



Dr. Larry Wallace Jr., Mayor
Dr. Christopher Harvey, Mayor Pro Tem, Place 3
Emily Hill, Place 1
Anne Weir, Place 2
Sonia Wallace, Place 4
Deja Hill, Place 5
Gene Kruppa, Place 6

City Council Regular Meeting

Wednesday, February 03, 2021 at 7:00 PM

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

AGENDA

Via Telephone/Video Conference (Zoom Meeting)

This meeting will be live streamed on Manor Facebook Live

You can access the meeting at <https://www.facebook.com/cityofmanor/>

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in person meetings that assemble large groups of people the City Council meeting scheduled for Wednesday, February 3rd, will only be open to the public via remote access.

Instructions for public speaking:

- *Members of the public that wish to speak during public comments, public hearing or an agenda item will need to register in advance by visiting www.cityofmanor.org where a registration link will be posted on the calendar entry for each public meeting. You will register by filling in the speaker card available for that specific meeting and submitting it to publiccomments@cityofmanor.org. Once registered, instructions will be emailed to you on how to join the videoconference by calling in. Your Speaker Card must be received two (2) hours prior to scheduled meeting.*

Upon receiving instructions to join zoom meeting the following rules will apply:

- *All speakers must address their comments to the Mayor rather than to individual Council Members or city staff. Speakers should speak clearly into their device and state their name and address prior to beginning their remarks. Speakers will be allowed three (3) minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the meeting.*

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- A. Declaring Friday, February 5, 2021, as “National Wear Red Day”

PUBLIC COMMENTS

*Comments will be taken from the audience participating in zoom meeting 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 register and submit the speaker card following the instructions for public speaking above. **No Action May be Taken by the City Council During Public Comments.***

PUBLIC HEARINGS

1. **Conduct a public hearing on the annexation of 52.019 acres, more or less, adjacent and contiguous to the city limits and being located at 14704 US Hwy 290 E, Manor, TX.**
Submitted by: Scott Dunlop, Assistant Development Services Director

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 of January 20, 2021, Regular Meeting.**
Submitted by: Lluvia T. Almaraz, City Secretary

REGULAR AGENDA

3. **First Reading: Consideration, discussion, and possible action on an ordinance annexing 52.019 acres, more or less, adjacent and contiguous to the city limits and being located at 14704 US Hwy 290 E, Manor, TX.**
Submitted by: Scott Dunlop, Assistant Development Services Director
4. **Consideration, discussion, and possible action to on a Purchase Contract with Jeremy Clayton Kondrath and Amy Lou Kondrath for a wastewater easement with temporary construction easement.**
Submitted by: Samuel D. Kiger, P.E., City Engineer
5. **Tabled Item: Consideration, discussion, and possible action on an ordinance authorizing a change to the health benefits plan which would extend coverage to City retirees.**
Submitted by: Tracey Vasquez, HR Manager
6. **Tabled Item: Consideration, discussion, and possible action to amend the City of Manor Personnel Policies & Procedures Handbook to extend health benefits coverage to City retirees.**
Submitted by: Tracey Vasquez, HR Manager

7. Consideration, discussion, and possible action on proposed ordinances regulating electric vehicle charging stations, commercial and multi-family recycling requirements, and dollar-type store regulations.

Submitted by: Scott Dunlop, Assistant Development Services Director

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:

- Sections 551.071 and 551.074, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to discuss Councilmember vacancies

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, January 29, 2020, 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, cardiovascular diseases are the number one killer of women in the U.S.; and

WHEREAS, cardiovascular diseases kill one woman almost every 80 seconds in the U.S.; and

WHEREAS, heart disease and stroke can affect all women at any age, heart attacks are on the rise in younger generations of women, Gen Z and Millennials, are less likely to be aware of knowing the warning signs of heart attacks and strokes; and

WHEREAS, cardiovascular diseases kill 1 in 3 women, but about eighty percent of cardiac events can be prevented through education and lifestyle changes; and

WHEREAS, all women are encouraged to move more, eat smart and manage blood pressure to reduce their risk of cardiovascular disease; and

WHEREAS, the American Heart Association's Go Red for Women® movement motivates women to learn their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and stroke; and

WHEREAS, as the trusted, passionate and relevant force for change to eradicate heart disease and stroke in women, the American Heart Association's Go Red for Women® remains steadfast and committed to meeting the comprehensive health needs of women – at every life stage; and

NOW, THEREFORE, I, Dr. Larry Wallace Jr., Mayor of the City of Manor, Texas, and on behalf of the Manor City Council, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 5, 2021 as:

“NATIONAL WEAR RED DAY”

in the City of Manor and urge all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red. By increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular diseases, we can save thousands of lives each year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Manor to be affixed this 3rd day of February 2021.

Dr. Larry Wallace Jr., Mayor
City of Manor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Conduct a public hearing on the annexation of 52.019 acres, more or less, adjacent and contiguous to the city limits and being located at 14704 US Hwy 290 E, Manor, TX.

Applicant: Chau Quang Dinh
Owner: Chau Quang Dinh

BACKGROUND/SUMMARY:

An annexation petition was approved by the City Council on January 6th which initiated this voluntary annexation. The majority of the 52 acres is already in the city (34.5 acres by Ord. 338) and this annexation would bring the remaining 17.5 acres into the city. This is the only public hearing required and there has not been a rezoning application filed nor any preliminary development permits as to the intended use. After second reading of the Ordinance on 2/17/21 the annexed area will come into the city with Agricultural zoning.

LEGAL REVIEW: Not Applicable
FISCAL IMPACT: No
PRESENTATION: No
ATTACHMENTS: Yes

- Legal Description
- Area image

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the City Council conduct a public hearing.

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

EXHIBIT "A"

Survey and Legal Lot Description

CD, KP

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austin.rr.com

January 18, 2017

LEGAL DESCRIPTION: BEING 52.019 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 AND THE L. KIMBRO SURVEY NO. 64, ABSTRACT 456 IN TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 0.449 ACRE TRACT OR PARCEL OF LAND AND A PORTION OF THAT CERTAIN 61.73 ACRE TRACT OR PARCEL OF LAND CONVEYED TO ANH KIM PHAM AND CHAU DINH BY CORRECTION DEED RECORDED IN DOCUMENT #2014039510 REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 52.019 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED BY JAMES E. GARON & ASSOCIATES IN OCTOBER, 2016:

BEGINNING at a 2" iron pipe found on the northerly right-of-way line of U.S. Highway 290 as conveyed by deed recorded in Volume 11187, Page 148 of said real property records for the southeasterly corner hereof and the southwesterly corner of the remainder of that certain 2.285 acre tract or parcel of land conveyed to Timmermann Properties, Inc. by deed recorded in Volume 11765, Page 1984 of said real property records;

THENCE along said right-of-way line the following four (4) calls:

1. S 87°33'45" W a distance of 1382.06 feet to a concrete right-of-way monument found for angle point;
2. N 81°11'56" W a distance of 203.75 feet to a concrete right-of-way monument found for angle point;
3. S 87°26'27" W a distance of 294.46 feet to a concrete right-of-way monument found for angle point;
4. S 82°25'53" W a distance of 16.73 feet to a 5/8" iron rod found for the southwest corner hereof and the southeasterly corner of the remainder of that certain tract of land conveyed to Erskine E. Fiebig and Alice Fiebig by deed recorded in Volume 5017, Page 556 of said real property records;

THENCE N 29°10'58" E a distance of 383.10 feet to a 1/2" iron rod with cap stamped "Lenz & Assoc." found for the northeasterly corner of said Fiebig Tract;

THENCE N 29°19'28" E a distance of 1775.58 feet continuing along the westerly line hereof, common with that certain 149.27 acre tract of land conveyed to Alma Juanita Meier by deed recorded in Volume 11376, Page 676 of said real property records to a calculated point on the south margin of Old Kimbro Road for the northwest corner hereof and said 61.73 acre tract;

THENCE along Old Kimbro Road, S 85°40'20" E a distance of 73.92 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point and S 86°00'20" E a distance of 498.63 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for the northeast corner hereof and said 61.73 acre tract and a corner of the remainder of that certain 100 acre tract of land conveyed to Don Ray Swenson and as described in Volume 660, Page 151 of said real property records;

THENCE S 21°21'24" W a distance of 208.93 feet to a 1/2" iron rod found for a southwesterly corner of said Swenson 100 acre tract of land ;

THENCE crossing said 61.73 acre tract of land the following four (4) calls:

1. S 19°27'38" W a distance of 251.09 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
2. S 64°21'02" E a distance of 209.00 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
3. S 17°45'20" E a distance of 199.75 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
4. S 81°53'02" E a distance of 71.45 feet to a 1/2" iron rod found for the northwest corner of that certain 1.469 acre tract of land conveyed to Orlando Valdez Aguilar and Rosaura Fernanda Chavez by deed recorded in Document #2014186584 of said real property records;

THENCE S 11°47'14" W a distance of 139.91 feet to a 1/2" iron rod found for the southwest corner of said Aguilar and Chavez 1.469 acre tract and the northwest corner of that certain 4.531 acre tract of land conveyed to Ynacio Tabarez and Rosa Tabarez by deed recorded in Volume 13215, Page 2805 of said real property records;

THENCE S 11°23'19" W a distance of 417.45 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for the southwest corner of said Tabarez 4.531 acre tract;

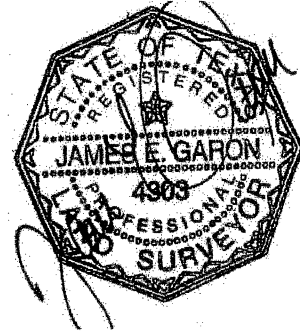
THENCE S 84°33'38" E a distance of 414.34 feet to a 60D nail found for the northwest corner of said Timmermann 2.285 acre tract;

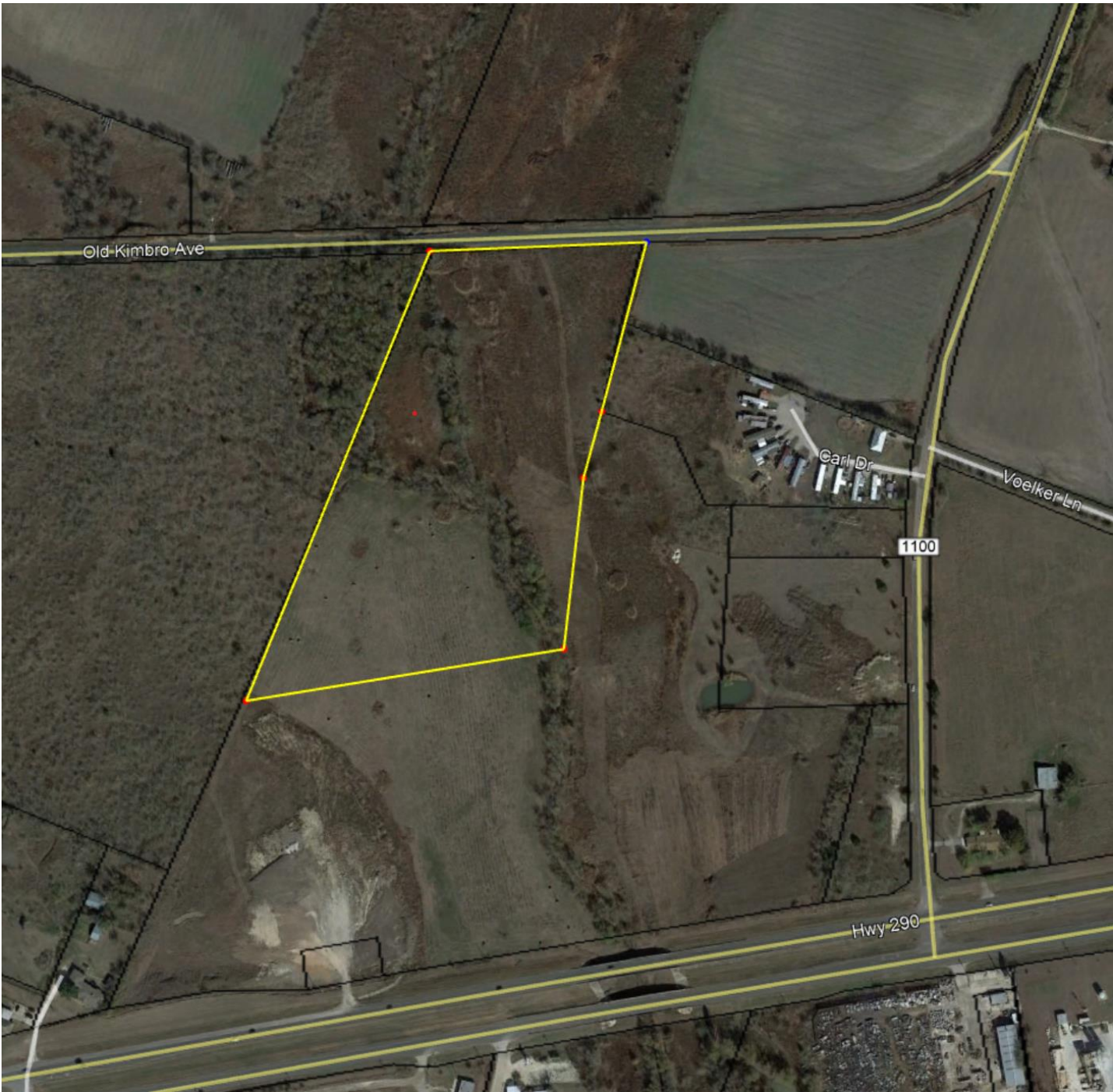
January 18, 2017

THENCE S 21°46'26" W a distance of 529.44 feet to the **POINT OF BEGINNING**, containing 52.019 acres of land, more or less and as shown on map of survey prepared herewith.

Surveyed by:

James E. Garon
Registered Professional Land Surveyor
Server; co\Travis\surveys\AC Caldwell\57016







AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Lluvia T. Almaraz, City Secretary
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the City Council Minutes of January 20, 2021, Regular Meeting.

BACKGROUND/SUMMARY:

LEGAL REVIEW: Not Applicable
FISCAL IMPACT: Not Applicable
PRESENTATION: No
ATTACHMENTS: Yes

- January 20, 2021, City Council Regular Meeting

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve the City Council Minutes of the January 20, 2021, City Council Regular Meeting.

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



**CITY COUNCIL
REGULAR SESSION MINUTES
JANUARY 20, 2021
Via Telephone/Video Conference
(Zoom Meeting)**

The meeting was live streamed on Facebook Live beginning at 7:00 p.m.
<https://www.facebook.com/cityofmanor/>

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in person meetings that assemble large groups of people the City Council meeting scheduled for Wednesday, January 20th, was only open to the public via remote access.

The following instructions were provided to the general public.

Instructions for Public Speaking:

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Mayor Wallace advised that all votes would be conducted by a Roll Call Vote, meaning each City Council Member would be called on separately to cast their vote.

