or tributary to the Wilbarger Creek drainage system to the Lower Colorado River
 - b. Any potential watershed pollution to property and surrounding property
 - c. Any potential noise and odors from property not typical in a residential neighborhood
 - d. Any habitat relocation of harmful animals (snakes, scorpions, etc)
 - e. Any lighting of property conform to restrictions not exceeding that of surrounding neighborhood
4. That the Commission/Council consider all traffic implications of any developed use of property including additional demands placed on main frontage and current access road to property being Old Highway 20 currently strained by neighborhood and industrial traffic
5. That the Commission/Council take complete economic consideration and analysis of the subject property regarding commitment to supply city water and sanitation services to said property and a legitimate cost benefit to the city be offset by a schedule of tax collections of any potential use
6. That the potential track to subject property zoning not adversely affect neighbors maintaining the best property values of their individual property

Door to Door Signatures

We the petitioners to the items listed above are listed below:

Krystal N. Luciano, Elvin Lozano - 12825 Ring Dr

Maria L. German, Lorenzo Aguilera - 12832 Ring Dr.

Manuel Vargas 12800 Ring Dr

Jorge Coronado 12809 Ring Dr

Heavenly 12829 Ring Dr.

Jeff Cox 12833 Ring Dr

Geranie M. Mesas 12828 Ring Dr.

John Dier 12812 Ring Dr

Asbby Goudreau 12816 Carillon Way

Samuel Gordon 12905 Shipbell Dr

MARIE THOMAS 12741 BELLA PKWY

Leticia James 12745 Bella Pkwy

Vanessa Smith 12728 Bella Pkwy

Fabrizio Pacheco 12724 Bella Pkwy

Larry Timmons 12737 St. Marys Dr

Lisa Nieto Hernandez 12700 Wedding Dr

Danielle Ramirez-Polley 12813 Snow Lane

Cia Medina 12800 Snow Lane

Rambo Trevino 12601 Carillon

Digital Signatures

(digital)	<u>Eкатерина Blaettler</u>	<u>12816 Snow Lane</u>
(digital)	<u>Kris Hankins / Emelda Hankins</u>	<u>12764 Ring Dr</u>
(digital)	<u>Rebeca Diaz</u>	<u>12745 St. Mary</u>
(digital)	<u>Michelle Schreiber</u>	<u>12933 Snow Lane</u>
(digital)	<u>Ann Marquez</u>	<u>12825 Carillon Way</u>
(digital)	<u>Brandy Wright</u>	<u>12921 Tinker St</u>
(digital)	<u>Brittany McMillan</u>	<u>12905 Tinker St</u>
(digital)	<u>Ernest Muniz / Hope Muniz</u>	<u>12725 St. Mary</u>
(digital)	<u>Shelton Haywood</u>	<u>12704 Door Bell</u>
(digital)	<u>Rebekah Capelo</u>	<u>12800 St Mary</u>
(digital)	<u>Kimberly Garcia</u>	<u>12812 Chime</u>
(digital)	<u>Larry Greene</u>	<u>12916 Snow Lane</u>
(digital)	<u>Cody Seamans / Ang Seamans</u>	<u>12717 Carillon Way</u>
(digital)	<u>Bill Cashion</u>	<u>12904 Ship Bell</u>
(digital)	<u>Erwin Heredia</u>	<u>12912 Tinker St</u>
(digital)	<u>Mason Domei / Sklyer Domei</u>	<u>12817 Ring Dr</u>
(digital)	<u>Matthew Leonard / Julie Leonard</u>	<u>12821 Ring Dr</u>
(digital)	<u>Ben Gamble / Courtney Gamble</u>	<u>12901 Snow Lane</u>
(digital)	<u>Susan Gredler</u>	<u>12713 Casting Dr</u>
(digital)	<u>Kim Benson</u>	<u>12812 Snow Lane</u>
(digital)	<u>Jonathan Barton</u>	<u>12908 Ship Bell</u>
(digital)	<u>Tony Tobin</u>	<u>12908 Carillon Way</u>

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Julie Leonard [REDACTED]

New message from: Katy Blaettler

1 message

Katy via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 11:19 AM

Reply-To:


reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TMMZXGU3DAXZSGA3TENZTGU3F6===@reply.nextdoor.com

To: [REDACTED]

Statement

Conversation between you and Katy Blaettler, Bell Farms

nextdoor

 Katy Blaettler, Bell Farms

Hi,

please add my name to the statement: Ecaterina Blaettler -
12816 Snow Ln, Manor, TX 78653

Thank you so much for letting us know about this!

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This message is intended for [REDACTED]

Unsubscribe or adjust your email settings

Nextdoor, 420 Taylor Street, San Francisco, CA 94102



Julie Leonard <[REDACTED]>

New message from: KC Hank**KC via Nextdoor** <reply@rs.email.nextdoor.com>

Fri, Dec 10, 2021 at 9:40 AM


Reply-To:

reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TOMRQGE3DAXZRGEYDKMJTGJPQ====@reply.nextdoor.com

To: [REDACTED]

Planning and Zoning**Conversation between you and KC Hank, Bell Farms**

nextdoor

 KC Hank, Bell Farms

I'm at 12704 Ring Dr. in Bell Farms. If possible, add my wife, Emelda, to it as well.

[View message](#)

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This message is intended for [REDACTED]

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Nextdoor, 420 Taylor Street, San Francisco, CA 94102



Julie Leonard <[REDACTED]>

New message from: Rebeca Diaz

1 message

Rebeca via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 11:21 AM

Reply-To:


reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TMMZXG42TQXZSHA3DMNRSGVPQ====@reply.nextdoor.com

To: [REDACTED]

planning and zoning

Conversation between you and Rebeca Diaz, Bell Farms

nextdoor

 Rebeca Diaz, Bell Farms

Rebeca Diaz

12745 Saint Mary Dr

Bell Farms

Please add me to your list

I would also like to see a more specific plan for the roadway
and an added bike lane and sidewalks and proper lighting

Thanks

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Nextdoor, 420 Taylor Street, San Francisco, CA 94102

12/13/21, 9:30 AM

Gmail - New message from: Michelle Schreiber



Julie Leonard >

New message from: Michelle Schreiber

1 message

Michelle via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 4:48 PM

Reply-To:


reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TMNZQGQ2DOXZRG3TQMBTG5PQ====@reply.nextdoor.com

To:

Petition

Conversation between you and Michelle Schreiber, Bell Farms

nextdoor

 Michelle Schreiber, Bell Farms

Hello. I'm a homeowner in Bell Farms. Please add my name to the petition. Michelle Schreiber 12933 Snow LN
Kind regards, Michelle

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Nextdoor, 420 Taylor Street, San Francisco, CA 94102



Julie Leonard <[REDACTED]>

New message from: Ann Marquez

1 message

Ann via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 11:48 AM

Reply-To:

reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TMNBQGY2TAXZYG42TQMBQGFPQ====@reply.nextdoor.com

To: [REDACTED]

Petition

Conversation between you and Ann Marquez, Bell Farms

nextdoor

Ann Marquez, Bell Farms

Hi Julie,

My name is Ann Marquez. Six years ago, I purchased a home on Carillon Way. This home is also my residence, and over the past six years, I have seen nothing but an overwhelming increase of traffic on both 290 and Old Hwy. 20 that shows no sign of abating. It's appallin

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Julie Leonard [REDACTED]

New message from: Brandy Wright**Brandy via Nextdoor** <reply@rs.email.nextdoor.com>

Mon, Dec 13, 2021 at 10:16 AM

Reply-To:

reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TMMZWGA2DMXZTHE3DEMZXHBPQ====@reply.nextdoor.com

To: [REDACTED]

Zoning Petition

Conversation between you and Brandy Wright, Bell Farms

nextdoor

 Brandy Wright, Bell Farms

I do not support the zoning for business or residential unless it includes provisions for increased traffic infrastructure for HWY 20.

I would like a local convenience store, but it would require careful consideration for eco , environment, noise and safety. However, I do not su

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Julie Leonard [REDACTED]

New message from: Brittany Deng

1 message

Brittany via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 6:43 PM

Reply-To:


reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TMOBRGA3TAXZWGAYTMMBWGI2F6===@reply.nextdoor.com

To: [REDACTED]

Zoning

Conversation between you and Brittany Deng, Bell Farms

nextdoor

 Brittany Deng, Bell Farms

Hello,

Please add my name to the list.

Brittany McMillan

12905 Tinker st

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Julie Leonard [REDACTED]

New message from: Hope Peavey

1 message

Hope via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 11:10 PM


Reply-To:

reply+GUYDONRSGU4TSX3QOJXW15LDORUW63S7KBGV6MJRHA4TOMBVG2DQXZWHA3DQNRVGFQP====@reply.nextdoor.com

To: [REDACTED]

Please add our names
Conversation between you and Hope Peavey, Bell Farms

nextdoor

 Hope Peavey, Bell Farms

Good evening,

My apologies for sending this message so late but I didn't want it to slip my mind by tomorrow. Please add mine and my husband's name to the oust you recently discussed in your post.

Names:

Hope and Ernest Muñiz

Property address:

12725 Saint Mary Dr

Bell Farms S

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Julie Leonard [REDACTED]

New message from: Mrs. Hay

1 message

Mrs. via Nextdoor <reply@rs.email.nextdoor.com>

Thu, Dec 9, 2021 at 11:24 PM

Reply-To:


reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TOMBWGQ3DEXZRGU4TMMRWHE3V6===@reply.nextdoor.com

To: [REDACTED]

Pls add my name

Conversation between you and Mrs. Hay, Bell Farms

nextdoor

 Mrs. Hay, Bell Farms

Shelton H.

12704 Door Bell Dr.

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Julie Leonard [REDACTED] >

New message from: Rebekah Capelo

1 message

Rebekah via Nextdoor <reply@rs.email.nextdoor.com>

Fri, Dec 10, 2021 at 6:43 AM

Reply-To:


reply+GUYDONRSGU4TSX3QOJXWI5LDORUW6S7KBGV6MJRHA4TOMJZGI4DSXZSHE3DIOBZHFPQ====@reply.nextdoor.com

To: [REDACTED]

Add name to Bell Farms letter

Conversation between you and Rebekah Capelo, Bell Farms

nextdoor

 Rebekah Capelo, Bell Farms

Hello I am the home owner at:

Rebekah Capelo
12800 St Marys Dr
Manor TX 78653
512-820-1812

Please add my name to the letter for city council.