PRESENT VIA ZOOM:

Dr. Larry Wallace Jr., Mayor

COUNCIL MEMBERS:

Dr. Christopher Harvey, Mayor Pro Tem, Place 3
Emily Hill, Place 1
Anne Weir, Place 2
Sonia Wallace, Place 4
Deja Hill, Place 5
Gene Kruppa, Place 6 (joined zoom meeting at 7:14 p.m.)

CITY STAFF:

Lluvia T. Almaraz, City Secretary
Ryan Phipps, Chief of Police
Lydia Collins, Director of Finance
Debbie Charbonneau, Heritage and Tourism Manager
Scott Dunlop, Assistant Development Services Director
Heath Ferguson, IT Manager
Frank T. Phelan, P.E., City Engineer

REGULAR SESSION – 7:00 P.M.

With a quorum of the Council Members present via video/telephone conference, the regular session of the Manor City Council was called to order by Mayor Wallace Jr. at 7:00 p.m. on Wednesday, January 20, 2021.

PLEDGE OF ALLEGIANCE

At the direction of Mayor Wallace, Chief Phipps led the Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments received prior to the meeting.

PROCLAMATIONS

A Declaring Monday, January 18, 2021, as “*Martin Luther King, Jr. Day*”

Mayor Wallace read a proclamation declaring Monday, January 18, 2021, as “*Martin Luther King, Jr. Day*”

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

Mayor Wallace read a proclamation declaring the Month of February, as “Black History Month”

REPORTS

Reports about items of community interest on which no action was taken.

A. Public Safety Committee

At the direction of Mayor Wallace, Chief of Police Phipps gave an update on the Public Safety Committee.

B. Emergency Management Committee

At the direction of Mayor Wallace, Chief of Police Phipps gave an update on the Emergency Management Committee.

C. Education Committee

At the direction of Mayor Wallace, Council Member Emily Hill gave an update on the Education Committee.

The discussion was held regarding a Veteran’s Day Holiday request for Manor ISD from Council Member Kruppa.

D. Economic Development Committee

Mayor Wallace gave an update on the Economic Development Committee.

Mayor Pro Tem Harvey gave an update on the last Economic Development Committee Meeting.

E. Tower Repainting

At the direction of Mayor Wallace, Director of Finance Collins gave an update on the Tower Repainting.

The discussion was held regarding the cost and maintenance of the tower.

F. CivStart

At the direction of Mayor Wallace, Heritage & Tourism Manager Charbonneau gave an update on CivStart.

G. Peace Challenge

Mayor Wallace discussed the Peace Challenge Program.

PUBLIC HEARINGS

- 1. Conduct a public hearing regarding a Concept Plan for the Manor-OZ Subdivision being 10.88 acres, more or less, and being located near the intersection of US Hwy 290 E and Gregg Manor Road, Manor, TX.**

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

Mayor Wallace opened the public hearing.

Assistant Development Services Director Dunlop discussed the proposed Concept Plan for the Manor-OZ Subdivision.

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

There was no further discussion.

Motion to close carried 7-0

- 2. Conduct a public hearing regarding a Concept Plan for the Manor Downs Multi-Family Subdivision and being 24.81 acres, more or less, and being located at 9910 Hill Lane, Manor, TX.**

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

Mayor Wallace opened the public hearing.

Assistant Development Services Director Dunlop discussed the proposed Concept Plan for the Manor Downs Multi-Family Subdivision.

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

There was no further discussion.

Motion to close carried 7-0

Mayor Wallace included Regular Item No. 6 and No. 7 to the Consent Agenda.

Council Member Kruppa stated he had questions for Item No. 6 and No. 7.

Council Member Deja Hill requested for Item No. 6 and No. 7 be removed from Consent for further discussion.

CONSENT AGENDA

3. **Consideration, discussion, and possible action to approve the City Council Minutes.**
 - **January 6, 2021, City Council Regular Meeting; and**
 - **January 9, 2021, City Council Workshop**

4. **Consideration, discussion, and possible action on the acceptance of the December 2020 Departmental Reports.**
 - **Police – Ryan Phipps, Chief of Police**
 - **Development Services – Scott Dunlop, Asst. Dev. 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**

5. **Consideration, discussion, and possible action to approve the Purchase Contract with Timmermann Commercial Investments, LP for a special warranty deed, slope easement and temporary construction easement.**

Mayor Wallace inquired about the construction of the park restrooms. Director of Public Works Tuley discussed the status on the restroom at Timmermann Park only.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Wallace, to approve and adopt all items on the Consent Agenda.

There was no further discussion.

Motion to approve carried 7-0

REGULAR AGENDA

6. **Consideration, discussion, and possible action on a Concept Plan for the Manor-OZ Subdivision being 10.88 acres, more or less, and being located near the intersection of US Hwy 290 E and Gregg Manor Road, Manor, TX.**

The City staff recommended that the City Council approve a Concept Plan for the Manor-OZ Subdivision being 10.88 acres, more or less, and being located near the intersection of US Hwy 290 E and Gregg Manor Road, Manor, TX.

Assistant Development Services Director Dunlop discussed the Concept Plan for the Manor-OZ Subdivision.

The discussion was held regarding the clarification for the approval of units.

The discussion was held regarding the clarification of MF-2 regulations.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Harvey, to approve the Concept Plan for the Manor-OZ Subdivision being 10.88 acres, more or less, and being located near the intersection of US Hwy 290 E and Gregg Manor Road, Manor, TX.

There was no further discussion.

Motion to approve carried 7-0

- 7. Consideration, discussion, and possible action on a Concept Plan for the Manor Downs Multi-Family Subdivision and being 24.81 acres, more or less, and being located at 9910 Hill Lane, Manor, TX**

The City staff recommended that the City Council approve a Concept Plan for the Manor Downs Multi-Family Subdivision and being 24.81 acres, more or less, and being located at 9910 Hill Lane, Manor, TX.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Mayor Pro Tem Harvey, to approve a Concept Plan for the Manor Downs Multi-Family Subdivision and being 24.81 acres, more or less, and being located at 9910 Hill Lane, Manor, TX.

There was no further discussion.

Motion to approve carried 7-0

- 8. Consideration, discussion, and possible action on a Rate and Fee Adjustment Letter Agreement with Waste Connections Lonestar, Inc.**

The City staff recommended that the City Council approve the Rate and Fee Adjustment Letter with Waste Connections Lonestar, Inc., and direct the Mayor to execute the letter.

The discussion was held regarding the clarification of the rate fee increase.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Wallace, to approve the Rate and Fee Adjustment Letter with Waste Connections Lonestar, Inc., and direct the Mayor to execute the letter.

There was no further discussion.

Motion to approve carried 7-0

9. Consideration, discussion, and possible action on an ordinance amending Manor Code of Ordinances Chapter 15 Site Development by providing for the amendment of off-street parking requirements, landscaping and screening definitions, fence and wall standards, sign definitions, prohibited signs, illuminated signs, and outdoor lighting requirements.

The City staff recommended that the City Council approve Ordinance No. 601 amending Manor Code of Ordinances Chapter 15 Site Development by providing for the amendment of off-street parking requirements, landscaping and screening definitions, fence and wall standards, sign definitions, prohibited signs, illuminated signs, and outdoor lighting requirements.

Assistant Development Services Director Dunlop discussed the proposed ordinance with new modifications.

Ordinance No. 601: An Ordinance Of The City Of Manor, Texas, Amending Manor Code Of Ordinances Chapter 15 Site Development By Providing For The Amendment Of Off-Street Parking Requirements; Landscaping And Screening Definitions; Fence And Wall Standards; Sign Definitions; Prohibited Signs; On-Site Signs; Illuminated Signs; Outdoor Lighting Requirements; Providing Severability, Savings Clause, Open Meetings And Effective Date Clauses; And Providing For Related Matters.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Weir, to approve Ordinance No. 601 with the modifications presented.

There was no further discussion.

Motion to approve carried 7-0

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 8:23 p.m. on Wednesday, January 20, 2021.

These minutes approved by the Manor City Council on the 3rd day of February 2021.

APPROVED:

Dr. Larry Wallace Jr.
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

First Reading: Consideration, discussion, and possible action on an ordinance annexing 52.019 acres, more or less, adjacent and contiguous to the city limits and being located at 14704 US Hwy 290 E, Manor, TX.

Applicant: Chau Quang Dinh
Owner: Chau Quang Dinh

BACKGROUND/SUMMARY:

An annexation petition was approved by the City Council on January 6th which initiated this voluntary annexation. The majority of the 52 acres is already in the city (34.5 acres by Ord. 338) and this annexation would bring the remaining 17.5 acres into the city. This is the only public hearing required and there has not been a rezoning application filed nor any preliminary development permits as to the intended use. After second reading of the Ordinance on 2/14/21 the annexed area will come into the city with Agricultural zoning.

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

- Ordinance
- Legal Description
- Area image

STAFF RECOMMENDATION:

It is the City Staff’s recommendation that the City Council approve the first reading of an ordinance annexing 52.019 acres, more or less, adjacent and contiguous to the city limits and being located at 14704 US Hwy 290 E, Manor, TX.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, ANNEXING 52.019 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 A SERVICE PLAN 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 owner 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 Service Plan 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 property (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:

All that certain area of land being 52.019 acres, more or less, located in the A.C. Caldwell Survey No. 52, Abstract 154 and the L. Kimbro Survey, Abstract No. 64, Abstract 456 in Travis County, Texas, said property being further described in Document No. 2014039510, Real Property Records of Travis County, Texas and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

ORDINANCE NO.

Page 2

SECTION 3. That the Service Plan 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 Service Plan 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*.

PASSED AND APPROVED on First Reading this 3rd day of February 2021.

FINALLY PASSED AND APPROVED on this _____ day of _____, 2021.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

ORDINANCE NO.

Page 3

Exhibit "A"

ANNEXED PROPERTY DESCRIPTION

Exhibit “B”

**SERVICE PLAN
FOR PROPERTY TO BE
ANNEXED INTO THE CITY OF MANOR**

WHEREAS, the City of Manor, Texas (the “City”) intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the “subject property”);

WHEREAS, *Section 43.0672, Loc. Gov't. Code*, requires the City to negotiate and enter into a written agreement with the owner(s) of land in the area for the provision of services in the area;

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, 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 owner and this Plan, 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.

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.

ORDINANCE NO.**Page 5**

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

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 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.

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.

(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 in this Plan:

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 subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property or portions thereof (the "CCN holder") and, as applicable, the utility providing wholesale or retail water service to said CCN holder. Absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is 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 property 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 property as required in City ordinances. Upon acceptance of the water lines within the subject property 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 property 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 subject property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is 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 property 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 property as required by City ordinances. Upon acceptance of the wastewater lines within the subject property 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 property owner agrees that no improvements are required on such roadways to service the 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.

(4) **Term.** If not previously expired, this service plan 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 Service Plan is attached.

EXHIBIT "A"

Survey and Legal Lot Description

CD, KP

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austin.rr.com

January 18, 2017

LEGAL DESCRIPTION: BEING 52.019 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 AND THE L. KIMBRO SURVEY NO. 64, ABSTRACT 456 IN TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 0.449 ACRE TRACT OR PARCEL OF LAND AND A PORTION OF THAT CERTAIN 61.73 ACRE TRACT OR PARCEL OF LAND CONVEYED TO ANH KIM PHAM AND CHAU DINH BY CORRECTION DEED RECORDED IN DOCUMENT #2014039510 REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 52.019 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED BY JAMES E. GARON & ASSOCIATES IN OCTOBER, 2016:

BEGINNING at a 2" iron pipe found on the northerly right-of-way line of U.S. Highway 290 as conveyed by deed recorded in Volume 11187, Page 148 of said real property records for the southeasterly corner hereof and the southwesterly corner of the remainder of that certain 2.285 acre tract or parcel of land conveyed to Timmermann Properties, Inc. by deed recorded in Volume 11765, Page 1984 of said real property records;

THENCE along said right-of-way line the following four (4) calls:

1. S 87°33'45" W a distance of 1382.06 feet to a concrete right-of-way monument found for angle point;
2. N 81°11'56" W a distance of 203.75 feet to a concrete right-of-way monument found for angle point;
3. S 87°26'27" W a distance of 294.46 feet to a concrete right-of-way monument found for angle point;
4. S 82°25'53" W a distance of 16.73 feet to a 5/8" iron rod found for the southwest corner hereof and the southeasterly corner of the remainder of that certain tract of land conveyed to Erskine E. Fiebig and Alice Fiebig by deed recorded in Volume 5017, Page 556 of said real property records;

THENCE N 29°10'58" E a distance of 383.10 feet to a 1/2" iron rod with cap stamped "Lenz & Assoc." found for the northeasterly corner of said Fiebig Tract;

THENCE N 29°19'28" E a distance of 1775.58 feet continuing along the westerly line hereof, common with that certain 149.27 acre tract of land conveyed to Alma Juanita Meier by deed recorded in Volume 11376, Page 676 of said real property records to a calculated point on the south margin of Old Kimbro Road for the northwest corner hereof and said 61.73 acre tract;

THENCE along Old Kimbro Road, S 85°40'20" E a distance of 73.92 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point and S 86°00'20" E a distance of 498.63 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for the northeast corner hereof and said 61.73 acre tract and a corner of the remainder of that certain 100 acre tract of land conveyed to Don Ray Swenson and as described in Volume 660, Page 151 of said real property records;

THENCE S 21°21'24" W a distance of 208.93 feet to a 1/2" iron rod found for a southwesterly corner of said Swenson 100 acre tract of land ;

THENCE crossing said 61.73 acre tract of land the following four (4) calls:

1. S 19°27'38" W a distance of 251.09 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
2. S 64°21'02" E a distance of 209.00 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
3. S 17°45'20" E a distance of 199.75 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
4. S 81°53'02" E a distance of 71.45 feet to a 1/2" iron rod found for the northwest corner of that certain 1.469 acre tract of land conveyed to Orlando Valdez Aguilar and Rosaura Fernanda Chavez by deed recorded in Document #2014186584 of said real property records;

THENCE S 11°47'14" W a distance of 139.91 feet to a 1/2" iron rod found for the southwest corner of said Aguilar and Chavez 1.469 acre tract and the northwest corner of that certain 4.531 acre tract of land conveyed to Ynacio Tabarez and Rosa Tabarez by deed recorded in Volume 13215, Page 2805 of said real property records;

THENCE S 11°23'19" W a distance of 417.45 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for the southwest corner of said Tabarez 4.531 acre tract;

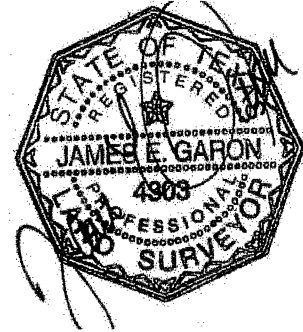
THENCE S 84°33'38" E a distance of 414.34 feet to a 60D nail found for the northwest corner of said Timmermann 2.285 acre tract;