Thank you,

Rebekah

[View message](#)

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Nextdoor, 420 Taylor Street, San Francisco, CA 94102



Julie Leonard <[REDACTED]>

For Petition

1 message

Kimberly Garcia <[REDACTED]>

Fri, Dec 10, 2021 at 10:44 AM

Reply-To: Kimberly Garcia <[REDACTED]>

To: [REDACTED]

I, Kimberly Garcia, homeowner of 12812 Chime Dr, support denial of Townhomes and other development.

Thank you,
Kim Garcia

Sent from Yahoo Mail on Android



Julie Leonard <[REDACTED]>

Petition

1 message

larry@himb.org <[REDACTED]>
To: [REDACTED]

Fri, Dec 10, 2021 at 10:08 AM

I support the petition

12916 Snow Lane, Manor Texas 78653

--
Larry Greene--
[REDACTED]



Julie Leonard >

Petition - Refusal of Townhomes near Bell Farms

Ana Seamans <[REDACTED]>

Fri, Dec 10, 2021 at 1:21 PM

To: Julie Leonard <[REDACTED]>, Cody Seamans <[REDACTED]>

12717 Carillon Way, Manor, TX 78653

Best,
Ana

On Fri, Dec 10, 2021, 1:16 PM Julie Leonard <[REDACTED]> wrote:
Thanks Anan. What is your house number and street address so I can add?

On Thu, Dec 9, 2021 at 9:18 PM Ana Seamans <[REDACTED]> wrote:
Hi Julie,

Please add myself, Ana Seamans, and my husband, Cody Seamans, to the petition to deny any additional increase in population, such as Townhouses, near Bell Farms.

Ana Seamans - [REDACTED]
Cody Seamans - [REDACTED]

The infrastructure in place does not currently support any increase to the population of this region. Our roads cannot support additional traffic and the residents should not be victims to the consequences of poor planning.

Unless public domain is invoked and we build additional roads, and traffic lanes with protected rights and lefts, for traffic outgoing and incoming, including better roads that lead to Old Hwy 20, congestion will only increase, along with accidents, littering, noise, pollution and other hazards associated with small areas that are poorly planned for growth.

Please reach out any time for additional comments.

Best,
Ana Seamans
[REDACTED]

—
Thanks!

Julie Leonard



Julie Leonard <[REDACTED]>

Rezoning by Bell Farms

1 message

Bill Cashion [REDACTED]

Thu, Dec 9, 2021 at 11:15 PM

To: [REDACTED]

To whom it may concern,

I William Cashion of 12904 Ship Bell Drive Manor TX do NOT support rezoning request for the property by the Bell Farms subdivision. We do not need another gas station in Manor much less by our development. I'm concerned about traffic as well. Traffic out here is already a nightmare and we don't need to make things worse by adding more things with out infrastructure improvements.

Thank you,

William Cashion

Bill Cashion



Julie Leonard <[REDACTED]>

Zoning

1 message

Erwin Heredia <[REDACTED]>

Fri, Dec 10, 2021 at 2:28 PM

To: [REDACTED]

Cc: Erwin Heredia <[REDACTED]>

support denying the zoning

Erwin Heredia

12912 Tinker St

Manor TX, 78653

[REDACTED]

Sent from my iPhone



Julie Leonard <[REDACTED]>

Bell farms

1 message

Skyler Youtsey <[REDACTED]>
To: [REDACTED]

Fri, Dec 10, 2021 at 5:13 PM

I deny the new build/gas/pipeline.

12817 ring drive manor, tx 78653

Thank you,
Skyler

Sent from Yahoo Mail for iPhone



Julie Leonard [redacted]

Support of Denial for Townhomes (Matthew and Julie Leonard)

1 message

Julie Leonard <[redacted]>

Tue, Dec 14, 2021 at 8:00 PM

To: Julie Leonard <[redacted]>

Hello,

We support denial of townhomes due to lack of infrastructure support and development and concerns about floodplain/drainage issues.

12821 Ring Dr

--
Thanks!

Julie Leonard



Julie Leonard [REDACTED]

Townhomes

1 message

Courtney Gamble <[REDACTED]>
To: [REDACTED]

Fri, Dec 10, 2021 at 6:09 PM

Hello,

I do not support the building of townhomes to the front of Bell Farms without any new road infrastructure.

Thank you,
Courtney Gamble
12901 Snow Ln

—

Hello,

I do not support the building of townhomes to the front of Bell Farms without any new road infrastructure.

Thank you,
Benjamin Gamble
12901 Snow Ln



Julie Leonard [redacted] >

Denial

1 message

Susan Gredler [redacted]

Fri, Dec 10, 2021 at 6:13 PM

To: [redacted]

Julie Leonard

You have my support to work to deny the building of townhomes without proper infrastructure measures being met mostly notable the idea of safety of road improvement to support new structures and finding and protecting existing homes from the buried petroleum pipeline.

Susan Gredler
12713 Casting Drive
Manor Tx. 78653
Sent from my iPad



Julie Leonard <[REDACTED]>

New message from: Kim Benson

1 message

Kim via Nextdoor <reply@rs.email.nextdoor.com>

Sun, Dec 12, 2021 at 11:17 AM

Reply-To:

reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHA4TQNBQGYZTQXZRGQYTSMJXHEZF6===@reply.nextdoor.com

To: [REDACTED]

Petition

Conversation between you and Kim Benson, Bell Farms

nextdoor



Kim Benson, Bell Farms

12812 Snow Lane. Thank you, Julie!

[View message](#)

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This message is intended for [REDACTED]

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Nextdoor, 420 Taylor Street, San Francisco, CA 94102



Julie Leonard <[REDACTED]>

Opposition to Townhomes in Bell Farms

1 message

Jonathan M. Barton <[REDACTED]>

Sun, Dec 12, 2021 at 3:15 PM

To: [REDACTED]

Greetings Julie,

I am writing to let you know that I would like to be added to your petition to oppose the construction of townhomes in the undeveloped parcel off of Old Highway 20 in Bell Farms.

Sincerely,

Jonathan M. Barton
12908 Ship Bell Dr,
Manor, TX 78653
[REDACTED]



Julie Leonard [REDACTED]

Townhouses

1 message

Anthony Tobin <[REDACTED]>
To: [REDACTED]

Sun, Dec 12, 2021 at 9:01 PM

Dear Planning Board,

I would like to express my request for denial of the townhome proposal for the plot adjacent to Bell Farms.

The gas pipeline, lack of road infrastructure, and proximity to drainage areas make this plot a bad location for multiple townhomes.

Tony Tobin, 12908 Carillon Way, Manor.



Julie Leonard [REDACTED]

Against Townhomes Near Bell Farms

1 message

deja hill <[REDACTED]>

Sun, Dec 12, 2021 at 9:43 PM

To: Julie Leonard <[REDACTED]>

Mrs. Julie Leonard,

I am writing to show my support, as a resident of Bell Farms, for the City of Manor to deny the request to allow townhomes near Bell Farms.

Old Hwy 20 does not have the infrastructure in place for that amount of additional continuous traffic on the road.

A traffic analysis would show that more cars than houses, on this end of Old Hwy 20, use this road. As a resident, we already have standing traffic in the morning and evening hours, for hours.

No sidewalks

No shoulder

No median

This road is a construction route for heavy 18 wheelers and dump trucks that can't stop quickly for cars turning in residential places.

This is a construction route more than a "residential friendly road" - no room for more residents.

No access road for emergency vehicles

We have a large apartment complex that is on this road as well.

This area is already overpopulated

These are issues out of city control, until county can come in and fix pot holes, cracked roads and expand the road, I would like the city to deny the request to build townhouses.

I would support something else with a lower traffic volume.

Respectfully,

Deja Hill

12901 Ship Bell Dr, Manor, TX 78653



Julie Leonard [redacted]

Bell Farms

Lisa T [redacted]
To: Julie Leonard [redacted]

Tue, Dec 14, 2021 at 11:06 AM

12900 Ship Bell Drive

On Tue, Dec 14, 2021 at 10:18 AM Julie Leonard [redacted] wrote:
Thanks! Can you please send your house number and street name?

On Mon, Dec 13, 2021 at 11:46 AM Lisa T [redacted] wrote:
Hello,

Please include me on the petition that is against the rezoning of the townhomes. Let me know if you need anything further or have any questions.

Sincerely,
Lisa Tapia.

--

Thanks!

Julie Leonard



Julie Leonard

No Townhomes

1 message

Sandra Duran

Tue, Dec 14, 2021 at 8:18 PM

To: [REDACTED]

Please add my name to the petition for no townhomes in Bell Farms.

Sandra Duran 12720 Casting Dr. Manor TX 78653.

Thank you

Sent from Mail for Windows



Julie Leonard [REDACTED]

Zoning Denial

1 message

Reagan Kirk [REDACTED]

Tue, Dec 14, 2021 at 8:53 PM

To: [REDACTED]

Reagan Kirk
12712 St Mary Dr

This email is to inform whoever it may concern that this household supports denial of zoning for townhouses in Bell Farms.

Thank you!



Julie Leonard [REDACTED]

New message from: Darian Norris

1 message

Darian via Nextdoor <reply@rs.email.nextdoor.com>

Tue, Dec 14, 2021 at 9:31 PM

Reply-To:

reply+GUYDONRSGU4TSX3QOJXWI5LDORUW63S7KBGV6MJRHEYDEMZRZHE4TQXZVHAYTONJVHE4F6===@reply.nextdoor.com

To: [REDACTED]

Support denial

Conversation between you and Darian Norris, Bell Farms

Darian Norris, Bell Farms

My name is Darian Norris and I live on 12713 Bella Pkwy and I support the denial of zoning for townhomes.

[View message](#)

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This message is intended for [REDACTED].

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Nextdoor, 420 Taylor Street, San Francisco, CA 94102



**CITY COUNCIL
CALLED SPECIAL SESSION
MINUTES
FEBRUARY 23, 2022**

PRESENT:

Dr. Christopher Harvey, Mayor

COUNCIL MEMBERS:

Emily Hill, Mayor Pro Tem, Place 1
Anne Weir, Place 2
Maria Amezcua, Place 3
Sonia Wallace, Place 4
Aaron Moreno, Place 5
Vacant, Place 6

CITY STAFF:

Lluvia T. Almaraz, City Secretary
Tracey Vasquez, HR Manager

SPECIAL SESSION – 2:00 P.M.

With a quorum of the Council Members present, the special session of the Manor City Council was called to order by Mayor Harvey at 2:25 p.m. on Wednesday, February 23, 2022, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PUBLIC COMMENTS

No one appeared at this time.

Mayor Harvey adjourned the special session of the Manor City Council into Executive Session at 2:26 p.m. on Wednesday, February 23, 2022, in accordance with the requirements of the Open Meetings Law.

EXECUTIVE SESSION

The Manor City Council convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in - *Section 551.074 (Personnel Matters) to interview and consider the appointment of an applicant to the position of City Manager*, at 2:26 p.m. on Wednesday, February 23, 2022.

The Manor City Council recessed for a break at 3:56 p.m.

The Manor City Council reconvened into executive session at 4:12 p.m.

The Executive Session was adjourned at 6:40 p.m. on Wednesday, February 23, 2022.

OPEN SESSION

The City Council reconvened into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and took action on item(s) discussed during Closed Executive Session at 6:40 p.m. on Wednesday, February 23, 2022.

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

There was no action taken.

ADJOURNMENT

The Special Session of the Manor City Council Adjourned at 6:40 p.m. on Wednesday, February 23, 2022.

These minutes approved by the Manor City Council on the 1st day of March 2022. *(Audio recording archived)*

APPROVED:

Dr. Christopher Harvey
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



**CITY COUNCIL
CALLED SPECIAL SESSION
MINUTES
FEBRUARY 23, 2022**

PRESENT:

Dr. Christopher Harvey, Mayor

COUNCIL MEMBERS:

Emily Hill, Mayor Pro Tem, Place 1
Anne Weir, Place 2
Maria Amezcua, Place 3
Sonia Wallace, Place 4
Aaron Moreno, Place 5
Vacant, Place 6

CITY STAFF:

Scott Dunlop, Interim City Manager
Lluvia T. Almaraz, City Secretary
Ryan Phipps, Chief of Police
Lydia Collins, Director of Finance
Debbie Charbonneau, Heritage and Tourism Manager
Tracey Vasquez, HR Manager
Michael Tuley, Director of Public Works
Sarah Friberg, Court Administrator
Paige Saenz, City Attorney
Pauline Gray, P.E. City Engineer

SPECIAL SESSION – 7:00 P.M.

With a quorum of the Council Members present, the special session of the Manor City Council was called to order by Mayor Harvey at 7:02 p.m. on Wednesday, February 23, 2022, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

Mayor Harvey led the Pledge of Allegiance.

PROCLAMATIONS.

A. Declaring the month of February, as “*Career and Technical Education Month*”

Mayor Harvey read and presented proclamation to Erica Hill, Director of College & Career Readiness with Manor ISD.

PUBLIC COMMENTS

Shanetra Fowler from Manor, Texas spoke in regards of the New Tech High School Championship game. She stated her son is part of the team and their next game would be a few hours away. She is requesting the City’s and Manor ISD support to help organize a sendoff on Friday, February 25th at 1:30 p.m.

Naomi Edwards from Manor, Texas spoke in regards of New Tech High School Championship game. She’s also a proud parent and asked for the community’s support for the team to be sendoff and also asked for a Charter Bus and/or fan bus to support the team.

No one else appeared at this time.

PUBLIC HEARINGS

1. Conduct a public hearing regarding amending the Community Impact Fees for Water and Wastewater.

The city staff recommended that the City Council conduct the public hearing.

Mayor Harvey opened the public hearing.

City Engineer Gray discussed the Community Impact Fees for Water and Wastewater.

MOTION: Upon a motion made by Council Member Wallace and seconded by Council Member Amezcua, to close the Public Hearing.

The discussion was held regarding clarification on fees not affecting residents.

There was no further discussion.

Motion to close carried 6-0

CONSENT AGENDA

2. Consideration, discussion, and possible action on the acceptance of the January 2022 Departmental Reports.

- **Police – Ryan Phipps, Chief of Police**
- **Development Services – Scott Dunlop, Development Services Director**
- **Community Development – Debbie Charbonneau, Heritage and Tourism Manager**
- **Municipal Court – Sarah Friberg, Court Clerk**
- **Public Works – Michael Tuley, Director of Public Works**
- **Finance – Lydia Collins, Director of Finance**
- **Human Resources – Tracey Vasquez, HR Manager**

MOTION: Upon a motion made by Council Member Wallace and seconded by Council Member Moreno, to approve the Consent Agenda.

There was no further discussion.

Motion to approve carried 6-0

Mayor Harvey stated that Items Nos 10 and 11 would be conducted after Executive Session.

Council Member Wallace advised she would be abstaining from discussion and consideration of the following item, as she is part of the Leadership Manor Class. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary.

Council Member Wallace removed herself from the dais.

REGULAR AGENDA

3. Consideration, discussion, and possible action on Hotel Occupancy Tax Funds for the Sesquicentennial Leadership Manor Class project.

The city staff recommended that the City Council approve the amount of up to \$100,000 from the Hotel Occupancy Tax Funds to be used for the City of Manor's Mobile Visitor Center.

At that the direction of Heritage and Tourism Manager Charbonneau the Leadership Manor Class introduced themselves.

Heritage and Tourism Manager Charbonneau discussed the team's proposed project.

Brandon Drayden spoke on behalf of the Sesquicentennial Leadership Manor class and presented the attached PowerPoint presentation.

Discussion was held regarding the importance of a visitor's center for the City of Manor.

Discussion was held regarding the H.O.T. Funds Criteria for the Manor Mobile Center.

Discussion was held regarding staffing and sustainability and maintenance for the mobile visitor center.

Discussion was held regarding who would be oversee the mobile center.

Discussion was held regarding how the mobile center would provide input regarding visitors from other parts of the region.

Discussion was held regarding volunteer opportunities.

Discussion was held regarding reaching out to other cities on how their mobile visitor center are being promoted and used.

Mayor Harvey is requesting additional information for the overage cost of the mobile center. He is in support of the project but is requesting an estimate amount of the total cost for budget purposes.

MOTION: Upon a motion made by Council Member Weir and seconded by Council Member Amezcua, to table item until further information is provided regarding estimate amount of total cost.

Council Member Amezcua expressed her support for the project and thanked the team for providing all the information but is in support that additional information is needed.

Mayor Harvey clarified that additional information was being requested for cost analysis purposes.

There was no further discussion.

Motion to table carried 4-1 (Mayor Pro Tem Hill voted against)

Council Member Wallace returned to the dais.

4. Consideration, discussion, and possible action on a 4.8% modification of rate for solid waste hauling and disposal services per the terms of the agreement with Waste Connections.

The city staff recommended that the City Council approve the modification of rate requested at 4.8% to take effect on April 1, 2022.

Director of Finance Collins discussed the proposed modification of rate for solid waste hauling and disposal services.

MOTION: Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Hill, to approve the modification for rate requested at 4.8% to take effect on April 1, 2022.

There was no further discussion.

Motion to approve carried 6-0

5. Consideration, discussion, and possible action on an ordinance amending the City of Manor's Impact Fee Ordinance.

The city staff recommended that the City Council approve Ordinance No. 639; Amending Ordinance No. 402; Amending Chapter 10, Subdivision Regulation, Article 10.03, Impact Fees, Code of Ordinances of Manor; Adopting a Capital Improvements Plan; Establishing a Community Impact Fee Based Upon Living Unit Equivalents.

Ordinance No. 639: An Ordinance of the City of Manor, Texas, Amending Ordinance No. 402; Amending Chapter 10, Subdivision Regulation, Article 10.03, Impact Fees, Code of Ordinances of Manor; Adopting a Capital Improvements Plan; Establishing a Community Impact Fee Based Upon Living Unit Equivalents; Providing Severability, Open Meeting and Effective Date Provisions; and Providing for Related Matters.

MOTION: Upon a motion made by Council Member Amezcua and seconded by Council Member Wallace, to approve Ordinance No. 639; Amending Ordinance No. 402; Amending Chapter 10, Subdivision Regulation, Article 10.03, Impact Fees, Code of Ordinances of Manor; Adopting a Capital Improvements Plan; Establishing a Community Impact Fee Based Upon Living Unit Equivalents.

There was no further discussion.

Motion to approve carried 6-0

6. Consideration, discussion, and possible action on a Purchase Contract with Catholic Diocese of Austin for the benefit of St. Joseph Catholic Church for a water and wastewater utility easement with temporary construction easement; and a release of easement for an existing 15' wastewater easement.

The city staff recommended that the City Council approve the Purchase Contract with Catholic Diocese of Austin for the benefit of St. Joseph Catholic Church for a water and wastewater utility easement with temporary construction easement; and a release of easement for an existing 15' wastewater easement.

MOTION: Upon a motion made by Council Member Moreno and seconded by Council Member Amezcua, to approve the Purchase Contract with Catholic Diocese of Austin for the benefit of St. Joseph Catholic Church for a water and wastewater utility easement with temporary construction easement; and a release of easement for an existing 15' wastewater easement.

There was no further discussion.

Motion to approve carried 6-0

7. Consideration, discussion, and possible action on a utility easement with temporary construction easement from Geraldine Timmermann.

The city staff recommended that the City Council approve the easement with temporary construction easement from Geraldine Timmermann.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Wallace, to approve the easement with temporary construction easement from Geraldine Timmermann.

There was no further discussion.

Motion to approve carried 6-0

At the direction of Interim City Manager Dunlop, Item Nos 8 and 9 were conducted in one motion.

8. Consideration, discussion, and possible action on the City of Manor, Texas Deposit Agreement for the Proposed Water Service Transfer for the Manor ISD K-8 Campus Project.

The city staff recommended that the City Council approve the City of Manor, Texas Deposit Agreement for the Proposed Water Service Transfer for the Manor ISD K-8 Campus Project and authorize the Interim City Manager to execute the agreement.

9. Consideration, discussion, and possible action on the City of Manor, Texas Deposit Agreement for the Proposed Water Service Transfer for the Butler Family Partnership Project.