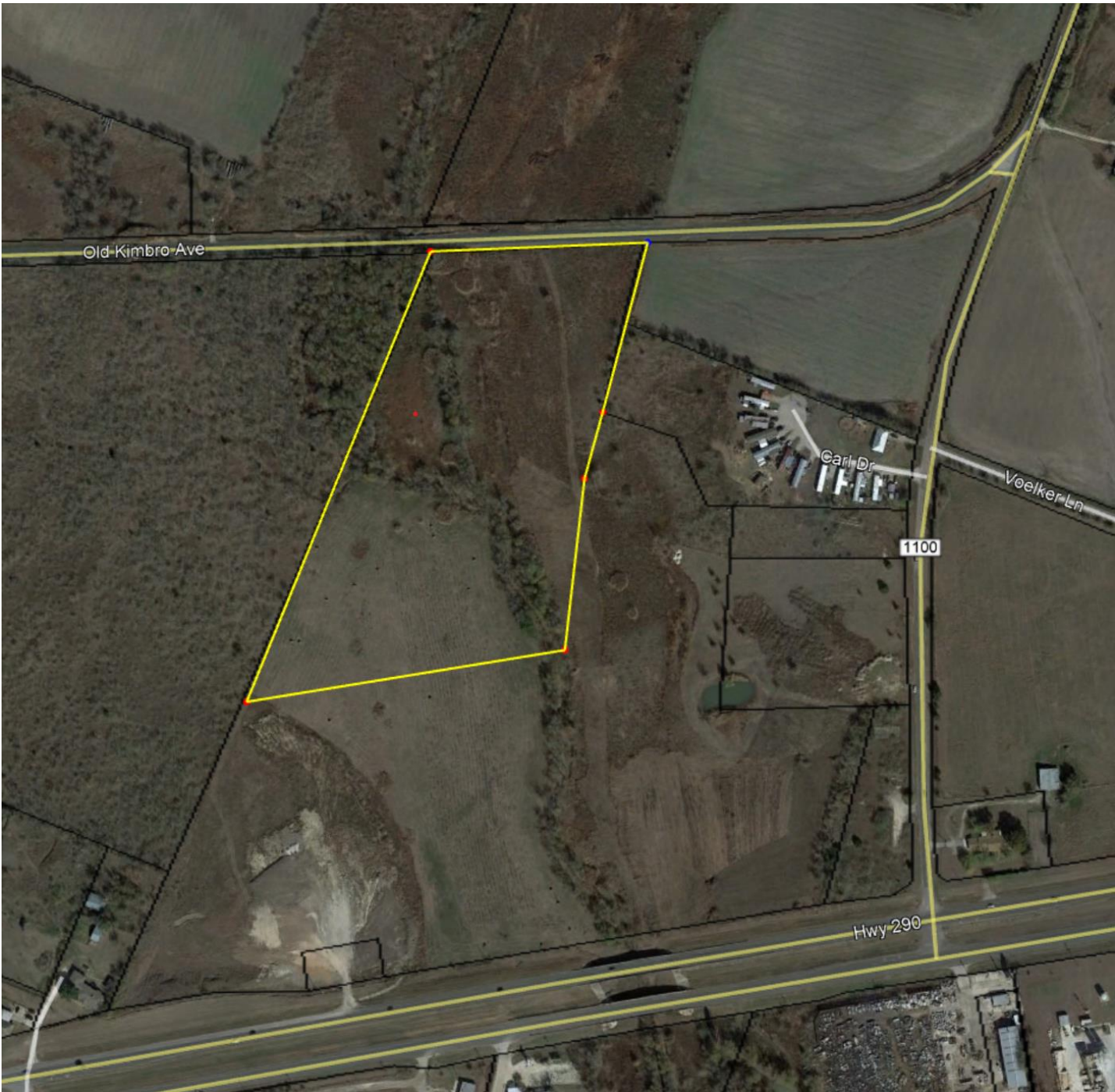
January 18, 2017

THENCE S 21°46'26" W a distance of 529.44 feet to the **POINT OF BEGINNING**, containing 52.019 acres of land, more or less and as shown on map of survey prepared herewith.

Surveyed by:

James E. Garon
Registered Professional Land Surveyor
Server; co\Travis\surveys\AC Caldwell\57016







AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Samuel D. Kiger, P.E.
DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to on a Purchase Contract with Jeremy Clayton Kondrath and Amy Lou Kondrath for a wastewater easement with temporary construction easement.

BACKGROUND/SUMMARY:

The 25' wastewater easement and 25' temporary construction easement are required for the construction of the Cottonwood Creek Wastewater Collection Line. The City is agreeing to \$3,500 monetary compensation for the easements.

The expenditure for the purchase contract is within the recommended offers established based on the Travis County Appraisal District property values.

LEGAL REVIEW: Yes
FISCAL IMPACT: No, Costs are covered by the developer per the terms of the DA
PRESENTATION: No
ATTACHMENTS: Yes

- Purchase Contract

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve the purchase contract with Jeremy Clayton Kondrath and Amy Lou Kondrath for a wastewater easement with temporary construction easement.

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

CITY OF MANOR PURCHASE CONTRACT**THE STATE OF TEXAS****COUNTY OF TRAVIS**

THIS CONTRACT WITNESSETH that the undersigned herein called Owner, whether one or more, for good and valuable consideration, the receipt of which is hereby acknowledged agree to grant a Wastewater Easement with a temporary construction easement to the City of Manor, herein called the City, a Texas municipal corporation situated in Travis County, State of Texas, or its assigns, and the City agrees to acquire the permanent and temporary easement property rights for the consideration and subject to the terms herein stated, upon the following describe real property, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in **EXHIBIT "A"** attached hereto and made apart hereof for all purposes, to which reference is hereby made for a more particular description of said property.

TOTAL PRICE: \$3,500.00 shall be paid by the City for the easement property rights to such property, and for which no lien or encumbrance expressed or implied, is retained.

Owner agrees to convey to the City easement property rights to the above-described property for the consideration herein stated, or whatever interest therein found to be owned by the Owner for a proportionate part of the above consideration.

Owner at closing shall deliver to the City a duly executed and acknowledged Wastewater Easement in the form and substance as the attached instrument shown as **EXHIBIT "B"**.

Owner and the City will finalize the transaction by closing on or before thirty (30) days after the City is tendered an original release or subordination of any liens, which date is hereinafter referred to as the closing date. This date may be extended upon agreement by the Owner and City. Should the closing documents not be ready or any other incident which reasonably delays the closing, the parties shall close at the first available date for closing.

Owner hereby agrees to comply with the terms of this contract and agrees that the Wastewater Easement to the above-described property shall be effective at the time of closing.

The City agrees to prepare the Wastewater Easement for the above-described property at no expense to the Owner.

The City agrees to pay to Owner, upon delivery of the properly executed Wastewater Easement instrument, the above-stated amount or the proportionate part of that price for whatever interest owner may have. The validity of this contract is contingent upon City Management approval.

This agreement supersedes any and all other agreements, either oral or in writing, between the Owner and the City hereto with respect to said matter.

Pursuant to Tex. Prop. Code Sec. 21.023, the City hereby advises, and Owner hereby acknowledges he or she has been advised, of the following: if Owner's property is acquired through eminent domain, (1) Owner or Owner's heirs, successors, or assigns are entitled to repurchase the property if the public use for which the property was acquired through eminent domain is canceled before the 10th anniversary of the date of acquisition; and (2) the repurchase price is the price paid to Owner at the time the City acquires the property through eminent domain.

Owner and the City agree that said permanent and temporary easement rights are being conveyed to the City of Manor under the imminence of condemnation, as that term is used in the United States Internal Revenue Code.

TO BE EFFECTIVE ON THE LAST DATE INDICATED BELOW:

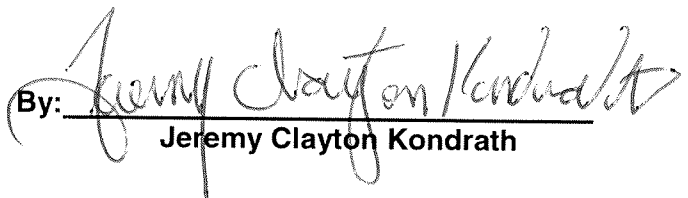
**BUYER: THE CITY OF MANOR,
a Texas municipal corporation**

Date: _____

By: _____
Dr. Larry Wallace, Jr., Mayor

SELLERS:

Date: 1-20-2021

By: 
Jeremy Clayton Kondrath

Date: 1-20-2021

By: 
Amy Lou Kondrath

Project: Cottonwood Creek Wastewater Collection System Improvements
Parcel No.: 10
TCAD No.: 442664

JOINDER BY TENANT

The undersigned owner of certain leasehold interests in the property described in the attached **EXHIBIT "A"** consents to the conveyance of said property to the City of Manor as set out in the foregoing contract.

EXECUTED THIS _____ day of _____, 2021.

Print Leaseholder's Name

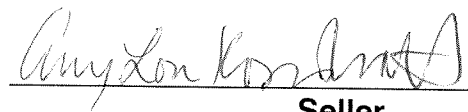
By: _____
(Signature)

Print Name:

Address:

Phone No.: (_____) _____

If there are no leasehold interests, written or verbal, please sign here.


Seller

1-20-2021
Date



1442 SQ. FT. WASTEWATER EASEMENT
1442 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT
LOT 3, UNICORN EQUESTRIAN CENTER SUBDIVISION

DESCRIPTION OF TWO (2) TRACTS OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE A.C. CALDWELL SURVEY NO. 52, ABSTRACT 154, BEING PORTIONS OF LOT 3, UNICORN EQUESTRIAN CENTER SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100239, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

1442 SQ. FT. WASTEWATER EASEMENT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with CM&N Cap found in the southerly line of U.S. Highway 290 (R.O.W. varies), at the common northerly corner of Lot 4 of said Unicorn Equestrian Center Subdivision and said Lot 3, for the northwesterly corner of the herein described tract;

THENCE N86°28'03"E, with the southerly line of said U.S. Highway 290 and the northerly line of said Lot 3, a distance of 57.66 feet to a calculated point at the common northerly corner of Lot 2 of said Unicorn Equestrian Center Subdivision and said Lot 3, for the northeasterly corner of the herein described tract, from which an iron rod with CM&N Cap found in the southerly line of U.S. Highway 290, at the common northerly corner of Lot 1 of said Unicorn Equestrian Center Subdivision and said Lot 2, bears N86°28'03"E, a distance of 58.12 feet, and also from which an iron rod with CM&N Cap found, bears N25°52'37"E, a distance of 0.80 feet;

THENCE S25°52'37"W, with the common line of said Lots 2 and 3, a distance of 28.70 feet to a calculated point, for the southeasterly corner of the herein described tract;

THENCE S86°28'03"W, over and across said Lot 3, a distance of 57.66 feet to a calculated point in the common line of said Lots 3 and 4, for the southwesterly corner of the herein described tract;

THENCE N25°52'37"E, with the common line of said Lots 3 and 4, a distance of 28.70 feet to the **POINT OF BEGINNING**, containing an area of **1442 SQ. FT. OF LAND MORE OR LESS.**

1442 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an iron rod with CM&N Cap found in the southerly line of U.S. Highway 290 (R.O.W. varies), at the common northerly corner of Lot 4 of said Unicorn Equestrian Center Subdivision and said Lot 3, from which an iron rod with CM&N Cap found in the southerly line of said U.S. Highway 290, at the common northerly corner of Lots 1 and 2, of said Unicorn Equestrian Center Subdivision, bears N86°28'03"E, a distance of 115.78 feet;

THENCE S25°52'37"W, with the common line of said Lots 3 and 4, a distance of 28.70 feet to a calculated point, for the northwesterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE N86°28'03"E, over and across said Lot 3, a distance of 57.66 feet to a calculated point in the common line of said Lots 2 and 3, for the northeasterly corner of the herein described tract;

THENCE S25°52'37"W, with the common line of said Lots 2 and 3, a distance of 28.70 feet to a calculated point, for the southeasterly corner of the herein described tract;



THENCE S86°28'03"W, over and across said Lot 3, a distance of 57.66 feet to a calculated point in the common line of said Lots 3 and 4, for the southwesterly corner of the herein described tract;

THENCE N25°52'37"E, with the common line of said Lots 3 and 4, a distance of 28.70 feet to the **POINT OF BEGINNING**, containing an area of **1442 SQ. FT. OF LAND MORE OR LESS.**

Attachments: 11820_GR-WW- ESMT10-EX

Bearing Basis: TEXAS CENTRAL ZONE, STATE PLANE COORDINATES (NAD 83)

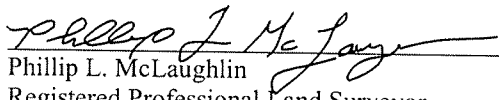
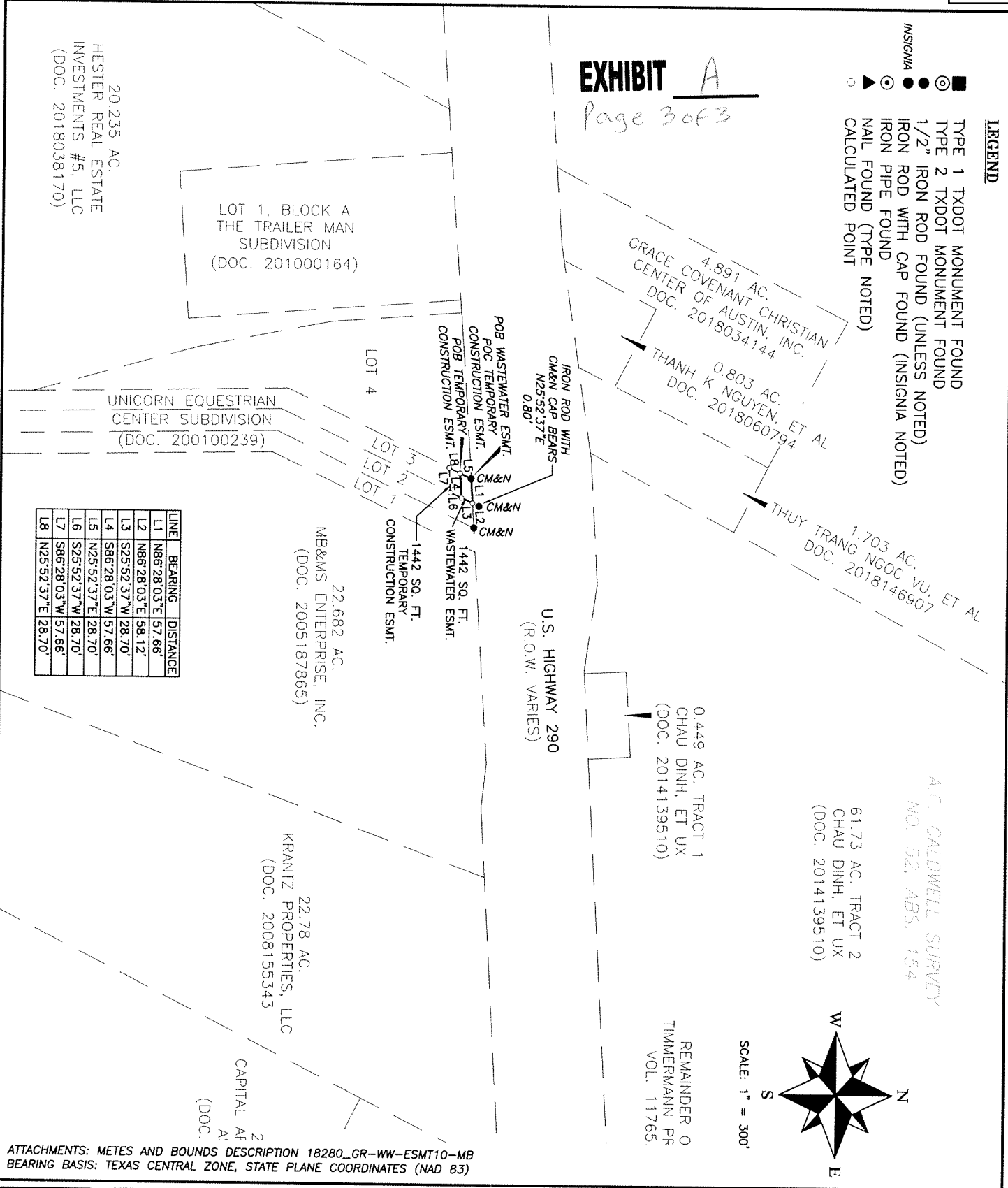