The city staff recommended that the City Council approve the Deposit Agreement for the Proposed Water Service Transfer for the Butler Family Partnership Project and authorize the Interim City Manager to execute the agreement.

Interim City Manager Dunlop discussed both deposit agreements for Manor ISD K-8 Campus Project and Butler Family Partnership Project regarding the proposed Water Service Transfers.

MOTION: Upon a motion made by Council Member Weir and seconded by Council Member Moreno to approve the City of Manor, Texas Deposit Agreement for the Proposed Water Service Transfer for the Manor ISD K-8 Campus Project and authorize the Interim City Manager to execute the agreement; and approve the Deposit Agreement for the Proposed Water Service Transfer for the Butler Family Partnership Project and authorize the Interim City Manager to execute the agreement.

There was no further discussion.

Motion to approve carried 6-0

12. Consideration, discussion, and possible action on a tree mitigation fee-in-lieu for Manor Independent School District for 957 caliper inches and located at the proposed K-8 Campus near N. FM 973 and Shadowglen Trace, Manor, TX.

The city staff recommended that the City Council approve on a tree mitigation fee-in-lieu for Manor Independent School District for 957 caliper inches and located at the proposed K-8 Campus near N. FM 973 and Shadowglen Trace, Manor, TX.

Olivia P.H. Perez with Coleman & Associates, 9890 Wilver Mountain, Austin, Texas, submitted a speaker card in support of this item; however, she did not wish to speak but was available to ask any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Weir to approve on a tree mitigation fee-in-lieu for Manor Independent School District for 957 caliper inches and located at the proposed K-8 Campus near N. FM 973 and Shadowglen Trace, Manor, TX.

Discussion was held regarding the clarification on planted trees.

Discussion was held regarding assessment fee of \$75 per caliper inch.

MOTION: Upon a motion made by Mayor Pro Tem Hill and seconded by Council Member Weir to approve \$75 per caliper fee.

There was no further discussion.

Motion to approve carried 6-0

Mayor Harvey adjourned the special session of the Manor City Council into Executive Session at 8:12 p.m. on Wednesday, February 23, 2022, in accordance with the requirements of the Open Meetings Law.

EXECUTIVE SESSION

The Manor City Council convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in - *Sections 551.087 and 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding Lagos PID; Section 551.071, Tex. Gov't Code, and Rule 1.05, Tex. Rules of Professional Conduct, to consult with legal counsel regarding the necessity for and to authorize condemnation of a twenty (20) foot wide permanent easement and a thirty (30) foot wide temporary construction easement on land located Old Highway 20 (aka FM 973), Manor, Texas near Llano Street for construction of a portion of the 973 Waterline CIP 5-15 Project; and Section 551.071, Texas Government Code and Section 1.05, Texas Disciplinary Rules of Professional Conduct (Consultation with Attorney) to consult with legal counsel regarding Capital Metropolitan Transportation Authority* at 8:12 p.m. on Wednesday, February 23, 2022.

The Executive Session was adjourned at 9:34 p.m. on Wednesday, February 23, 2022

OPEN SESSION

The City Council reconvened into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and took action on item(s) discussed during Closed Executive Session at 9:34 p.m. on Wednesday, February 23, 2022.

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

10. Consideration, discussion, and possible action on the request by developer to move forward with levying assessments while the bond closing is delayed for the Lagos Public Improvement District.

MOTION: Upon a motion made by Council Member Moreno and seconded by Council Member Weir to authorize the assessment amount to be set at 30 cents plus an amount required to make the development whole for funding downtown drainage improvements and to include true up language based on the actual cost of the drainage improvements before bond issuance and authorize legal counsel to draft agreements to document the developer's obligations.

There was no further discussion.

Motion to approve carried 6-0

11. Consideration, discussion, and possible action on a Resolution authorizing and directing the acquisition of land required for a permanent and temporary construction easement for the City's water system known as FM973 Waterline CIP 5-15; ratification of prior offers and actions to obtain such land; and stating intent to exercise the power of eminent domain if necessary to acquire the land.

The city staff recommended that the City Council approve Resolution No. 2022-04 authorizing and directing the acquisition of land required for a permanent and temporary construction easement for the City's water system known as FM973 Waterline CIP 5-15; ratification of prior offers and actions to obtain such land; and stating intent to exercise the power of eminent domain if necessary to acquire the land.

Resolution No. 2022-04: A Resolution Authorizing and Directing the Acquisition of Land Required for a Permanent and Temporary Construction Easement for the City's Water System Known as Fm 973 Waterline Cip-5-15; Ratification of Prior Offers and Actions to Obtain Such Land; and Stating Intent to Exercise the Power of Eminent Domain if Necessary to Acquire the Land.

MOTION: Upon a motion made by Council Member Weir and seconded by Mayor Pro Tem Hill to approve Resolution No. 2022-04 authorizing and directing the acquisition of land required for a permanent and temporary construction easement for the City's water system known as FM973 Waterline CIP 5-15; ratification of prior offers and actions to obtain such land; and stating intent to exercise the power of eminent domain if necessary to acquire the land.

There was no further discussion.

Motion to approve carried 6-0

ADJOURNMENT

The Special Session of the Manor City Council Adjourned at 9:38 p.m. on Wednesday, February 23, 2022.

These minutes approved by the Manor City Council on the 1st day of March 2022. *(Audio recording archived)*

APPROVED:

Dr. Christopher Harvey
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Leadership Manor #2- Sesquicentennial Class

Project Presentation
Manor Mobile Visitor Center



Leadership Manor 2021-2022 Class Members

Lluvia Almaraz
Anthony Butler
Brandon Drayden
Neal Edwards
Bobby Orr
Gloria Rock
Sonia Wallace



Why a Mobile Visitor Center for the City of Manor & Who is it for?

Reasons Manor should invest in a Mobile Visitor Center

Item 2.

City of Manor

- More effectively market the city's attractions and hotels at festivals, conferences, trade functions, and similar events around the region ("Heads in Beds")

Local Businesses

- Increase the visibility of the City of Manor & its businesses to tourists and residents
- Possible sponsorship & marketing opportunities

Current Residents

- Raise community awareness of the City of Manor & activities the city is involved

Tourists & Potential Residents

- Serves as a mobile contact station at outreach and community engagement events

How would the Manor Mobile Visitor Center be Advertised?

Item 2.

- The Mobile Visitor Center would be marketed in all of City of Manor event advertising. For instance, we would announce an event and tell our guests that they can pick up more information on the event and Manor from the mobile visitor center.
- For this year, Texas Highways, Austin Monthly, TourTexas.com, TexasHighways.com, local and television advertising.
- Also, it would be mentioned in all of the City's promotional materials.
- Social Media
- Local Newspaper
- City's Website

Does the Manor Mobile Visitor Center meet criteria for H.O.T Funds?

✓ Criteria #1: First, every expenditure must DIRECTLY *Item 2.* er
and promote tourism AND the convention and hotel industry.

Criteria #2: Every expenditure of the hotel occupancy tax must
clearly fit into one of nine statutorily provided categories for
expenditure of local hotel occupancy tax revenues.

✓ 1) Funding the establishment, improvement, or maintenance of
a convention center or visitor information center
2) Paying the administrative costs for facilitating convention
registration.

✓ 3) Paying for advertising, solicitations, and promotions that
attract tourists and convention delegates to the city or its vicinity.

4) Expenditures that promote the arts.

5) Funding historical restoration or preservation programs.

6) Funding certain expenses, including promotional expenses,
directly related to a sporting event within counties with a
population of under 1 million.

7) Funding the enhancement or upgrading of existing sports
facilities or sports fields for certain municipalities.

8) Funding transportation systems for tourists

✓ 9) Signage directing tourists to sights and attractions that are
visited frequently by hotel guests in the municipality.



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: March 1, 2022
PREPARED BY: Scott Dunlop, Interim City Manager
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

First Reading: Consideration, discussion, and possible action on an ordinance annexing of 5.796 acres of land, more or less, located in Travis County, including the abutting streets, roadways, and rights-of-way into the corporate limits of Manor, Texas, at the request of the property owner, approving an agreement for the provision of services for the annexed area and providing for other related matters.

BACKGROUND/SUMMARY:

The petition for annexation was accepted by the City Council on February 2nd. This property is outside our wastewater service area, but the city is in the design process for a wastewater line in the vicinity of the property. Pursuant to our Subdivision Code, properties outside our utility service areas (water or wastewater) that desire to connect to those services are required to annex into the city limits. This property would like to develop in and connect to that future wastewater line so therefore they have filed for annexation.

LEGAL REVIEW: Yes
FISCAL IMPACT: No
PRESENTATION: No
ATTACHMENTS: Yes

- Ordinance
- Post Annexation Provision of Services Agreement

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve the first reading of an ordinance annexing of 5.796 acres of land, more or less, located in Travis County, including the abutting streets, roadways, and rights-of-way into the corporate limits of Manor, Texas, at the request of the property owner, approving an agreement for the provision of services for the annexed area and providing for other related matters.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS ANNEXING 5.796 ACRES OF LAND, MORE OR LESS, LOCATED IN TRAVIS COUNTY, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY INTO THE CORPORATE LIMITS OF THE CITY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING AN AGREEMENT FOR THE PROVISION OF SERVICES FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Manor, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS, the owners of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

WHEREAS, the property is adjacent and contiguous to the present city limits;

WHEREAS, the City Council heard and has decided to grant the owners' request that the City annex said property;

WHEREAS, a public hearing was conducted prior to consideration of this Ordinance in accordance with §43.0673 of the *Tex. Loc. Gov't. Code*;

WHEREAS, notice of the public hearing was published not more than twenty (20) nor less than ten (10) days prior to the public hearing;

WHEREAS, the City intends to provide services to the property to be annexed according to the agreement for the provision of services attached hereto as Exhibit "B".