Phillip L. McLaughlin 08-01-19
Registered Professional Land Surveyor
State of Texas No. 5300



EXHIBIT A
Page 3 of 3

- LEGEND**
- TYPE 1 TXDOT MONUMENT FOUND
 - TYPE 2 TXDOT MONUMENT FOUND
 - 1/2" IRON ROD FOUND (UNLESS NOTED)
 - ◐ IRON ROD WITH CAP FOUND (INSIGNIA NOTED)
 - ◑ IRON PIPE FOUND
 - ◒ NAIL FOUND (TYPE NOTED)
 - CALCULATED POINT



20.235 AC.
HESTER REAL ESTATE
INVESTMENTS #5, LLC
(DOC. 2018038170)

LOT 1, BLOCK A
THE TRAILER MAN
SUBDIVISION
(DOC. 201000164)

UNICORN EQUESTRIAN
CENTER SUBDIVISION
(DOC. 200100239)

LINE	BEARING	DISTANCE
L1	N86°28'03"E	57.66'
L2	N86°28'03"E	58.12'
L3	S25°52'37"W	28.70'
L4	S86°28'03"W	57.66'
L5	N25°52'37"E	28.70'
L6	S25°52'37"W	28.70'
L7	S86°28'03"W	57.66'
L8	N25°52'37"E	28.70'

22.682 AC.
MB&MS ENTERPRISE, INC.
(DOC. 2005187865)

22.78 AC.
KRANTZ PROPERTIES, LLC
(DOC. 2008155343)

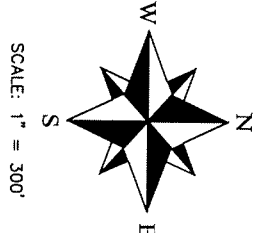
CAPITAL A
2
(DOC. 2008155343)

U.S. HIGHWAY 290
(R.O.W. VARIES)

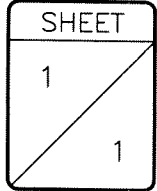
0.449 AC. TRACT 1
CHAU DINH, ET UX
(DOC. 2014139510)

61.73 AC. TRACT 2
CHAU DINH, ET UX
(DOC. 2014139510)

A.C. CALDWELL SURVEY
NO. 52, ABS. 154



ATTACHMENTS: METES AND BOUNDS DESCRIPTION 18280_GR-WW-ESMT10-MB
BEARING BASIS: TEXAS CENTRAL ZONE, STATE PLANE COORDINATES (NAD 83)



EXHIBIT

PLOTTING SCALE: 1" = 300'
DRAWN BY: PMC
REVIEWED BY: DRS
PROJECT NO: 18280
FILE: L:\18280_GR-EASEMENT-BASE
DATE: AUGUST 1, 2019

TWO (2) TRACTS OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE A.C. CALDWELL SURVEY NO. 52, ABSTRACT 154, BEING PORTIONS OF LOT 3, UNICORN EQUESTRIAN CENTER SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100239, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

G&R SURVEYING, LLC
1805 OUIDA DR.
AUSTIN, TEXAS 78728
PHONE: (512) 267-7430
FAX: (512) 836-8385
FIRM NO. 10032000

Exhibit B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WASTEWATER EASEMENT

DATE: _____, 2021

GRANTOR: **Amy Lou Kondrath and Jeremy Clayton Kondrath**

GRANTOR'S MAILING ADDRESS (including County):
14601 US Highway 290 E, Apt. B, Manor, Travis County, Texas 78653-4568

GRANTEE: **CITY OF MANOR**

GRANTEE'S MAILING ADDRESS (including County):
105 E. Eggleston Street, Manor, Travis County, Texas 78653

LIENHOLDER: _____

CONSIDERATION: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY:

A twenty-five foot (25') wide wastewater easement, containing 1,442 square feet, more or less, located in Travis County, Texas, said easement being more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes.

GRANTOR, for the **CONSIDERATION** paid to **GRANTOR**, hereby grants, sells, and conveys to **GRANTEE**, its successors and assigns, an exclusive, perpetual easement for the purpose of placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, operated, repaired, maintained, rebuilt, replaced, relocated and removed structures or improvements reasonably necessary and useful for wastewater mains, lines and pipes, and the supplying of sanitary sewer or other such utility services in, upon, under and across the **PROPERTY** (the "Facilities") more fully described in Exhibit "A" attached hereto (the "Wastewater Easement").

This Wastewater Easement is subject to the following covenants:

1. Grantor reserves the right to use the Property for all purposes that do not unreasonably interfere with or prevent Grantee's use of the Property as provided herein. Specifically, and without

limiting the generality of the forgoing, Grantor has the right to place, construct, operate, repair, replace and maintain roadways, driveways, drainage, landscaping and signage on, in, under, over and across the Property, so long as such use does not unreasonably interfere with or prevent Grantee's use of the Property as provided herein. But Grantor may not construct any buildings or similar improvements on the Property.

2. This Wastewater Easement is granted and accepted subject to any and all easements, covenants, rights-of-way, conditions, restrictions, encumbrances, mineral reservations and royalty reservations, if any, relating to the Property to the extent and only to the extent, that the same may still be in force and effect, and either shown of record in the Office of the County Clerk of Travis County, Texas, or apparent on the ground.
3. Upon completing construction of the Facilities, Grantee shall restore the ground surface area within the easement to substantially the same condition as it existed on the date Grantee first begins to use and occupy the area within the easement.

TEMPORARY CONSTRUCTION EASEMENT

Grantor also grants to Grantee, its successors and assigns, a temporary work and construction easement for the use by the Grantee, its contractors, subcontractors, agents and engineers, during the design and construction of wastewater lines, piping, pumps, and other facilities necessary for the transmission of wastewater or other utilities (the "Facilities") on, over, and across land and easements owned by Grantee, upon, over and across the following described parcel of land:

A twenty-five foot (25') wide temporary work and construction easement, containing 1,442 square feet, more or less located in Travis County, Texas, and being located adjacent and parallel to the southerly side of the 1,442 square foot Wastewater Easement more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes;

together with the right and privilege at any and all times, while this temporary work and construction easement shall remain in effect, to enter the PROPERTY, or any part thereof, for the purpose of making soils tests, and designing and constructing the Facilities, and making connections therewith; and provided further that, upon the completion and acceptance by GRANTEE of the Facilities this temporary work and construction easement shall terminate and expire.

The covenants and terms of this Temporary Construction Easement and Wastewater Easement are covenants running with the land, and inure to the benefit of, and are binding upon, Grantor, Grantee, and their respective heirs, executors, administrators, legal representatives, successors and assigns.

TO HAVE AND TO HOLD the above-described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto **GRANTEE**, and **GRANTEE's** successors and assigns forever; and **GRANTOR** does hereby bind himself, his heirs, successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easement unto

GRANTEE, its successor and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, subject to the exceptions set forth above.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

Amy Lou Kondrath

Jeremy Clayton Kondrath

ACCEPTED:

GRANTEE: City of Manor, Texas:

By: Dr. Larry Wallace, Jr., Mayor

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____, 2021, by Amy Lou Kondrath for the purposes and consideration recited herein.

Notary Public, State of Texas
My commission expires: _____

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this ____ day of _____, 2021, by Jeremy Clayton Kondrath for the purposes and consideration recited herein.

Notary Public, State of Texas
My commission expires: _____

STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this ____ day of _____, 2021, by personally appeared Dr. Larry Wallace, Jr., Mayor of City of Manor, Grantee herein, known to me the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed and in the capacity there in stated.

Notary Public, State of Texas
My commission expires: _____

Project Name: Cottonwood Creek Wastewater Collection System Improvements
Parcel Nos.: 10
TCAD No.: 442664

AFTER RECORDING RETURN TO:
City of Manor
105 E. Eggleston
Manor, Texas 78653

CONSENT OF LIENHOLDER

THE UNDERSIGNED, being the holder of a lien on the property of which the Wastewater Easement is a part, pursuant to the Homestead Lien Contract and Deed of Trust, dated August 24, 2019, recorded in Document No. 2019138480 of the Official Public Records of Travis County, Texas, hereby consents to the foregoing Wastewater Easement and agrees that its lien is subject and subordinate to the Wastewater Easement, and that the undersigned has authority to execute and deliver this Consent of Lienholder, and that all necessary acts necessary to bind the undersigned lienholder have been taken.

NAME OF LIENHOLDER:

By: _____

Name: _____

Title: _____

Date: _____

ACKNOWLEDGEMENT

STATE OF _____ §

COUNTY OF _____ §

THIS INSTRUMENT was acknowledged before me on _____, 2021, by _____ of _____, a _____, on behalf of said _____.

Notary Public - State of _____

AFTER RECORDING RETURN TO:

City of Manor
105 E. Eggleston
Manor, Texas 78653

Exhibit “A”



1442 SQ. FT. WASTEWATER EASEMENT
1442 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT
LOT 3, UNICORN EQUESTRIAN CENTER SUBDIVISION

DESCRIPTION OF TWO (2) TRACTS OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE A.C. CALDWELL SURVEY NO. 52, ABSTRACT 154, BEING PORTIONS OF LOT 3, UNICORN EQUESTRIAN CENTER SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100239, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

1442 SQ. FT. WASTEWATER EASEMENT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with CM&N Cap found in the southerly line of U.S. Highway 290 (R.O.W. varies), at the common northerly corner of Lot 4 of said Unicorn Equestrian Center Subdivision and said Lot 3, for the northwesterly corner of the herein described tract;

THENCE N86°28'03"E, with the southerly line of said U.S. Highway 290 and the northerly line of said Lot 3, a distance of 57.66 feet to a calculated point at the common northerly corner of Lot 2 of said Unicorn Equestrian Center Subdivision and said Lot 3, for the northeasterly corner of the herein described tract, from which an iron rod with CM&N Cap found in the southerly line of U.S. Highway 290, at the common northerly corner of Lot 1 of said Unicorn Equestrian Center Subdivision and said Lot 2, bears N86°28'03"E, a distance of 58.12 feet, and also from which an iron rod with CM&N Cap found, bears N25°52'37"E, a distance of 0.80 feet;

THENCE S25°52'37"W, with the common line of said Lots 2 and 3, a distance of 28.70 feet to a calculated point, for the southeasterly corner of the herein described tract;

THENCE S86°28'03"W, over and across said Lot 3, a distance of 57.66 feet to a calculated point in the common line of said Lots 3 and 4, for the southwesterly corner of the herein described tract;

THENCE N25°52'37"E, with the common line of said Lots 3 and 4, a distance of 28.70 feet to the **POINT OF BEGINNING**, containing an area of **1442 SQ. FT. OF LAND MORE OR LESS.**

1442 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at an iron rod with CM&N Cap found in the southerly line of U.S. Highway 290 (R.O.W. varies), at the common northerly corner of Lot 4 of said Unicorn Equestrian Center Subdivision and said Lot 3, from which an iron rod with CM&N Cap found in the southerly line of said U.S. Highway 290, at the common northerly corner of Lots 1 and 2, of said Unicorn Equestrian Center Subdivision, bears N86°28'03"E, a distance of 115.78 feet;

THENCE S25°52'37"W, with the common line of said Lots 3 and 4, a distance of 28.70 feet to a calculated point, for the northwesterly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE N86°28'03"E, over and across said Lot 3, a distance of 57.66 feet to a calculated point in the common line of said Lots 2 and 3, for the northeasterly corner of the herein described tract;

THENCE S25°52'37"W, with the common line of said Lots 2 and 3, a distance of 28.70 feet to a calculated point, for the southeasterly corner of the herein described tract;



EXHIBIT A

Item 4.

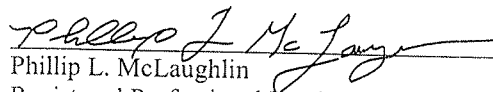
Page 2 of 3

THENCE S86°28'03"W, over and across said Lot 3, a distance of 57.66 feet to a calculated point in the common line of said Lots 3 and 4, for the southwesterly corner of the herein described tract;

THENCE N25°52'37"E, with the common line of said Lots 3 and 4, a distance of 28.70 feet to the **POINT OF BEGINNING**, containing an area of **1442 SQ. FT. OF LAND MORE OR LESS.**

Attachments: 11820_GR-WW- ESMT10-EX

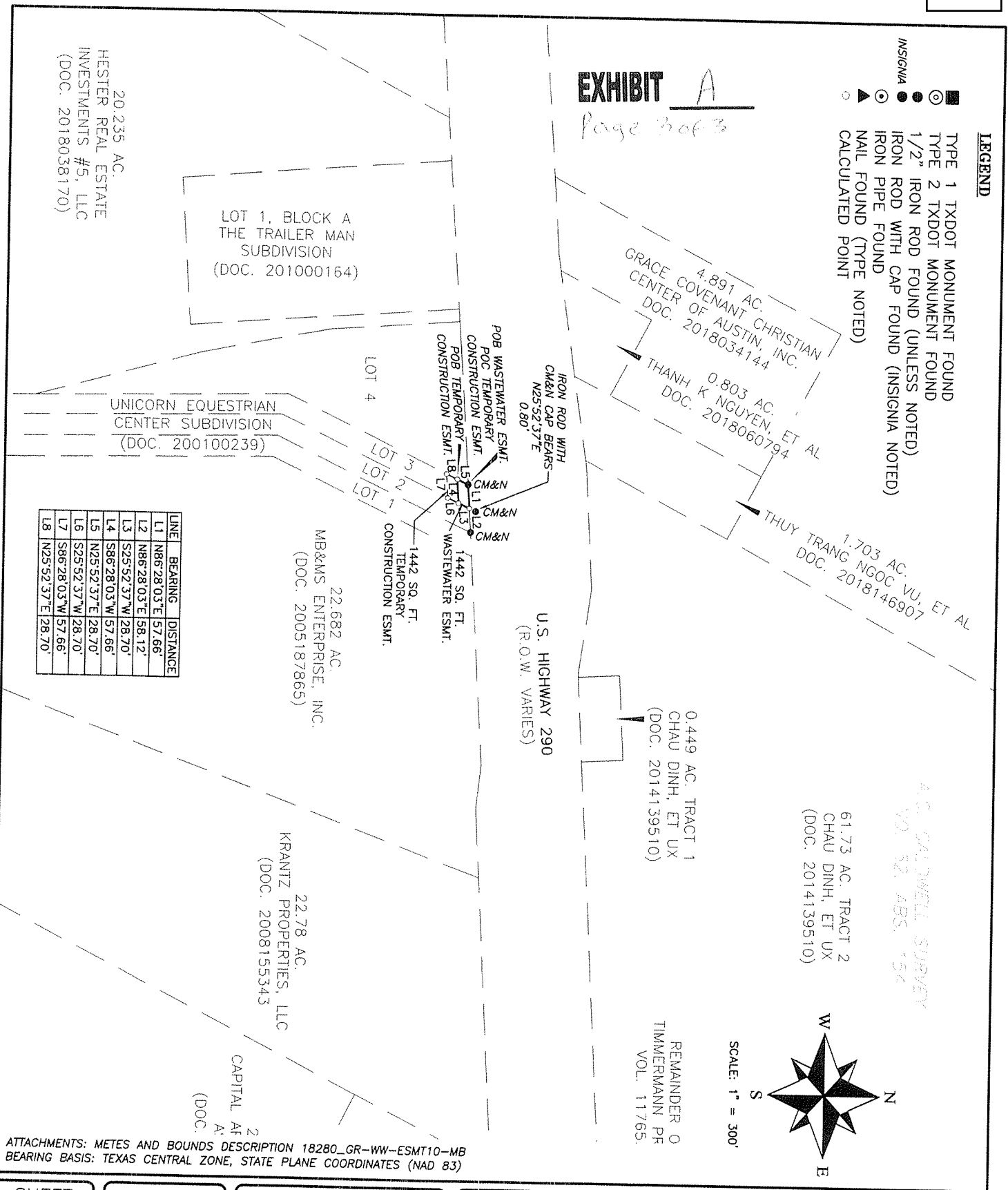
Bearing Basis: TEXAS CENTRAL ZONE, STATE PLANE COORDINATES (NAD 83)


Phillip L. McLaughlin 08-01-19
Registered Professional Land Surveyor
State of Texas No. 5300



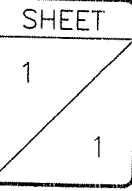
- LEGEND**
- TYPE 1 TXDOT MONUMENT FOUND
 - TYPE 2 TXDOT MONUMENT FOUND
 - 1/2" IRON ROD FOUND (UNLESS NOTED)
 - IRON ROD WITH CAP FOUND (INSIGNIA NOTED)
 - IRON PIPE FOUND
 - MAIL FOUND (TYPE NOTED)
 - CALCULATED POINT

EXHIBIT A
Page 3 of 3



LINE	BEARING	DISTANCE
L1	N86°28'03"E	57.66'
L2	N86°28'03"E	58.12'
L3	S25°52'37"W	28.70'
L4	S86°28'03"W	57.66'
L5	N25°52'37"E	28.70'
L6	S25°52'37"W	28.70'
L7	S86°28'03"W	57.66'
L8	N25°52'37"E	28.70'

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 18280_GR-WW-ESMT10-MB
BEARING BASIS: TEXAS CENTRAL ZONE, STATE PLANE COORDINATES (NAD 83)



EXHIBIT

PLOTTING SCALE: 1" = 300'
DRAWN BY: PMC
REVIEWED BY: DRS
PROJECT NO: 18280
FILE: L:\118280_GR-EASEMENT-BASE
DATE: AUGUST 1, 2019

TWO (2) TRACTS OF LAND SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE A.C. CALDWELL SURVEY NO. 52, ABSTRACT 154, BEING PORTIONS OF LOT 3, UNICORN EQUESTRIAN CENTER SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200100239, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

G&R
SURVEYING, LLC
1805 OUIDA DR.
AUSTIN, TEXAS 78728
PHONE: (512) 267-7411
FAX: (512) 836-8389
FIRM NO. 10032000

AGENDA ITEM NO. _____



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Tracey Vasquez, HR Manager
DEPARTMENT: Human Resources

AGENDA ITEM DESCRIPTION:

Tabled Item: Consideration, discussion, and possible action an ordinance authorizing a change to the health benefits plan which would extend coverage to City retirees.

BACKGROUND/SUMMARY:

The City of Manor health benefits coverage through TML MultiState Intergovernmental Employee Benefits Pool (IEBP) d/b/a TML Health Benefits Pool (TML Health) allows for that coverage to be extended to retirees of the City. The City of Manor desires to provide health benefits coverage to its retirees through TML Health and that the cost for such coverage be paid for by the City.

The attached ordinance, which follows the Pool's standard form, would serve as authorization to TML Health to modify the City health benefits coverages to extend to City retirees.

The Budget Committee met on Wednesday, January 27, 2021 for review and their recommendation is to postpone for one year with the option to bring back earlier.

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

- Ordinance No. 602

STAFF RECOMMENDATION:

It is the City staff's recommendation that the City Council approve Ordinance No. 602; and direct the City Manager to submit the ordinance and other information required by TML Health to change the City health benefits coverages.

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

ORDINANCE NO. 602

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY OF MANOR RETIREES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Manor desires to provide health benefits coverage to its retirees;

WHEREAS, TML MultiState Intergovernmental Employee Benefits Pool (IEBP) d/b/a TML Health Benefits Pool (TML Health) is a health risk pool established pursuant to Texas Local Government Code Chapter 172, Texas Government Code Chapter 791, and the Texas Trust Code to provide health benefits coverage for employees and retirees, and dependents of employees and retirees, of Texas political subdivisions under an interlocal agreement.

WHEREAS, the City of Manor is currently offering health benefits coverage through TML Health pursuant to Interlocal Agreement and Chapter 172 of the Texas Local Government Code, both of which would allow the extension of benefits to retirees of the City;

WHEREAS, the City of Manor desires to provide health benefits coverage to its retirees through IEBP and that the cost for such coverage be paid for by the City;

WHEREAS, the City of Manor desires to select a plan of benefits for its retirees to be provided by IEBP; and

WHEREAS, providing retiree coverage under TML Health Interlocal Agreement is in the best interest of the City of Manor, its retirees, and the public generally.

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

SECTION 1: The foregoing recitals are incorporated into this Ordinance as findings of fact.

SECTION 2: The City of Manor hereby elects to provide health benefits coverage to its retirees through TML Health under the Pool's Interlocal Agreement.

SECTION 3: The City of Manor hereby adopts the following definition of “retiree” for purposes of this ordinance:

A person who has retired from employment with the City of Manor at age 60 or older.

SECTION 4: The City of Manor hereby adopts the following benefit plans to be provided to its retirees through TML Health:

- a. The same medical plan(s) offered to active employees
- b. The medical plan adopted for retirees, which could include:
 - (i) TML Health pre sixty-five medical plans and/or
 - (ii) On/Off UnitedHealthcare Advisor Multi-Carrier Exchange options
- c. Medicare supplement for over age 65 retirees
- d. Dental plan III
- e. Retiree Life

SECTION 5. All ordinances or parts thereof conflicting with the provisions of this ordinance as adopted herein are hereby repealed to the extent of such conflict. In the event of a conflict between this Ordinance and any other code or ordinance of the City of Manor (“City”), the terms and provisions of this Ordinance shall control.

SECTION 6. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

SECTION 7. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED THIS the 3rd day of February 2021.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary



AGENDA ITEM SUMMARY

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Tracey Vasquez, HR Manager
DEPARTMENT: Human Resources

AGENDA ITEM DESCRIPTION:

Tabled Item: Consideration, discussion, and possible action to amend the City of Manor Personnel Policies & Procedures Handbook to extend health benefits coverage to City retirees.

BACKGROUND/SUMMARY:

As management enforces provisions of the City of Manor Personnel Policies and Procedures Handbook, opportunities for both clarification of policy response to employee requests have been acknowledged. The changes in the attachment reflect previously approved policy provisions and some modification to current provisions regarding Ordinance No.601. (Highlights will be additions and red lines will be deletions).

The Budget Committee met on Wednesday, January 27, 2021 for review and the recommendation is to postpone for one year with the option to bring back earlier.

1) Insurance

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

- Section 9 of the Personnel Policies and Procedures Handbook with added or clarified provisions.

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the proposed changes to the City of Manor Personnel Policies & Procedures Handbook to extend health benefits coverage to City retirees.

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

INSURANCE

It is the goal of the City to provide full-time employees with a comprehensive benefits package that may include, medical, dental, disability and life insurance for each full-time employee. The Human Resources Department will evaluate the benefits being provided on an annual basis as part of the budget process and make recommendations to the City Manager. This insurance is effective so long as the employee remains on the full-time payroll.

Insurance coverage for an employee's eligible dependents will be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

The City shall offer its retirees, age 64 and under, who were participating in the City's health plan at the time of their retirement, the option to purchase continued health benefits coverage at a retiree calculated rate. Currently, retirees are allowed to participate in the City's health care plan at the same premium rates as active employees. If this benefit is revised to require that active employee and retiree insurance premiums be separately determined, the retiree premiums could increase significantly, and the City will require that retirees pay for their insurance at the higher rate.

Retirees, age 65 and older, will not be eligible to continue the City's health plan. The City reserves the right to alter, reduce, or eliminate any benefit at any time.

Employees retiring from the City of Manor, with a minimum of fifteen (15) years of service with the City, and be of age 60 or older, will be eligible for the retiree health benefits. The number of years of service with other Cities does not qualify for this specific retirement benefit. Retiring employees must notify the Human Resources Department within thirty (30) days of the date of retirement of their intent to continue coverage under the City's plan. Failure to notify the HR department within 30 days will result in a permanent loss of benefits.

The City will offer the Pre-65 employees at the time of retirement, the current employee health plan at the same rate as employees with 100% City contribution. At 65 years of age, the retired employee must switch from regular coverage to the Post-65 retiree insurance option.

Retirees, age 65 and older, will be offered a Medicare Advantage Plan at the time of retirement with 100% City contribution. The Post-65 retiree is required to apply for and obtain both Medicare parts A and B for further coverage.

Loss of coverage will occur upon the death of the retiree, change of policy, City Council, or ordinance. If discontinued coverage due to policy, City Council, or ordinance, the City will give a two (2) year written notice, with continued coverage, for the retiree to seek other insurance options.

City	Premium Subsidy	Eligibility	Notes
Manor	2% over current premium rates at the cost of the employee	Age 64 and under	Adhere to COBRA with 18 months after ending employment with possible extension if qualifying event
Bastrop County	* Active non-temporary employee as of 9/30/2010 (Previous plan) -8-12 YOS=50%; 12-16 YOS= 60%; 16- 20 YOS =70%; 20-24 YOS= 80%; over 24 YOS= 100% * Hired after 10/2/2010 (Current Plan) 16- 20 YOS= 50%; 20- 24 YOS= 75%; over 24 YOS=100%.	* Be eligible for retirement under TCDR* Served at least 8 continuous years as a regular non-temporary employee of Bastrop County* Begin drawing pension annuity.	With the (9/30/2010) previous plan Bastrop County continued same percentages for post medicare employees. Currently no participation to post medicare.
Burnet	Yes- comparable to regular employees.	Plan only available to those hired prior to 1/1/2010 & 20 TMRS YOS (10 w/Burnet).	Reimburses retiree for Medicare Part A & B, plus Medicare Supp. Or Medigap plan up to premium amount for active employee.
Burleson	Yes for retiree only - max 5 yrs based on YOS; 50%-20YOS, 60%-25YOS, 75%-30YOS.	*Must be qualified to retire under the standards of retirement as established by TMRS. * Must have 5 years of consecutive service with the City of Burleson.	Until Medicare eligible. May add spouse later if participating in Public Exchange & carrier pulls out of Exchange.
Conroe	Yes- 50% percent of effective premium remaining balance determined annually by City Council.	* YOS and age at retirement must equal 80 * Must be enrolled 3 yrs prior to retirement*Must be receiving pension.	Terminates if other insurance coverage (i.e. Medicare, Medicaid, another employer).
Round Rock	Yes- comparable to regular employees, maximum \$1,000 monthly.	*Must be qualified to retire under the standards of retirement as established by TMRS. * Must have 5 years of consecutive service with the City of Burleson.	Until age 65 or Medicare eligible.
Taylor	Yes- Contigent upon funding availability, all or a portion of premiums for the retiree may be paid by the City for 5 years.	Full-time employees retiring from the City under the Texas Municipal Retirement System (TMRS) on or after January 1, 2000 and are covered by the City's medical insurance at the time of retirement may be eligible to receive insurance coverage.	Until age 65 or other insurance coverage.