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. All portions of the following described properties (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, including the abutting streets, roadways and rights-of-way, are hereby annexed into the corporate limits of the City of Manor:

Tract One:

Being 2.899 acres of land, more or less, out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being a part of that certain 58.1 acre tract described in contract of sale between Veterans Land Board of Texas and Robert I. Worley, as recorded in Volume 2970, Page 27, Travis County Deed Records and as further described in that General Warranty Deed between Mary L. Choate a/k/a Mary Lee Choate and John Kerr and Sandy Kerr, as recorded in

ORDINANCE NO. ____**Page 2**

Document No. 2009185727 of the Official Public Records of Travis County, Texas, said 2.899 tract of land being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract Two:

Being 2.897 acres of land, more or less, out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being part of a 5.796 acre tract as recorded in Volume 2970, Page 27, Travis County Deed Records and as further described in that General Warranty Deed between Mary L. Choate a/k/a Mary Lee Choate and John Kerr and Sandy Kerr, as recorded in Document No. 2009185727 of the Official Public Records of Travis County, Texas, said 2.897 tract of land being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. That the provision of services agreement submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the provisions of services agreement attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Manor.

SECTION 6. That the Annexed Property shall be temporarily zoned Agricultural District "A" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

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

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. 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, Tex. Gov't. Code*.

ORDINANCE NO. ____

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PASSED AND APPROVED on First Reading this 1st day of March 2022.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2022.

CITY OF MANOR, TEXAS:

Dr. Christopher Harvey, Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary
City of Manor, Texas

ORDINANCE NO. ____

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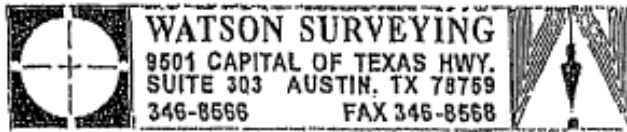
Exhibit “A”

**ANNEXED PROPERTY DESCRIPTION
+/- 5.796 Acres**

ORDINANCE NO. _____

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EXHIBIT "A"

Exhibit A
Page 1 of 2

FIELD NOTES:

TRACT No. 1: 2.899 acres of land out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being part of that certain 58.1 acre tract described in contract of sale between the Veterans Land Board of Texas and Robert I. Worley as recorded in Vol. 2970, page 27, Travis County Deed Records; described by metes and bounds as follows:

BEGINNING at a steel pin found at the intersection of the East ROW line of FM HWY 973 with the North line Arnhann Lane;

THENCE with said East ROW line of said FM 973, N30°00'20"E 440.04 ft to pin found for northwest corner;

THENCE along a fence, S59°48'E 287.4 ft to pin found for northeast cor;

THENCE S30°03'27"W 439.5 ft to pin found for southeast corner;

THENCE with the north line of Arnhann Lane, N59°54'30"W 287.0 ft to the place of BEGINNING, containing 2.899 acres.

Surveyed on the ground Feb. 20, 1998 by: James T. Watson

James T. Watson, RPLS 290

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

12628 0790

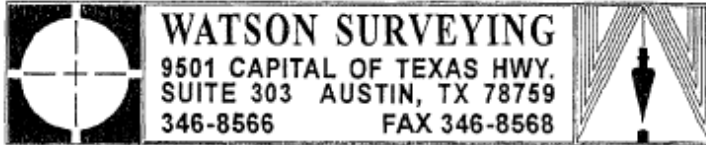


Page 1

ORDINANCE NO. ____

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EXHIBIT "A"



TRACT No. 2:

FIELD NOTES FOR 2.897 ACRES OF LAND, MORE OR LESS, OUT OF THE GREENBURY GATES SURVEY NO. 63, TRAVIS COUNTY, TEXAS, BEING PART OF A 5.796 ACRE TRACT AS RECORDED IN VOLUME 2970, PAGE 27, TRAVIS COUNTY DEED RECORDS, SAID 2.897 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " steel pin found at the south corner of a 2.899 acre tract conveyed to Mary L. Choate by deed recorded in Volume 12628, Page 788, Travis County Deed Records, in the northeast ROW line of Arnham Lane, for the west or southwest corner hereof;

THENCE N30°03'27"E 439.50 feet along the southeast line of said 2.899 acres, to a $\frac{1}{2}$ " steel pin found in a fence, for the north or northwest corner hereof;

THENCE S59°48'E 287.60 feet generally following a fence along the southwest line of a 14.76 acre tract conveyed to Robert Nicholas by deed recorded in Volume 13026, Page 2181, to a $\frac{1}{2}$ " steel pipe found in the fence for the east or northeast corner hereof;

THENCE S30°08'09"W 438.95 feet along the south line of said 5.796 acres, to a $\frac{1}{2}$ " steel pin with orange cap set on the southwest side of a 3" steel galvanized fence post, in the northeast ROW line of Arnham Lane, for the south or southeast corner hereof;

THENCE N59°54'30"W 287.00 feet with said ROW line and the south or southwest line of said 5.796 acre tract, to the POINT OF BEGINNING, containing 2.897 acres of land, more or less.

Bearing basis is east or southeast line of 5.796 acre tract (S30°08'09"W)

See survey map for more information

Surveyed 28 October 2009 by:

Stuart Watson
Stuart Watson, RPLS 4550



Page 2

ORDINANCE NO. ____

Page 7

Exhibit “B”

**AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES
FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR**

Exhibit “B”

AGREEMENT REGARDING POST-ANNEXATION PROVISION OF SERVICES FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR

This Agreement Regarding Post-Annexation Provision of Services for Property to be Annexed into the City of Manor (the “Agreement”) is entered into by and between the City of Manor, Texas, a municipal corporation (“City”), and John T. Kerr and Sandy Kerr, (collectively, “Landowner”), both of which may be referred to herein singularly as “Party” or collectively as the “Parties.”

RECITALS

WHEREAS, upon the request of the Landowner, the City intends to institute annexation proceedings for an area of land described more fully hereinafter and attached hereto (the “subject property”);

WHEREAS, Section 43.0672, Loc. Gov't. Code, requires the Parties to enter into a written agreement identifying a list of public services to be provided to the subject property and a schedule for the provision of those services that are not otherwise provided on the effective date of the annexation;

WHEREAS, this Agreement is being entered into by and between the Parties to comply with Texas Local Government Code, Chapter 43, Sub-Chapter C-3, Section 43.0672, prior to the City’s consideration of an ordinance annexing the subject property, it being understood, acknowledged and agreed by the Parties that annexation of the subject property is a condition precedent to this Agreement becoming effective;

WHEREAS, this Agreement shall be deemed effective on the effective date of an ordinance approved by the City annexing the subject property (the “Effective Date”).

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapter 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

The following services and schedule represent the provision of services agreed to between the Landowner of the subject property and the City establishing a program under which the City will provide municipal services to the subject property, as required by section 43.0672 of the Texas Local Government Code. The services detailed herein will be provided at a level consistent with service levels provided to other similarly situated areas within the City.

The following services will be provided for the subject property on the Effective Date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the landowner and this Agreement, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City. Upon annexation, police protection will be provided to the subject property at a level consistent with the service to other areas of the City with similar population density and characteristics. The City's police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD's present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City. The City provides residential solid waste collection services within the City limits for a fee under a contract between the City and private refuse collection operator. The residential solid waste collection services include garbage collection, recycling, bulky item collection and yard waste collection. Commercial solid waste collection services are also available. This service will be provided for a fee to any person within the subject property requesting the service after the Effective Date of annexation, provided that a privately owned solid waste management service provider is unavailable. If the subject property is already receiving service, the City may not prohibit solid waste collection by the privately owned solid waste management service provider, nor may the City offer solid waste collection services for a period of two (2) years following the Effective Date of the annexation unless a privately owned solid waste management service provider is or becomes unavailable, as established by Texas Local Government Code section 43.0661. If a landowner uses the services of a privately owned solid waste management service provider or services are available from a privately owned solid waste management service provider during the two (2) years following annexation, the City will not provide solid waste collection services to that landowner.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of City-owned parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities. Municipal Court and General Administration services will also be available to property owners and residents in the subject property on the same basis those facilities are available to current City property owners and residents.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "Agricultural District "A"" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff. The City will impose and enforce its adopted ordinances, including but not limited to, zoning, subdivision development, site development and building code regulations within the subject property upon the Effective Date of the annexation. Enforcement will be in accordance with City ordinances. Development plans and plats for projects within the subject property will be reviewed for compliance with City standards.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided herein:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line

extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The Landowner agrees that no improvements are required on such roadways to service the subject property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties. When deemed necessary, capital improvement acquisition or construction will occur in accordance with applicable ordinances and regulations and the adopted capital improvement plans of the City, as applicable and amended, which are incorporated herein by reference.

(4) **Term.** If not previously expired, this agreement expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in the

Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Agreement is attached.

(6) **Binding Effect/Authority.** This Agreement binds and inures to the benefit of the Parties and their respective heirs, successors, and permitted assigns. Each Party further warrants that each signatory to this Agreement is legally authorized to bind the respective individual or entity for the purposes established herein.

(7) **Choice of Law.** This Agreement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue for any dispute shall lie exclusively in Travis County, Texas.

(8) **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory Parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

(9) **Legal Construction.** If any provision in this Agreement is for any reason found to be unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.

(10) **Entire Agreement.** This Agreement contains the entire Agreement between the Parties relating to the rights herein granted and the obligations herein assumed and cannot be varied except by written agreement of the Parties. Any oral representation or modification concerning this instrument shall be of no force and effect except for any subsequent modification in writing, signed by the Party to be charged.

[signature pages follow]

EXECUTED and AGREED to by the Parties this the ____ day of _____, 20 ____.

ATTEST:

THE CITY OF MANOR, TEXAS

Lluvia T. Almaraz, City Secretary

Dr. Christopher Harvey, Mayor

LANDOWNER(S):

By: _____

Name (print): _____

Title: _____

Date: _____

LANDOWNER(S):

By: _____

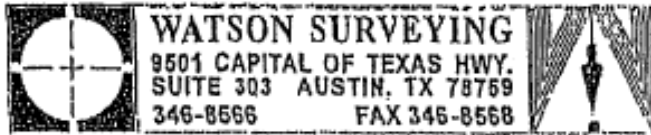
Name (print): _____

Title: _____

Date: _____

Subject Property Description

EXHIBIT "A"

Exhibit A
Page 1 of 2

FIELD NOTES:

TRACT No. 1: 2.899 acres of land out of the Greenbury Gates Survey No. 63, Travis County, Texas, and being part of that certain 58.1 acre tract described in contract of sale between the Veterans Land Board of Texas and Robert I. Worley as recorded in Vol. 2970, page 27, Travis County Deed Records; described by metes and bounds as follows:

BEGINNING at a steel pin found at the intersection of the East ROW line of FM HWY 973 with the North line Arnham Lane;

THENCE with said East ROW line of said FM 973, N30°00'20"E 440.04 ft to pin found for northwest corner;

THENCE along a fence, S59°48'E 287.4 ft to pin found for northeast cor;

THENCE S30°03'27"W 439.5 ft to pin found for southeast corner;

THENCE with the north line of Arnham Lane, N59°54'30"W 287.0 ft to the place of BEGINNING, containing 2.899 acres.