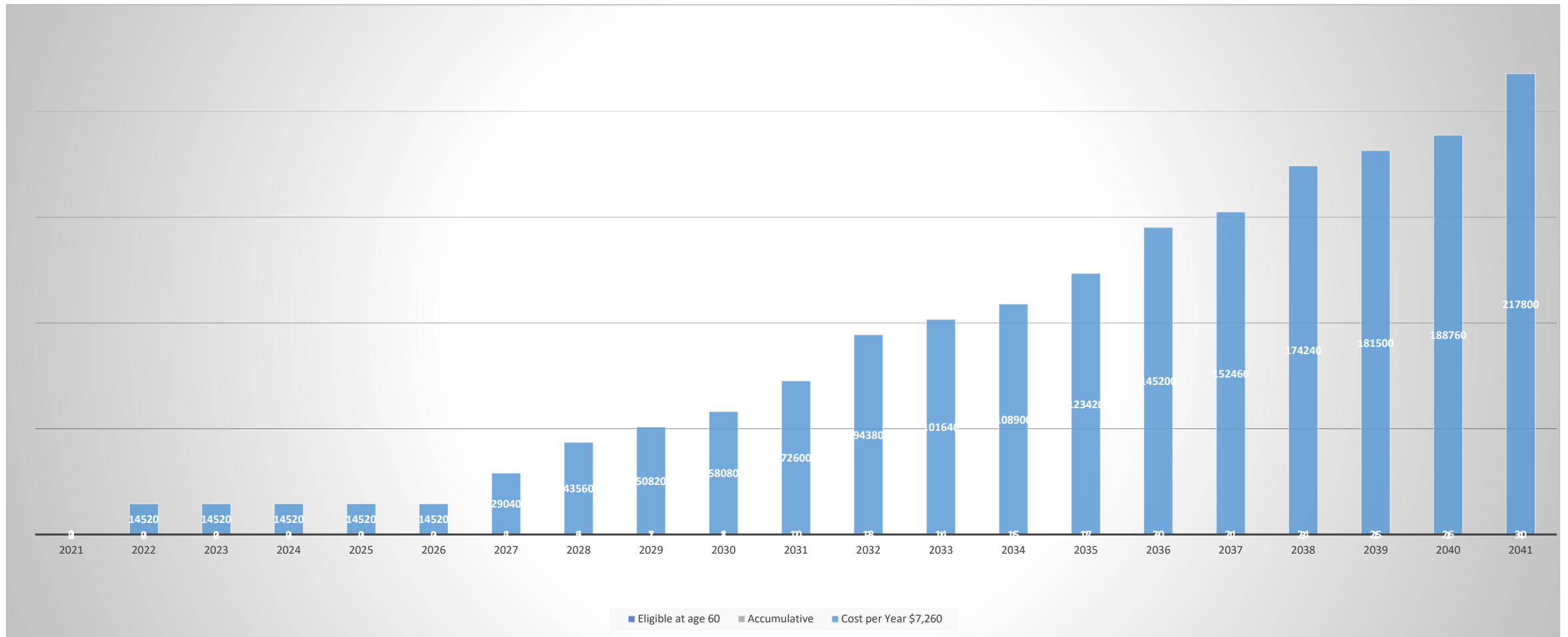
Exact age	Male			Female		
	Death probability a	Number of lives b	Life expectancy	Death probability a	Number of lives b	Life expectancy
0	0.006304	100,000	75.97	0.005229	100,000	80.96
1	0.000426	99,370	75.45	0.000342	99,477	80.39
2	0.00029	99,327	74.48	0.000209	99,443	79.42
3	0.000229	99,298	73.5	0.000162	99,422	78.43
4	0.000162	99,276	72.52	0.000143	99,406	77.45
5	0.000146	99,260	71.53	0.000125	99,392	76.46
6	0.000136	99,245	70.54	0.000113	99,379	75.47
7	0.000127	99,232	69.55	0.000104	99,368	74.47
8	0.000115	99,219	68.56	0.000097	99,358	73.48
9	0.000103	99,208	67.57	0.000093	99,348	72.49
10	0.000097	99,197	66.57	0.000092	99,339	71.5
11	0.000109	99,188	65.58	0.000098	99,330	70.5
12	0.000151	99,177	64.59	0.000113	99,320	69.51
13	0.000232	99,162	63.6	0.000138	99,309	68.52
14	0.000343	99,139	62.61	0.000172	99,295	67.53
15	0.000465	99,105	61.63	0.000211	99,278	66.54
16	0.000588	99,059	60.66	0.000251	99,257	65.55
17	0.00072	99,001	59.7	0.000293	99,232	64.57
18	0.000858	98,929	58.74	0.000336	99,203	63.59
19	0.000999	98,845	57.79	0.000379	99,170	62.61
20	0.001146	98,746	56.85	0.000425	99,132	61.63
21	0.001288	98,633	55.91	0.000472	99,090	60.66
22	0.001407	98,506	54.98	0.000515	99,044	59.69

23	0.001494	98,367	54.06	0.000551	98,993	58.72
24	0.001556	98,220	53.14	0.000582	98,938	57.75
25	0.00161	98,067	52.22	0.000612	98,880	56.78
26	0.001665	97,910	51.31	0.000646	98,820	55.82
27	0.001717	97,746	50.39	0.000684	98,756	54.85
28	0.001767	97,579	49.48	0.000729	98,689	53.89
29	0.001817	97,406	48.56	0.000779	98,617	52.93
30	0.001865	97,229	47.65	0.000833	98,540	51.97
31	0.001911	97,048	46.74	0.000887	98,458	51.01
32	0.00196	96,862	45.83	0.000939	98,370	50.06
33	0.002014	96,672	44.92	0.000988	98,278	49.1
34	0.002071	96,478	44.01	0.001034	98,181	48.15
35	0.002138	96,278	43.1	0.001085	98,079	47.2
36	0.002211	96,072	42.19	0.001143	97,973	46.25
37	0.002279	95,860	41.28	0.001205	97,861	45.3
38	0.002342	95,641	40.37	0.001271	97,743	44.36
39	0.002405	95,417	39.47	0.001345	97,619	43.41
40	0.002482	95,188	38.56	0.001429	97,488	42.47
41	0.002583	94,951	37.65	0.001524	97,348	41.53
42	0.00271	94,706	36.75	0.00163	97,200	40.59
43	0.00287	94,450	35.85	0.001748	97,042	39.66
44	0.003064	94,178	34.95	0.001881	96,872	38.73
45	0.003285	93,890	34.06	0.002029	96,690	37.8
46	0.003538	93,581	33.17	0.002195	96,494	36.88
47	0.003834	93,250	32.28	0.002386	96,282	35.96
48	0.004178	92,893	31.41	0.002605	96,052	35.04
49	0.004569	92,505	30.54	0.002851	95,802	34.13
50	0.004997	92,082	29.67	0.003118	95,529	33.23

51	0.005462	91,622	28.82	0.003403	95,231	32.33
52	0.005971	91,122	27.98	0.003714	94,907	31.44
53	0.006526	90,577	27.14	0.004052	94,554	30.55
54	0.007125	89,986	26.32	0.004415	94,171	29.68
55	0.007766	89,345	25.5	0.004813	93,755	28.81
56	0.008445	88,651	24.7	0.005233	93,304	27.94
57	0.009156	87,903	23.9	0.005647	92,816	27.09
58	0.009897	87,098	23.12	0.006043	92,292	26.24
59	0.010671	86,236	22.34	0.006441	91,734	25.39
60	0.011519	85,316	21.58	0.006886	91,143	24.56
61	0.012419	84,333	20.83	0.007391	90,515	23.72
62	0.013307	83,286	20.08	0.007931	89,846	22.9
63	0.014164	82,177	19.35	0.008508	89,134	22.07
64	0.015032	81,013	18.62	0.009142	88,375	21.26
65	0.016013	79,795	17.89	0.009874	87,568	20.45
66	0.017138	78,518	17.18	0.010717	86,703	19.65
67	0.018362	77,172	16.47	0.01166	85,774	18.86
68	0.019693	75,755	15.77	0.012711	84,774	18.07
69	0.021174	74,263	15.07	0.013894	83,696	17.3
70	0.022889	72,691	14.39	0.015285	82,533	16.54
71	0.024869	71,027	13.71	0.016878	81,272	15.79
72	0.027095	69,261	13.05	0.018607	79,900	15.05
73	0.029587	67,384	12.4	0.020466	78,413	14.32
74	0.032394	65,390	11.76	0.022522	76,809	13.61
75	0.035668	63,272	11.14	0.024929	75,079	12.92
76	0.039396	61,015	10.53	0.027729	73,207	12.23
77	0.043453	58,611	9.94	0.030855	71,177	11.57
78	0.047826	56,065	9.37	0.034321	68,981	10.92

79	0.052649	53,383	8.82	0.038211	66,613	10.29
80	0.058206	50,573	8.28	0.042771	64,068	9.68
81	0.064581	47,629	7.76	0.047992	61,328	9.09
82	0.071657	44,553	7.26	0.053678	58,385	8.52
83	0.079465	41,361	6.79	0.05981	55,251	7.98
84	0.088141	38,074	6.33	0.066584	51,946	7.45
85	0.097854	34,718	5.89	0.074258	48,487	6.95
86	0.108747	31,321	5.48	0.083053	44,887	6.47
87	0.120919	27,915	5.08	0.093123	41,159	6.01
88	0.134425	24,539	4.71	0.10454	37,326	5.57
89	0.149273	21,241	4.37	0.117305	33,424	5.16
90	0.165452	18,070	4.05	0.131392	29,503	4.78
91	0.182935	15,080	3.75	0.146753	25,627	4.43
92	0.201679	12,322	3.48	0.163331	21,866	4.11
93	0.221637	9,837	3.23	0.181064	18,294	3.81
94	0.242747	7,656	3.01	0.199886	14,982	3.55
95	0.263672	5,798	2.81	0.218908	11,987	3.31

Year	Eligible at age 60	Accumulative	Cost per Year \$7,260
2021	2	2	0
2022	0	2	14520
2023	0	2	14520
2024	0	2	14520
2025	0	2	14520
2026	0	2	14520
2027	2	4	29040
2028	2	6	43560
2029	1	7	50820
2030	1	8	58080
2031	2	10	72600
2032	3	13	94380
2033	1	14	101640
2034	1	15	108900
2035	2	17	123420
2036	3	20	145200
2037	1	21	152460
2038	3	24	174240
2039	1	25	181500
2040	1	26	188760
2041	4	30	217800





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: February 3, 2021
PREPARED BY: Scott Dunlop, Assistant Director
DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on proposed ordinances regulating electric vehicle charging stations, commercial and multi-family recycling requirements, and dollar-type store regulations.

BACKGROUND/SUMMARY:

For discussion purposes and to provide staff direction on potential future ordinances. The first regards requiring the installation of EV charging stations in new parking lots or non-conforming ones that meet certain requirements that would cause them to come into compliance, like a vacant building is occupied by a more intense use so the parking lot needs to be expanded. The second is requiring businesses and multi-family properties to have recycling for employees, customers and residents. Cities that do this, like Austin and Dallas, have a phased in timeline depending on the size of the business or multi-family complex with the largest required to start immediately or shortly after passage. The third would regulate the location of dollar-type businesses like Dollar General or Dollar Tree. Cities like Fort Worth and Mesquite have location requirements, like they must be 5,000 ft from an existing one as well as requiring that a portion of the store is dedicated to fresh produce, like 10%. The rationale being it's suggested that dollar-type stores suppress the demand for a full-service grocery store, which Manor already lacks, and they offerings these stores provide a less nutritious and contribute to negative health effects.

LEGAL REVIEW: Yes, for EV parking ord, N/A for recycling and dollar-type store ordinances
FISCAL IMPACT: Potentially for recycling ordinance
PRESENTATION: No
ATTACHMENTS: Yes

- Legal interpretation for EV charging
- Summary of Best Practices for EV Ordinances
- Example EV Ord for a city in Washington
- Pages from report from COA on EV
- Austin recycling requirements ordinance section
- Article and Code on Mesquite dollar store regs
- Article and Code on Fort Worth dollar store regs

STAFF RECOMMENDATION:

It is the City Staff's recommendation that the City Council discuss the proposed regulations and provide staff direction on potential ordinances to bring back to the City Council.

Scott Dunlop

From: Veronica Rivera <vrivera@cityattorneytexas.com>
Sent: Thursday, January 14, 2021 12:13 PM
To: Scott Dunlop
Cc: Paige Saenz
Subject: RE: Electric vehicle charging station requirements

Scott,

Alec in our office researched your question and did not find any state regulations that would prevent cities from requiring a percentage of parking spaces be charging stations. If the City would like to adopt an ordinance, we recommend proceeding with caution or with the understanding that this is an area that is still not regulated by state or federal statutes. In the future, regulations may be adopted and the City would need to comply with any future state or federal statutes. Below is the response from Alec, which contains additional information that maybe useful to you. Please let us know if you need anything else on this item. - Veronica

I haven't found anything that would prevent a City from requiring a certain amount of off-street parking to be equipped with EV Charging Stations. I had hoped to find explicit authorization or at least another City doing something similar, but was only able to find a few cities like Georgetown that have passed ordinances preventing gas vehicles from using EV spots. The only references to the issue in the Local Government Code concern the powers of municipal parking authorities, and the other statutory references to parking or building codes mostly concern special use/municipal management districts, or accessibility concerns.

I also found this [report](#) from the City of Austin that mentioned the need to implement codes to support EV infrastructure – I would think if there were a problem with that from a state law perspective, it would be mentioned there. There are a few similar reports from UT and others that didn't mention any restrictions either. My sense is that this is fairly unregulated.

Veronica Rivera, Legislative and General Counsel

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From: Scott Dunlop <sdunlop@cityofmanor.org>
Sent: Tuesday, January 12, 2021 1:57 PM
To: Veronica Rivera <vrivera@cityattorneytexas.com>
Subject: Electric vehicle charging station requirements

Veronica,

Is there any State law the prevents cities from requiring a percentage of off-street parking spaces to have charging stations?

Example code from a city in Washington:

<https://www.codepublishing.com/WA/MountlakeTerrace/html/MountlakeTerrace19/MountlakeTerrace19126.html>

Thanks,

Scott Dunlop, AICP

Development Services Assistant Director



T. (512) 272-5555 Ext. 3

T. (512) 215-8262 Direct

F. (512) 272-8636

www.cityofmanor.org

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Summary of Best Practices in Electric Vehicle Ordinances

BY CLAIRE COOKE AND BRIAN ROSS

JUNE 2019



This ordinance guide was developed based upon funding from the Alliance for Sustainable Energy, LLC, Managing and Operating Contractor for the National Renewable Energy Laboratory for the US Department of Energy.

About the Great Plains Institute

A nonpartisan, national, nonprofit organization, the Great Plains Institute (GPI) is transforming the energy system to benefit the economy and environment. We combine a unique consensus-building approach, expert knowledge, research and analysis, and local action to find and implement lasting solutions. Learn more at www.betterenergy.org.

For more information on this ordinance summary, please contact Brian Ross, Senior Program Director at bross@gpisd.net.

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Overview

This document is a summary guide to electric vehicle (EV) and electric vehicle supply equipment (EVSE) ordinances in the US.¹ The guide is sorted into best practice categories and provides a summary of typical provisions used by cities for each category. Each category includes a table with key points and text examples from actual ordinances, as well as recommendations from model codes for that topic, drawn from one of several model ordinances, or ordinance guidance documents that have been developed to inform cities on developing EV-ready zoning standards.

This summary is provided as a reference to cities seeking to develop EV zoning standards or development regulations. The summary does not address building or electric codes, only zoning ordinance language and associated tools. The examples are not intended to constitute recommendations, but rather to show the breadth of choices made by communities across the nation to integrate EVSE into development regulation.

The ordinance language in the following tables are drawn from the zoning ordinances of the following cities. To see the full context of each example, click on the links below and use the search function within the ordinance document to find the relevant example.