Surveyed on the ground Feb. 20, 1998 by: James T. Watson

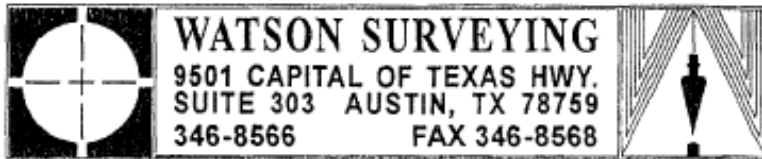
James T. Watson, RPLS 290

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS
12628 0790



Page 1

EXHIBIT "A"



TRACT No. 2:

FIELD NOTES FOR 2.897 ACRES OF LAND, MORE OR LESS, OUT OF THE GREENBURY GATES SURVEY NO. 63, TRAVIS COUNTY, TEXAS, BEING PART OF A 5.796 ACRE TRACT AS RECORDED IN VOLUME 2970, PAGE 27, TRAVIS COUNTY DEED RECORDS, SAID 2.897 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " steel pin found at the south corner of a 2.899 acre tract conveyed to Mary L. Choate by deed recorded in Volume 12628, Page 788, Travis County Deed Records, in the northeast ROW line of Arnham Lane, for the west or southwest corner hereof;

THENCE N30°03'27"E 439.50 feet along the southeast line of said 2.899 acres, to a $\frac{1}{2}$ " steel pin found in a fence, for the north or northwest corner hereof;

THENCE S59°48'E 287.60 feet generally following a fence along the southwest line of a 14.76 acre tract conveyed to Robert Nicholas by deed recorded in Volume 13026, Page 2181, to a $\frac{1}{2}$ " steel pipe found in the fence for the east or northeast corner hereof;

THENCE S30°08'09"W 438.95 feet along the south line of said 5.796 acres, to a $\frac{1}{2}$ " steel pin with orange cap set on the southwest side of a 3" steel galvanized fence post, in the northeast ROW line of Arnham Lane, for the south or southeast corner hereof;

THENCE N59°54'30"W 287.00 feet with said ROW line and the south or southwest line of said 5.796 acre tract, to the POINT OF BEGINNING, containing 2.897 acres of land, more or less.

Bearing basis is east or southeast line of 5.796 acre tract (S30°08'09"W)

See survey map for more information

Surveyed 28 October 2009 by:

Stuart Watson
 Stuart Watson, RPLS 4550





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: March 1, 2022
PREPARED BY: Samuel D. Kiger, P.E.
DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to award a Construction Contract for the Cottonwood Creek Phase 2 Wastewater Collection System Improvements to R Construction Civil, LLC in the amount of \$697,645.

BACKGROUND/SUMMARY:

Bids were publicly opened and read on February 11, 2022, for the referenced project. The improvements consist of Installation of Approximately 5,800 LF of 8" and 12" new SDR-26 PVC wastewater gravity main and associated manholes to serve the Manor Heights Subdivision. As reflected on the attached Bid Tabulation, eleven bids were received. The low bidder was R Construction Civil, LLC.

We have verified the Contractor's qualifications including references and financials. Based on our findings R Construction Civil has extensive experience with wastewater collection system improvements and is financially stable. Base Bid price came in below our Opinion of Probable Cost at \$697,645.

LEGAL REVIEW: Yes, Completed
FISCAL IMPACT: Yes, Funding through Capital Improvements Project S-16
PRESENTATION: No
ATTACHMENTS: Yes

- Recommendation of Award
- Bid Tabulation
- Agreement

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve an award a Construction Contract for the Cottonwood Creek Phase 2 Wastewater Collection System Improvements to R Construction Civil, LLC in the amount of \$697,645.

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

February 17, 2021

Hon. Dr. Christopher Harvey
City of Manor, Texas
105 E. Eggleston Street
Manor, Texas 78653

Re: Cottonwood Creek Phase 2 Wastewater Collection System Improvements

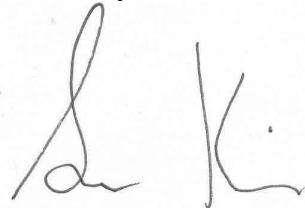
Dear Mayor Harvey:

Bids for the referenced project were publicly opened and read on February 11, 2022. As reflected on the attached Bid Tabulation, eleven bids were received. The low bidder was R Construction Civil, LLC.

We have verified their qualifications including references and financials. Based on our findings R Construction has extensive experience with wastewater collection system work and is financially stable. Base Bid prices came in below our Opinion of Probable Cost at \$697,645. Therefore, we recommend award of the base bid to R Construction Civil, LLC for \$697,645.

Please contact us if you should have any questions in this regard.

Sincerely,



Samuel D. Kiger, P.E.
SDK/s
Enclosure

Pn: 14963

BID TABULATION

Item 4.

COTTONWOOD CREEK PHASE 2 WASTEWATER COLLECTION SYSTEM

			R Construction Civil, LLC		Whitestone Civil		Royal Vista	
EROSIONS CONTROLS			Unit Price	Total	Unit Price	Total	Unit Price	Total
1	SILT FENCE	5,410 LF	\$ 2.00	\$ 10,820.00	\$ 4.00	\$ 21,640.00	\$ 5.00	\$ 27,050.00
2	REVEGETATION	1 LS	\$ 33,700.00	\$ 33,700.00	\$ 14,000.00	\$ 14,000.00	\$ 25,000.00	\$ 25,000.00
3	STABILIZED CONSTRUCTION ENTRANCE	2 EA	\$ 2,600.00	\$ 5,200.00	\$ 1,600.00	\$ 3,200.00	\$ 2,000.00	\$ 4,000.00
4	SWPP	1 LS	\$ 4,200.00	\$ 4,200.00	\$ 1,750.00	\$ 1,750.00	\$ 3,000.00	\$ 3,000.00
4A	Rock Berm	2 EA	\$ 3,700.00	\$ 7,400.00	\$ 1,000.00	\$ 2,000.00	\$ 1,200.00	\$ 2,400.00
EROSION CONTROLS SUBTOTAL			\$ 61,320.00		\$ 42,590.00		\$ 61,450.00	
5	CONNECTION TO EXISTING WASTEWATER LINE	1 EA	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,850.00	\$ 1,850.00
6	8" SDR-26 WW LINE (0'-10') DEPTH	2,417 LF	\$ 56.00	\$ 135,352.00	\$ 68.00	\$ 164,356.00	\$ 75.00	\$ 181,275.00
7	8" SDR-26 WW LINE (10-12') DEPTH	124 LF	\$ 62.00	\$ 7,688.00	\$ 75.00	\$ 9,300.00	\$ 80.00	\$ 9,920.00
8	12" SDR-26 WW LINE (0'-10') DEPTH	1,500 LF	\$ 76.00	\$ 114,000.00	\$ 100.00	\$ 150,000.00	\$ 95.00	\$ 142,500.00
9	12" SDR-26 WW LINE (10-12') DEPTH	1,770 LF	\$ 79.00	\$ 139,830.00	\$ 95.00	\$ 168,150.00	\$ 105.00	\$ 185,850.00
10	4' WW MANHOLE (0-10') STANDARD DEPTH W/ COATING	16 EA	\$ 6,000.00	\$ 96,000.00	\$ 5,500.00	\$ 88,000.00	\$ 5,450.00	\$ 87,200.00
11	EXTRA VERTICAL FEET MANHOLE (ABOVE 10') W/ COATING	10 LF	\$ 603.00	\$ 6,030.00	\$ 550.00	\$ 5,500.00	\$ 350.00	\$ 3,500.00
12	MANHOLE VENT PIPE (4" D.I.P)	50 LF	\$ 950.00	\$ 47,500.00	\$ 200.00	\$ 10,000.00	\$ 365.00	\$ 18,250.00
13	BORED 24" STEEL ENCASEMENT PIPE INCLUDING 12" SDR-26 WW LINE	150 LF	\$ 423.00	\$ 63,450.00	\$ 525.00	\$ 78,750.00	\$ 575.00	\$ 86,250.00
14	BORING PIT (30' X 10')	1 EA	\$ 6,630.00	\$ 6,630.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00
15	RECEIVING PIT (10' X 10')	1 EA	\$ 2,210.00	\$ 2,210.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00
15A	CONCRETE TRENCH CAP	2 EA	\$ 6,525.00	\$ 13,050.00	\$ 2,000.00	\$ 4,000.00	\$ 1,200.00	\$ 2,400.00
16	TRENCH SAFETY	5,850 LF	\$ 0.10	\$ 585.00	\$ 1.00	\$ 5,850.00	\$ 5.00	\$ 29,250.00
WASTEWATER IMPROVEMENTS SUBTOTAL			\$ 636,325.00		\$ 694,406.00		\$ 761,245.00	
EROSION CONTROLS SUBTOTAL			\$ 61,320.00		\$ 42,590.00		\$ 61,450.00	
WASTEWATER IMPROVEMENTS SUBTOTAL			\$ 636,325.00		\$ 694,406.00		\$ 761,245.00	
TOTAL =			\$ 697,645.00		\$ 736,996.00		\$ 822,695.00	

Cedar Hills		Patin		CC Carlton		Terra Path		Aaron Concrete	
Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
\$ 3.00	\$ 16,230.00	\$ 4.00	\$ 21,640.00	\$ 4.50	\$ 24,345.00	\$ 2.43	\$ 13,146.30	\$ 5.00	\$ 27,050.00
\$ 21,000.00	\$ 21,000.00	\$ 5,000.00	\$ 5,000.00	\$ 17,400.00	\$ 17,400.00	\$ 45,563.73	\$ 45,563.73	\$ 23,075.00	\$ 23,075.00
\$ 1,500.00	\$ 3,000.00	\$ 1,500.00	\$ 3,000.00	\$ 3,500.00	\$ 7,000.00	\$ 4,365.84	\$ 8,731.68	\$ 3,461.00	\$ 6,922.00
\$ 4,000.00	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	\$ 5,000.00	\$ 2,500.33	\$ 2,500.33	\$ 5,769.00	\$ 5,769.00
\$ 1,000.00	\$ 2,000.00	\$ 750.00	\$ 1,500.00	\$ 1,000.00	\$ 2,000.00	\$ 725.87	\$ 1,451.74	\$ 1,315.00	\$ 2,630.00
	\$ 46,230.00		\$ 34,140.00		\$ 55,745.00		\$ 71,393.78		\$ 65,446.00
\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 30,000.00	\$ 30,000.00	\$ 9,307.61	\$ 9,307.61	\$ 6,877.00	\$ 6,877.00
\$ 93.00	\$ 224,781.00	\$ 80.00	\$ 193,360.00	\$ 70.00	\$ 169,190.00	\$ 62.17	\$ 150,264.89	\$ 85.00	\$ 205,445.00
\$ 132.00	\$ 16,368.00	\$ 85.00	\$ 10,540.00	\$ 88.00	\$ 10,912.00	\$ 99.94	\$ 12,392.56	\$ 89.00	\$ 11,036.00
\$ 108.00	\$ 162,000.00	\$ 100.00	\$ 150,000.00	\$ 98.00	\$ 147,000.00	\$ 86.25	\$ 129,375.00	\$ 107.00	\$ 160,500.00
\$ 110.00	\$ 194,700.00	\$ 105.00	\$ 185,850.00	\$ 100.00	\$ 177,000.00	\$ 83.24	\$ 147,334.80	\$ 111.00	\$ 196,470.00
\$ 6,000.00	\$ 96,000.00	\$ 7,500.00	\$ 120,000.00	\$ 5,700.00	\$ 91,200.00	\$ 4,034.61	\$ 64,553.76	\$ 8,091.00	\$ 129,456.00
\$ 470.00	\$ 4,700.00	\$ 250.00	\$ 2,500.00	\$ 500.00	\$ 5,000.00	\$ 1,443.72	\$ 14,437.20	\$ 792.00	\$ 7,920.00
\$ 10.00	\$ 500.00	\$ 500.00	\$ 25,000.00	\$ 550.00	\$ 27,500.00	\$ 707.10	\$ 35,355.00	\$ 546.00	\$ 27,300.00
\$ 440.00	\$ 66,000.00	\$ 700.00	\$ 105,000.00	\$ 780.00	\$ 117,000.00	\$ 518.40	\$ 77,760.00	\$ 610.00	\$ 91,500.00
\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 20,000.00	\$ 20,000.00	\$ 13,329.98	\$ 13,329.98	\$ 13,839.00	\$ 13,839.00
\$ 3,600.00	\$ 3,600.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 13,785.98	\$ 13,785.98	\$ 3,200.00	\$ 3,200.00
\$ 7,500.00	\$ 15,000.00	\$ 1,500.00	\$ 3,000.00	\$ 2,000.00	\$ 4,000.00	\$ 9,506.55	\$ 19,013.10	\$ 4,655.00	\$ 9,310.00
\$ 1.00	\$ 5,850.00	\$ 4.00	\$ 23,400.00	\$ 2.00	\$ 11,700.00	\$ 24.08	\$ 140,868.00	\$ 3.00	\$ 17,550.00
	\$ 799,499.00		\$ 832,150.00		\$ 815,502.00		\$ 827,777.88		\$ 880,403.00
	\$ 46,230.00		\$ 34,140.00		\$ 55,745.00		\$ 71,393.78		\$ 65,446.00
	\$ 799,499.00		\$ 832,150.00		\$ 815,502.00		\$ 827,777.88		\$ 880,403.00
	\$ 845,729.00		\$ 866,290.00		\$ 871,247.00		\$ 899,171.66		\$ 945,849.00

D Guerra		JM Pipeline		Sky Blue	
Unit Price	Total	Unit Price	Total	Unit Price	Total
\$ 2.50	\$ 13,525.00	\$ 5.00	\$ 27,050.00	\$ 4.20	\$ 22,722.00
\$ 20,000.00	\$ 20,000.00	\$ 19,000.00	\$ 19,000.00	\$ 28,000.00	\$ 28,000.00
\$ 2,000.00	\$ 4,000.00	\$ 4,100.00	\$ 8,200.00	\$ 3,500.00	\$ 7,000.00
\$ 2,800.00	\$ 2,800.00	\$ 15,000.00	\$ 15,000.00	\$ 6,300.00	\$ 6,300.00
\$ -	\$ -	\$ 2,100.00	\$ 4,200.00	\$ 700.00	\$ 1,400.00
\$ 40,325.00		\$ 73,450.00		\$ 65,422.00	
\$ 4,750.00	\$ 4,750.00	\$ 5,000.00	\$ 5,000.00	\$ 7,102.45	\$ 7,102.45
\$ 100.00	\$ 241,700.00	\$ 82.00	\$ 198,194.00	\$ 109.15	\$ 263,815.55
\$ 110.00	\$ 13,640.00	\$ 115.00	\$ 14,260.00	\$ 123.15	\$ 15,270.60
\$ 123.70	\$ 185,550.00	\$ 137.00	\$ 205,500.00	\$ 142.73	\$ 214,095.00
\$ 131.60	\$ 232,932.00	\$ 147.00	\$ 260,190.00	\$ 156.73	\$ 277,412.10
\$ 7,400.00	\$ 118,400.00	\$ 9,800.00	\$ 156,800.00	\$ 8,270.18	\$ 132,322.88
\$ 550.00	\$ 5,500.00	\$ 565.00	\$ 5,650.00	\$ 504.00	\$ 5,040.00
\$ 470.00	\$ 23,500.00	\$ 605.00	\$ 30,250.00	\$ 3,253.67	\$ 162,683.50
\$ 527.40	\$ 79,110.00	\$ 790.00	\$ 118,500.00	\$ 781.88	\$ 117,282.00
\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,600.00	\$ 5,600.00
\$ 4,125.00	\$ 4,125.00	\$ 3,500.00	\$ 3,500.00	\$ 2,800.00	\$ 2,800.00
\$ -	\$ -	\$ 2,400.00	\$ 4,800.00	\$ 2,800.00	\$ 5,600.00
\$ 5.00	\$ 29,250.00	\$ 1.00	\$ 5,850.00	\$ 2.80	\$ 16,380.00
\$ 948,457.00		\$ 1,013,494.00		\$ 1,225,404.08	
\$ 40,325.00		\$ 73,450.00		\$ 65,422.00	
\$ 948,457.00		\$ 1,013,494.00		\$ 1,225,404.08	
\$ 988,782.00		\$ 1,086,944.00		\$ 1,290,826.08	

AGREEMENT

STATE OF TEXAS)(

COUNTY OF TRAVIS)(

THIS AGREEMENT, made and entered into this 23rd day of February AD 2022, by and between the City of Manor, Texas, a home-rule city and municipal corporation, with principal offices located at 105 E. Eggleston St., Manor, Texas 78653, hereinafter termed OWNER, or CITY and R Construction Civil, LLC, a Limited Liability Corporation with principal offices located at 800 Wilcrest, Suite 360 Houston, Texas 77042, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the mutual terms, conditions, and covenants of this Agreement and the accompanying documents between Owner and Contractor and for and in consideration of payments as set forth therein, Contractor hereby agrees with the said Owner to commence and complete the following Project:

COTTONWOOD CREEK PHASE 2 WASTEWATER COLLECTION SYSTEM IMPROVEMENTS FOR THE CITY OF MANOR, TEXAS

for all base bid work and all extra work in connection therewith, under the terms as stated in the Contract Documents and at CONTRACTOR's own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to construct and complete COTTONWOOD CREEK WASTEWATER COLLECTION SYSTEM IMPROVEMENTS (the "Project" or "Work"), in accordance with the Contractor's Proposal, Instructions to Bidders, Special Provisions, Supplementary Conditions, General Conditions, Performance bond, Payment bond, Drawings, Plans and Technical Specifications and other drawings and printed or written explanatory matter thereof, and the addenda therefore, as prepared by Jay Engineering, a Division of GBA herein entitled the ENGINEER, and approved by the OWNER, all of which are made a part hereof and collectively evidence and constitute the entire contract (the "Contract Documents").

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, and to substantially complete all work within Ninety (90) calendar days after the date specified in the written Notice To Proceed.

Waiver of any breach of this Agreement shall not constitute waiver of any subsequent breach.

The OWNER agrees to pay the CONTRACTOR, for satisfactory performance of this Agreement, in current funds the price or prices shown in the Contractor's Proposal, which forms a part of this contract, such payments to be subject to proper completion of the contract, in the total amount of \$697,645.00 (Six Hundred Ninety-Seven Thousand Six Hundred forty-Five Dollars and no cents), subject to proper additions and deductions (the "Contract Amount"), all as provided in the General Conditions of this Agreement. The financial obligations of the City under this Agreement shall be paid from current funds and shall be subject to funds being appropriated and budgeted in sufficient amounts to satisfy such obligations.

Although drawn by the OWNER, both parties hereto expressly agree and assert that in the event of any dispute over its meaning or application, this Agreement shall be interpreted reasonably and fairly, and neither more strongly for nor against either party.

The CONTRACTOR agrees that time is of the essence on this contract and that for each calendar day of delay beyond the time established for completion of the work specified and contracted for, the Owner may withhold permanently from the CONTRACTOR'S compensation the sum of **Five Hundred Dollars (\$500.00)** as stipulated liquidated damages for delay.

In accordance with Chapter 2270, Texas Government Code, the CITY may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it: (a) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. The signatory executing this contract on behalf of the company verifies that CONTRACTOR does not boycott Israel and will not boycott Israel during the term of this Agreement.

"To the extent this Agreement constitutes a governmental contract within the meaning of Section 2252.151 of the Texas Government Code, as amended, solely for purposes of compliance with Chapter 2252 of the Texas Government Code, and except to the extent otherwise required by applicable federal law, CONTRACTOR represents that CONTRACTOR nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of CONTRACTOR is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201, or 2252.153 of the Texas Government Code."