- [Atlanta, GA](#)
- [Auburn Hills, MI](#)
- [Chelan, WA](#)
- [Des Moines, IA](#)
- [Douglas County, WA](#)
- [Duluth, MN](#)
- [Golden Valley, MN](#)
- [Howard County, MD](#)
- [Indianapolis, IN](#)
- [Kansas City, MO](#)
- [Methuen, MA](#)
- [Middletown, CT](#)
- [Montgomery County, MD](#)
- [Mountlake Terrace, WA](#)
- [New Orleans, LA](#)
- [Saint Paul, MN](#)
- [Salt Lake City, UT](#)
- [St. Louis Park, MN](#)

The inventory of adopted ordinances also included a scan of model zoning ordinances and ordinance guidance documents for how local governments can use their zoning codes to help electrify transportation.

¹ This is not a complete inventory but rather a representative sample of ordinances from cities throughout the United States.

The guides and model ordinances are listed below, with links, along with their region of origin:

- Europe: [Electric Vehicle Charging Infrastructure: Guidelines for Cities](#)
- Georgia: [Model Municipal Ordinance](#) (click on the first hyperlink in Section II, A)
- Iowa: [Leading the Charge: City Codes and Electric Vehicles](#)
- Midwest: [Principles for EV-Ready Communities](#)
- New Jersey: [Alternative Fuel Vehicle Readiness: A Guidebook for Municipalities](#)
- New York: [Literature Review Summary: Electric Vehicle Supply Equipment Signage Guidance](#)
- New York: [Promoting Electric Vehicle Charging Station Installations](#)
- Northeast/Mid-Atlantic: [Creating EV-Ready Towns and Cities: A Guide to Planning and Policy Tools](#)
- Santa Clara County, CA: [Plug-in Electric Vehicle Best Practices Compendium](#)
- Washington: [Electric Vehicle Infrastructure: A Guide for Local Governments in Washington State](#)
- Washington: [Plug-In Electric Vehicle Readiness Plan](#)

1. Electric Vehicle Charging Station as Permitted Land Uses

Information related to where EV charging stations (or specific types of EV stations) are permitted. Charging stations are likely to be an accessory use but may also be a principal use in some instances. Ordinances clarify where these land uses are permitted to streamline the installation of infrastructure that serves a public purpose.

Typical Ordinance Includes	Language Example	
Specification:	City, State: Text:	
<p>Treats different types of EVSE as different land uses and may distinguish between where different types of charging stations are allowed.</p> <ul style="list-style-type: none"> • Charging station types are typically distinguished as different “levels” contingent on charging speed (see “definitions” p11-12). • Most often, levels 1 & 2 are allowed in all zones while level 3 stations are restricted to specific zoning districts. <ul style="list-style-type: none"> ○ May provide a table to delineate use permitted zoning districts for each station type. • May also allow for all three levels in all zoning districts. 	Chelan, WA	“Level 1 and 2 electric vehicle charging stations are a permitted use in all zoning districts... Level 3 electric vehicle charging stations are a permitted use in the Warehouse and Industrial (WI), Highway Service Commercial (C-HS),..., zoning districts”
	Des Moines, IA	“Levels 1, 2, and 3 electric vehicle charging stations are allowed in all zoning designations.”
<p>May require a conditional or special use permit for charging stations in specific zones.</p>	Auburn Hills, MI	“Installation shall be subject to permit approval administered by the Community Development Department.”
	Chelan, WA	“Level 3 electric vehicle charging stations...require a conditional use permit in Downtown Mixed Use (DMU), Tourist Accommodation (T-A),...zoning districts.”
<p>May place restrictions on charging stations in the right of way.</p>	New Orleans, LA	“No property or parcel may have more than one electric vehicle charger installed in the right-of-way adjacent to such property or parcel.”
	Des Moines, IA	“Electric vehicle charging stations are not permitted within the city right-of-way”

EV Guide and Model Code Recommendations

Model Code Document Name:

Iowa Clean Cities Coalition, Leading the Charge: City Codes and Electric Vehicles

Recommendation: “Define what types of EVSE are allowable by land use type.”

Reasoning: “By establishing compatible charging stations according to land use types, cities can eliminate confusion about what is and isn’t allowable while also affirming the desirability of EVSE within the community...”

2. Electric Vehicle Make-Ready Standards

Requirements and standards for installing the infrastructure to support EVSE (also known as “make-ready”), other than the installation of the EVSE equipment itself. Make-ready standards are to prepare, at the time of construction, for future installation of chargers. Make-ready requirements capture savings by avoiding future costly retrofits to install chargers and have minimal impacts on the construction or renovation costs for the parking facility.

Typical Ordinance Includes	Language Example	
Specification:	City, State:	Text:
May require or recommend the installation of appropriate electrical capacity and conduits to support future EVSE.	Howard County, MD	“For new occupancies subject to this section: at least 1 parking space for each 25 residential units shall feature energized outlets; and a residential unit with a garage, carport, or driveway shall feature appropriate electric vehicle supply equipment consisting of conductors, connectors,[...] so that an energized outlet may be added in the future.”
	St. Louis Park, MN	“Multiple-Family Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCSs for a minimum of 10% of required parking spaces.”
	St. Louis Park, MN	“Non-Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 or DC

		EVCSs for a minimum of 10% of required parking spaces.”
	Auburn Hills, MI	“In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.”
	Auburn Hills, MI	“it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ratio of 2% of the total parking spaces be prepared for such stations.”
May delineate zoning districts where EVSE is allowed.	Mountlake Terrace, WA	“Electric vehicle infrastructure shall be permitted in zoning districts of the city as identified in ...”

EV Guide and Model Code Recommendations

Model Code Document Name:

Model City Ordinance Relating to Electric Vehicle (EV) Charging Infrastructure

Recommendation: “Require that [the] main electrical switchgear be installed with sufficient space and capacity to support 20% of EV spaces at 208/240V and 40A per space, with a dedicated branch circuit and overcurrent protection device, per space.”

Reasoning: “Retrofitting parking structures can be 91%+ more expensive than outfitting garages during the initial construction phase.”

Recommendation: “Require that all parking spaces in a parking structure be made “EV-Capable” i.e. conduit be

installed throughout the structure and subpanels sized to accommodate 60A or 40A breakers for each.”

Reasoning: “[if] at least 20% of stalls are “EV-Ready” ... the total electrical capacity is able to be shared among the remaining 80% of EV parking stalls using load sharing technology. However, this is only possible if the electrical conduit (trunk line) and subpanels are preinstalled throughout the parking garage to allow Level-2 Charging Equipment to be connected in the future.”

3. Electric Vehicle Supply Equipment Standards

Minimum standards or required design of charging equipment or charging station infrastructure. These standards are often combined with minimum requirements for EV charging installations (see best practice #5).

Typical Ordinance Includes	Language Example	
Specification:	City, State:	Text:
May require that EVSE meet standards found in the National Electric Code.	Atlanta, GA	“Installation of EVSE shall meet National Electric Code article 625...”
Often specifies that EVSE must be mounted. <ul style="list-style-type: none"> • May specify on what EVSE should be mounted. • Often specify at what height EVSE should be mounted. • Often specify that EVSE should be installed so as not to be a tripping hazard. • May require a retraction device or place to mount cords. • May specify that cords should not cross walkways. 	Montgomery County, MD	“Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted.”
	Chelan, WA	“Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way”
	New Orleans, LA	“Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.”
May specify other standards that EVSE should comply with.	St. Louis Park, MN	“EVCS pedestals shall be designed to minimize potential damage by accidents,

<ul style="list-style-type: none"> • May specify that EVSE be installed in compliance with a specific state code. • Often specify that EVSE be installed in compliance with the Americans with Disabilities Act. 		vandalism and to be safe for use in inclement weather.”
	St. Louis Park, MN	“Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements.”
May specify the distance of the charging station from the curb.	Mountlake Terrace, WA	“Charging station equipment...shall be a minimum of 24 inches clear from the face of the curb.”
May specify under what circumstances a parking space must adhere to these standards.	Des Moines, IA	“Electric vehicle charging stations utilizing parking stalls located in parking lots, or parking garages shall comply with the following requirements...”
	Douglas County, WA	“Design criteria for electric vehicle charging stations or battery exchange stations within commercial, industrial and mixed-use zoning districts...”

EV Guide and Model Code Recommendations

Model Code Name:

Iowa Clean Cities Coalition, Leading the Charge: City Codes and Electric Vehicles

Recommendation: Design criteria should be created for EVSE installations.

Reasoning: “By articulating standards for EVSE design and installation, including setbacks and pedestal height for freestanding units, a community can facilitate a smooth construction permitting process.”

4. Electric Vehicle Parking Space Design and Location

Information related to EV parking space design and location. Design and location decisions will affect installation cost (length of conduit from electric source) and use (location of the space relative to the building).

Typical Ordinance Includes	Language Example	
Specification:	City, State:	Text:
May specify parking space size.	Atlanta, GA	“The installation of an EVSE should not reduce the electric vehicle charging station’s length to below the size and standards required under section 16-28.014”
	Methuen, MA	“Where provided, spaces should be standard size parking stalls but designed in a way that will discourage non-electric car vehicles from using them.”
	Montgomery County, MD	“The minimum width for a parking space for charging electric vehicles is 9 feet.”
May specify the location of parking spaces on a street or within a parking lot.	Atlanta, GA	“Criteria for electric vehicle parking and charging on private streets...For the purpose of reducing cable management issues and placing the...charging station closer to crosswalks and curb ramps, such charging stations shall be installed to use the last space on a block face in the direction of travel.”
	Methuen, MA	“Parking spaces for electric vehicles must not be located in the most convenient spots because this will encourage use by non-electric vehicles.”
	Salt Lake City, UT	“The electric vehicle parking space shall be located in the same lot as the principal use.”
	St. Louis Park, MN	“The EVCSs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.”
	St. Louis Park, MN	“General Requirements for Single-Family Residential Zoning Districts...EVSE shall be located in a garage, or on the exterior wall

		of the home or garage adjacent to a parking space.”
May provide specifications about parking space and location fit.	Methuen, MA	“Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.”
May require the parking space to have features that protect charging equipment.	Chelan, WA	“Equipment shall be protected by wheel stops or concrete filled bollards.”
	Montgomery County, MD	“Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.”
May simply specify an entity with the authority to create standards for EV charging stations.	Des Moines, IA	“The city manager or designee is authorized to develop and maintain standards for the design and construction of electric vehicle charging stations.”

EV Guide and Model Code Recommendations

Model Code Document Name:

Plug-in Electric Vehicle Best Practices Compendium (County of Santa Clara, CA)

Recommendation: Information be given concerning “Parking configurations, including guidance on whether it is preferable to locate chargers in perpendicular, parallel, or angled parking spaces, and on the location of wheel stops, guard posts and signage.”

5. Required EV Parking Capacity & Minimum Parking Requirements

Information on minimum EV parking standards and on how EV charging spaces/parking spots are accounted for as part of minimum parking space requirements (parking minimums already in place in the ordinance). Cities requiring EV parking minimums are capturing the public value in this infrastructure, like non-EV parking minimums, and to landscaping, stormwater management, accessibility, and other design elements that are routine elements of parking standards.

Typical Ordinance Includes	Language Example																			
Specification:	City, State:	Text:																		
<p>Often recommends or requires that a proportion of parking spaces be EV charging stations, designated for EV parking, or be EVSE ready.</p> <ul style="list-style-type: none"> • These are often specified as a percent or a ratio. • May also be based on land uses such as the number of residential units in a development. • May be based on land use type. • May limit the number of chargers that can be installed in the right-of-way. • May include incentives for higher level charging stations through variations in space requirements. 	Montgomery County, MD	“The minimum number of electric vehicle charging stations required is 1 electric vehicle charging station per 50 parking spaces.”																		
	Howard County, MD	“For new occupancies subject to this section: at least 1 parking space for each 25 residential units shall feature energized outlets.”																		
	Mountlake Terrace, WA	<p>“The first column in Table 1 shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility’s parking spaces that shall provide a connection to electric vehicle charging stations.”</p> <table border="1" data-bbox="792 1161 1385 1598"> <thead> <tr> <th data-bbox="792 1161 1243 1278">Land Use Type</th> <th data-bbox="1243 1161 1385 1278">Percent Parking Spaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="792 1278 1243 1323">Multi-household Res</td> <td data-bbox="1243 1278 1385 1323">10%</td> </tr> <tr> <td data-bbox="792 1323 1243 1367">Lodging</td> <td data-bbox="1243 1323 1385 1367">3%</td> </tr> <tr> <td data-bbox="792 1367 1243 1411">Retail, eating and drinking</td> <td data-bbox="1243 1367 1385 1411">1%</td> </tr> <tr> <td data-bbox="792 1411 1243 1455">Office, medical</td> <td data-bbox="1243 1411 1385 1455">3%</td> </tr> <tr> <td data-bbox="792 1455 1243 1499">Industrial</td> <td data-bbox="1243 1455 1385 1499">1%</td> </tr> <tr> <td data-bbox="792 1499 1243 1543">Institutional, Municipal</td> <td data-bbox="1243 1499 1385 1543">3%</td> </tr> <tr> <td data-bbox="792 1543 1243 1587">Recreation/Entertainment/Cultural</td> <td data-bbox="1243 1543 1385 1587">1%</td> </tr> <tr> <td data-bbox="792 1587 1243 1598">Other</td> <td data-bbox="1243 1587 1385 1598">3%</td> </tr> </tbody> </table>	Land Use Type	Percent Parking Spaces	Multi-household Res	10%	Lodging	3%	Retail, eating and drinking	1%	Office, medical	3%	Industrial	1%	Institutional, Municipal	3%	Recreation/Entertainment/Cultural	1%	Other	3%
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Office, medical	3%																			
Industrial	1%																			
Institutional, Municipal	3%																			
Recreation/Entertainment/Cultural	1%																			
Other	3%																			
St. Louis Park, MN	<p>“All new or reconstructed parking structures or lots with at least 50 parking spaces, or expanded parking structures or lots that result in a parking lot with 50 or more parking spaces, shall install EVSE as required below.</p> <p>1. Multiple-family residential land uses shall have 10% of required parking as Level 1 stations for</p>																			

		<p>resident parking, and one Level 2 station for guest parking. At least one handicapped accessible parking space shall have access to an EVCS.</p> <p>2. Non-residential land uses with parking spaces available for use by the general public shall have at least 1% of required parking as Level 2 stations with a minimum of two spaces served by Level 2 charging, with at least one station adjacent to an accessible parking space. In non-residential zoned districts, DC charging stations may be installed to satisfy the EVCS requirements described above on a one-for-one basis.”</p>								
	Indianapolis, IN	“Two electric vehicle charging stations shall be required for developments that provide 500 or more off-street parking spaces.”								
	Middletown, CT	“Any new development that requires 25 or more parking spaces, as calculated by Section 40.04 of these regulations, shall have a minimum of 1 charging space or 3% of the total number of spaces allocated to Electric Vehicles (EVs) (whichever is greater) and must have a Level 2 or 3 charging station/connection per EV parking space.”								
	Salt Lake City, UT	<p>“The number of required minimum parking spaces is determined after applying any applicable reductions and exemptions. The number of required EV parking spaces shall be as follows:”</p> <table border="1"> <thead> <tr> <th>Required Minimum Number of Parking Spaces</th> <th>Number of EV Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>0 to 49</td> <td>0</td> </tr> <tr> <td>50 to 99</td> <td>1</td> </tr> <tr> <td>100+</td> <td>2, plus 1 for each additional 100 stalls</td> </tr> </tbody> </table>	Required Minimum Number of Parking Spaces	Number of EV Parking Spaces	0 to 49	0	50 to 99	1	100+	2, plus 1 for each additional 100 stalls
Required Minimum Number of Parking Spaces	Number of EV Parking Spaces									
0 to 49	0									
50 to 99	1									
100+	2, plus 1 for each additional 100 stalls									
	New Orleans, LA	“No property or parcel may have more than one (1) electric vehicle charger installed in the right-of-way adjacent to such property or parcel.”								