IN WITNESS WHEREOF, both parties have caused this Agreement to be signed in their respective corporate names by duly authorized representatives, and the parties hereby bind themselves, their successors and assigns for the faithful and full performance of the terms and provisions hereof.

EXECUTED on the latest date of the signatories indicated below

OWNER

CONTRACTOR

By: _____

By: _____

Title: Mayor, City of Manor

Title: _____

Printed Name: Dr. Christopher Harvey.

Printed Name: _____

Date Signed: _____

Date Signed: _____

ATTEST:

ATTEST:

City Secretary, City of Manor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: March 1, 2022
PREPARED BY: Scott Dunlop, Interim City Manager
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on future TIRZs regarding master communities, housing affordability, retail and library or community center. *(Requested by Mayor Harvey)*

BACKGROUND/SUMMARY:

LEGAL REVIEW: Yes
FISCAL IMPACT: No
PRESENTATION: No
ATTACHMENTS: No

STAFF RECOMMENDATION:

PLANNING & ZONING COMMISSION: **Recommend Approval** **Disapproval** **None**

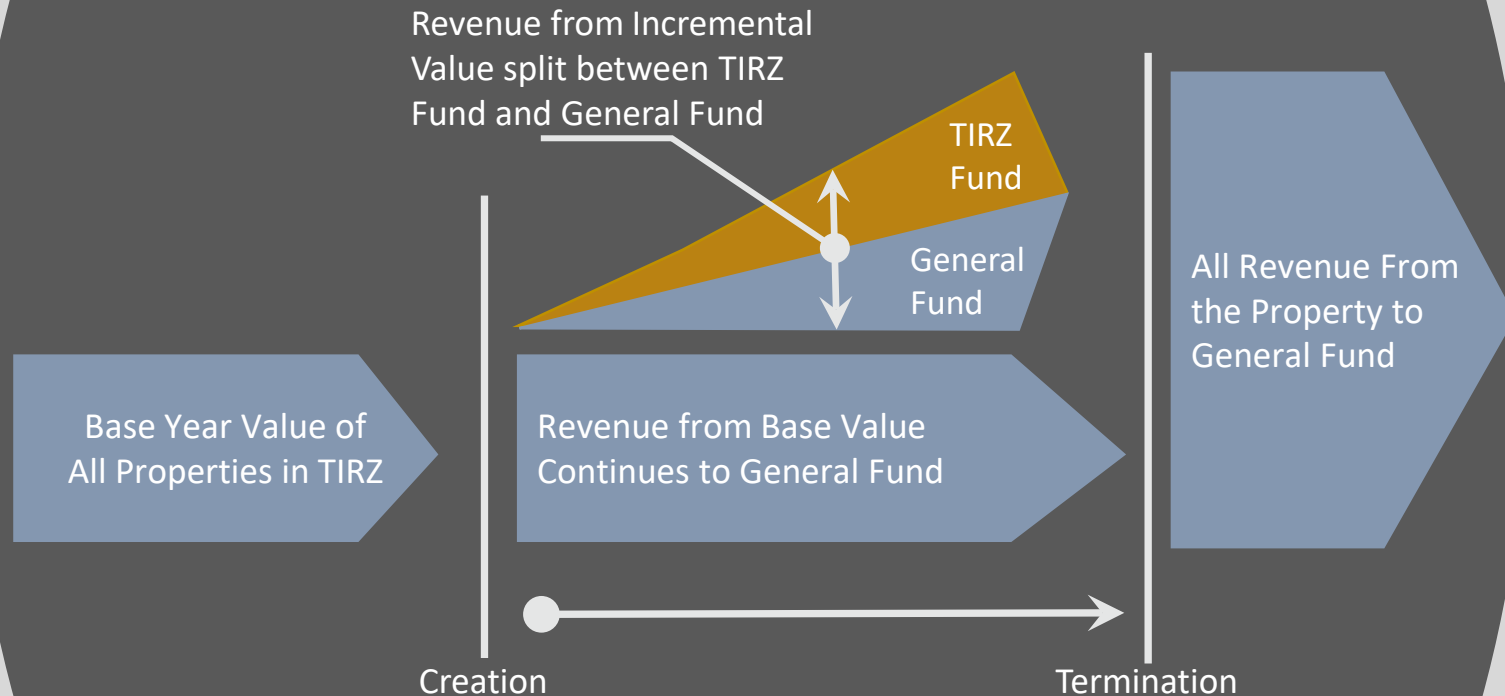
TAX INCREMENT REINVESTMENT ZONES 101



The “TIRZ” Tool

- A widely used economic development tool that allocates revenues for public improvement projects with NO NEW TAXES
- Public Improvements are paid for over time by allocating a portion of the revenues collected inside the zone
- 100% controlled by the local taxing entities
- No up front costs required
- No impact on the city’s bond rating or debt capacity

TIRZ Illustrated



TIRZ UTILIZATION

- As of July 2021, Comptroller reports:
 - 382 TIRZ zones in Texas
 - Total taxable value of \$89 billion across all TIRZs in the State

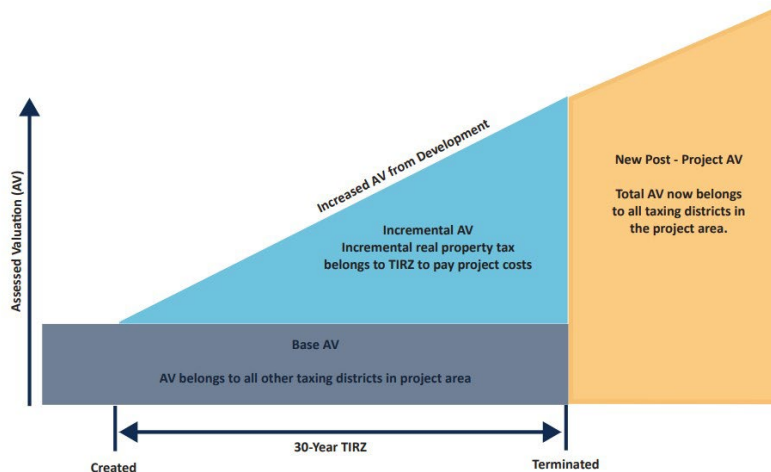
Example

- Property A is valued on December 31, 2020 for \$1,000,000
- The appraised value for 2021 goes up 3% making the property value \$1,030,000.
- The new tax increment that goes into the TIRZ fund is the taxes collected on the \$30,000

OR

- Property A is vacant and valued at \$100,000.
- Property A is improved with improvements valued at \$1,000,000 making the new property value \$1,100,000
- The new tax increment that goes into the TIRZ fund is the taxes collected on the \$1,000,000 in new improvements

Big Picture Considerations



- A TIRZ is a tool that Cities and Counties can use to finance infrastructure in a defined area
- The TIRZ Board of Directors make recommendations to the governing body of the City or County on the implementation of the tax increment financing
- Each taxing unit can choose what percentage, if any, it will contribute
- A TIRZ obligates future tax revenues from each participating taxing unit to pay for project costs
- TIRZ revenues can be used to offset annual installments of PID assessments

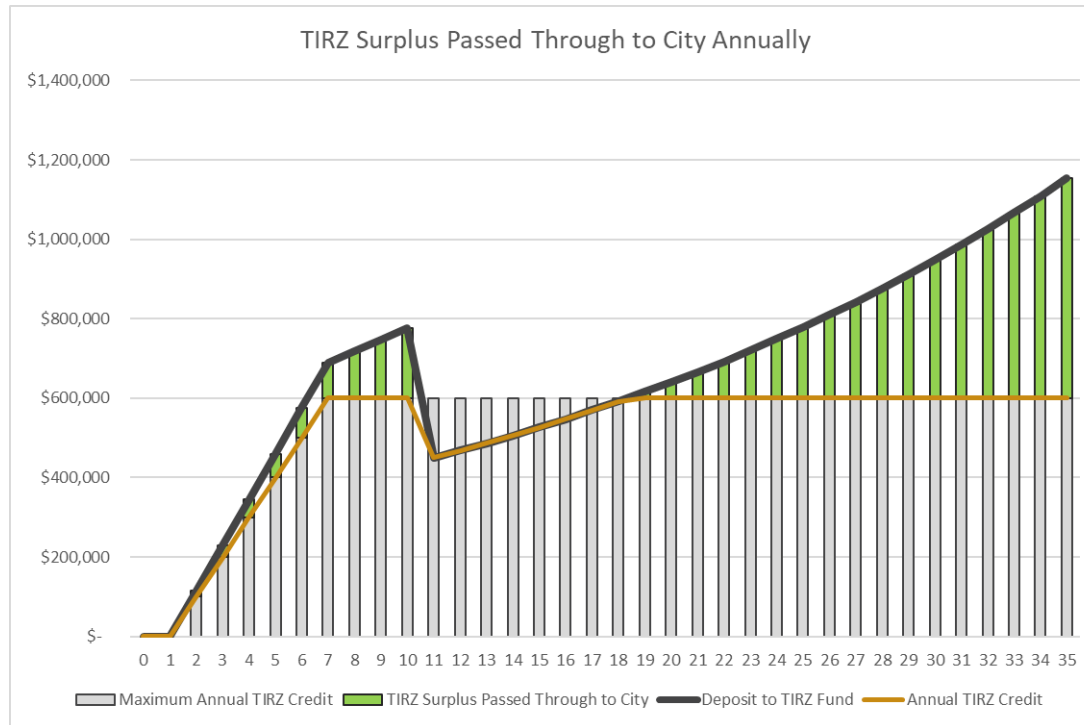
Reasons to consider a TIRZ

- Substantial areas of open or undeveloped land in which the sound growth and development of the area has been impaired
- Need for major public improvements to support sound growth and development
- Lack of capital or debt funding to pay the infrastructure costs up front
- Regional benefits that exceed the benefits realized within the boundaries of the area
- The area would not develop on its own in the foreseeable future due to the lack of public improvements
- Allows other local taxing entities (not including schools) to participate at their own discretion

CREATION PROCESS



PID/TIRZ Offset



Homeowner Annual Installment (Post-TIRZ)