	Salt Lake City, UT	“A reduction in the minimum number of required electric vehicle parking stalls may be reduced by 25% if a Level 2 station is installed or by 50% if a Fast Charge station is installed. For each additional Level 2 or Fast Charge station installed, the additional reduction will be based on the already reduced number.”
<p>May include EV parking space proportion requirements as part of optional financing or a flexible code.</p> <ul style="list-style-type: none"> • May be part of a sustainability points system (Duluth, MN). • May be one of several required amenities to choose from as part of a Planned Unit Development (Golden Valley, MN). • May be tied to public funding or financial partnership by the city (Saint Paul, MN) 	Duluth, MN	“A minimum of 2% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance.”
	Golden Valley, MN	(include) “An electric vehicle charging station accessible to residents, employees, and/or the public.”
	Saint Paul, MN	<p>*Work in Progress* In their city code under <i>Chapter 81. - Sustainable Building</i>, Saint Paul has an “Overlay” that is required for “construction projects receiving more than \$200,000 in public assistance, as well as certain rehab projects.” This overlay specifies different requirements including “Electric vehicle charging capability.” However, specifications regarding this requirement are yet to be worked out.</p> <p>- City of Saint Paul Website - Sustainable Building Policy</p> <p>- Sustainable Building Policy Guidebook</p>
<p>May include flexibility on minimum requirements to reduce cost burden.</p>	St. Louis Park, MN	“When the cost of installing EVSE required by this Chapter would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Zoning Administrator may administratively approve a reduction the required amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost.”
	Middletown, CT	“Applicants may request a waiver or reduction of electric vehicle parking requirements from the

		Planning and Zoning Commission during site plan approval.”					
May require that a proportion of EV charging stations also be made accessible.	Chelan, WA	“Accessible vehicle charging stations shall be provided based on the following table:”					
		<table border="1"> <thead> <tr> <th>Number of EV Charging Stations</th> <th>Min. Accessible EV Stations</th> </tr> </thead> <tbody> <tr> <td>3-50</td> <td>1</td> </tr> <tr> <td>51-100</td> <td>2</td> </tr> </tbody> </table>	Number of EV Charging Stations	Min. Accessible EV Stations	3-50	1	51-100
Number of EV Charging Stations		Min. Accessible EV Stations					
3-50	1						
51-100	2						
Montgomery County, MD	“A minimum of one accessible electric vehicle charging station is required in any parking facility that is required to have one electric vehicle parking space. For parking facilities required to have 51-75 electric vehicle parking spaces the number of accessible spaces will increase to two (2). Between 76 – 100 electric vehicle parking spaces increases to three (3) and each thereafter increment of 25 electric charging station shall increase by one additional accessible electric vehicle charging space.”						
May count electric vehicle charging stations towards meeting existing minimum parking requirements for developments (despite being simultaneously restricted to EVs only).	Kansas City, MO	Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.”					
	Methuen, MA	“An electric vehicle charging space may count for ½ of a space in the calculation for minimum parking spaces that are required...”					
	Indianapolis, IN	“For each electric vehicle charging station provided, the minimum number of required off-street parking spaces may be reduced by two. Each charging station counts toward the minimum number of required parking spaces.”					
	Chelan, WA	“Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required pursuant to the Development Standards...”					
	Middletown, CT	“Requests for reduction of general parking spaces in exchange for additional EV parking: For any development that exceeds the minimum number of EVCs as required ... The reduction of parking cannot be greater than 10% of the total amount of parking for the proposed development.”					

EV Guide and Model Code Recommendations

Model Code Name:

Action Items for EV-Ready Communities (NYSERDA Fact Sheet, Energetics)

Recommendation: Require “Set numerical or percentage-based goals ... for EV infrastructure in new construction.”

Creating EV-Ready Towns and Cities: A Guide to Planning and Policy Tools (NYSERDA, Transportation and Climate Initiative of the Northeast and Mid-Atlantic States, 2012)

Recommendation: Create an “incentive zoning [that] provides a bonus, such as in the form of additional floor area, in exchange for the provision of a public amenity or community improvements...In the case of EVSE, a developer incentive would be exchanged for EVSE pre-wiring or charging station installation.”

6. Electric Vehicle-Designed Parking Use Standards and Protections

Information related to parking restrictions, protections, and penalties for EV-designated spaces. Restricting use of EV charging parking stalls to EVs protects the public benefit being provided, like limiting use of accessible parking stalls.

Typical Ordinance Includes	Language Example	
Specification:	City, State:	Text:
	Atlanta, GA	“Each electric vehicle charging station and parking space for which any parking incentive was granted shall be reserved for use as an electric vehicle charging station or as electric reserved parking.”
<p>May state restrictions on what type of vehicle may park in an EV charging station parking space.</p> <p>May specify the ramifications for parking unauthorized vehicles in EV charging spaces.</p>	Auburn Hills, MI	“A police agency or a governmental agency...may provide for the immediate removal of a vehicle...in any of the following circumstances...When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted.”

	Chelan, WA	“Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only.”
	Kansas City, MO	“Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.”

EV Guide and Model Code Recommendations

Model Code Name:

Alternative Fuel Vehicle Readiness: A Guidebook for Municipalities (North Jersey Transportation Planning Authority, 2017)

Recommendation: Municipalities should create enforcement policies for EV parking and charging stations that “specify towing of vehicles in violation of the restriction or impose a fine.”

Reasoning: “It is important to define how restrictions and time limits will be enforced. Without an enforcement policy, there is no incentive to follow the restrictions.”

7. Signage, Safety, and Other Standards

Information related to signage, road markings, notifications, lighting, usage fees, and maintenance. Signage helps all drivers understand appropriate use of this new form of parking infrastructure, and other standards similarly attempt to protect or enhance the public value of the infrastructure and minimize risks.

Typical Ordinance Includes	Language Example	
Specification:	City, State:	Text:
Often includes signage and road marking requirements. <ul style="list-style-type: none"> May include photo examples of signage. 	Atlanta, GA	"Way finding signs, if installed, shall be placed to effectively guide the motorists to the electric vehicle parking space and/or charging station. Private regulatory signage shall be placed in a manner that shall not interfere with any parking space, drive lane or exit."
	Douglas County, WA	"Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes."
Often includes lighting requirements.	St. Louis Park, MN	"Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only."
	Chelan, WA	"Lighting. Adequate site lighting shall be provided, which shall also comply with Chapter 17.62..."
Often includes information about charging usage fees.	Kansas City, MO	"Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station."
Often includes information about general operations and maintenance.	Atlanta, GA	"Electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be operational at all times. When an electrical vehicle parking station is not operational for 14 consecutive days, it shall be considered to have been removed from service. The failure to maintain the number of electric vehicle charging stations and parking spaces shall be cause to require the

		installation of the number of parking spaces required by the district regulations.”
	Model Code – Electric Vehicle Infrastructure. Guide for Local Governments (Washington State)	“Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning, or other problems are encountered.”
	St. Louis Park, MN	“The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.”
Often includes requirements for contact information for instances where a charging station is damaged or out of order.	Atlanta, GA	“A phone number or other contact information shall be provided when the station is not functioning in a manner that allows electric vehicles to be charged.”
	St. Louis Park, MN	“A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.”
Often includes information about required notices.	Chelan, WA	“The following information shall be posted at all electric vehicle charging stations: <ol style="list-style-type: none"> 1. Voltage and amperage levels; 2. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner; 3. Usage fees; 4. Safety information; 5. Contact information for reporting when the equipment is not operating or other problems.”
May include time limits and hours of operation.	Mountlake Terrace, WA	“Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging /parking. If applicable, warnings shall be posted to alert charging station users about

		hours of use and possible actions affecting electric vehicle charging stations that are not being used according to posted rules.”
	St. Louis Park, MN	“The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.”
May include information on landscaping requirements.	Atlanta, GA	“Minimum landscaping requirements for surface electric vehicle parking and charging station lots...(a) All parking shall be terminated with a landscape strip a minimum width of five feet and equal to the length of the parking bay. (b) All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches...”

EV Guide and Model Code Recommendations

Model Code Document Name:

Plug-in Electric Vehicle Best Practices Compendium (Santa Clara County)

Recommendation: “Local governments should ...consider reducing EVSE permitting costs ... by waiving or subsidizing the fees to residents and/or businesses.”

Action Items For EV-Ready Communities (NYSERDA)

Recommendation: “Simplify and streamline permit processes.”

Literature Review Summary: Electric Vehicle Supply Equipment Signage Guidance. (NYSERDA, Energetics, 2013)

Recommendation: All sign types should be considered when writing an EV ordinance. “There are three different types of signage applicable to EVSE: General Service or Guidance Signs, Regulatory or Enforceable Signs, and Special or Information/Traillblazer Signs.”

8. Definition of Terms

Defining terms is a best practice for any ordinance, particularly when ordinance users and staff may be unfamiliar with the specifics of the land use and the policies being implemented via the ordinance requirements. Several EV or EVSE terms used in or pertinent to an EV-ready ordinance are defined below. Not all terms are used by each city. Terms used in an ordinance should be pertinent to the specific language and regulations found in each city’s ordinance.

Typical Ordinance Includes Term:	Language Example City, State: Text:	
Accessible electric vehicle charging station	Auburn Hills, MI	“an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.”
Battery charging station	St. Louis Park, MN	“an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.”
Battery Electric Vehicle	Electric Vehicle Infrastructure: Guide for Local Governments (Washington State)	“any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.”
Battery exchange station	Des Moines, IA	“a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter ...”
Charging Levels <ul style="list-style-type: none"> • Level 1 • Level 2 • Level 3 	Auburn Hills, MI	“the standardized indicators of electrical force or voltage, at which an electric vehicle’s battery is recharged. The terms 1,2, and 3 are the most common charging levels, and include the following specifications:

<p>*This is in some instances paired with the definition for <i>electric vehicle charging station</i>*</p>		<p>1. Level-1 is considered slow charging. Voltage including the range from 0 through 120.</p> <p>2. Level-2 is considered medium charging. Voltage is greater than 120 and includes 240.</p> <p>3. Level-3 is considered fast or rapid charging. Voltage is greater than 240. ”</p>
	<p>Chelan, WA</p>	<p>“Level 1 is considered slow charging and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.</p> <p>Level 2 is considered medium charging and operated on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit.</p> <p>Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.”</p>
	<p>Des Moines, IA</p>	<p>“the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level 1, 2, and 3 are the most common EV charging levels, and include the following specifications:</p> <p>Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.</p> <p>Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.</p> <p>Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public</p>

		applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.”
Electric capacity	St. Louis Park, MN	<p>“at minimum:</p> <ol style="list-style-type: none"> 1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger; 2. Conduit from an electric panel to future EVCS location(s).”
Electric vehicle	Auburn Hills, MI	<p>“any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. “Electric vehicle” includes:</p> <ol style="list-style-type: none"> (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle”
	Des Moines, IA	<p>“any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:</p> <ol style="list-style-type: none"> (a) A battery electric vehicle; (b) A plug-in hybrid electric vehicle; (c) A neighborhood electric vehicle; (d) A medium-speed electric vehicle.
	Howard County, MD	<p>“a vehicle that uses electricity for propulsion.”</p>
Electric vehicle, plug-in hybrid	Kansas City, MO	<p>“an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal</p>

		combustion-driven generator; and (4) has the ability to travel powered by electricity.”
Electric vehicle charging station	Electric Vehicle Infrastructure: Guide for Local Governments (Washington State)	“a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.”
	Des Moines, IA	“a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.”
Electric vehicle charging station – private restricted use	Auburn Hills, MI	“an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).”
	Kansas City, MO	“an EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.”
Electric vehicle charging station – public use	Auburn Hills, MI	“an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).”
	Kansas City, MO	“an EV charging station that is accessible to and available for use by the public.”

Electric vehicle supply equipment	St. Louis Park, MN	“any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.”
Electric vehicle infrastructure	Kansas City, MO	“conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.”
	Des Moines, IA	“structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.”
Electric vehicle parking space	Auburn Hills, MI	“any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.”
Energized outlet	Howard County, MD	“a connected point in an electrical wiring installation at which current is taken to charge an electric vehicle.”
Neighborhood electric vehicle	Mountlake Terrace, WA	“a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and other wise meets or exceeds the federal regulations...”
Non-electric vehicle	Auburn Hills, MI	“any motor vehicle that does not meet the definition of electric vehicle.”
Rapid charging station	Methuen, MA	“an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels...”

19.126.010 Purpose.

The purpose of this chapter is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates. (Ord. 2553 § 2, 2010).

19.126.020 Definitions.

For the purposes of this chapter and other chapters of the municipal code that address electric vehicle infrastructure, the following definitions shall apply:

“Accessible electric vehicle charging station” means an electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

“Charging level” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are defined by the electrical output, per the following specifications:

1. Level 1. Voltage including the range from zero through 120.
2. Level 2. Voltage is greater than 120 and includes 240.
3. Level 3 is considered fast or rapid charging. Voltage is greater than 240.

“Designated accessible space” means an accessible parking space required by WAC 51-50-005 and designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.

“Electric scooters and motorcycles” means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station – public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

“Electric vehicle charging station – restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.

“Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR Part 571.500.

“Nonelectric vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 2553 § 2, 2010).

19.126.030 Permitted locations.

Electric vehicle infrastructure shall be permitted in zoning districts of the city as identified in MTMC 19.23.100. (Ord. 2553 § 2, 2010).

19.126.040 Required facilities.

A. Beginning July 1, 2011, development for each of the land uses identified in Table 19.126.040 shall be required to provide electric vehicle infrastructure as shown in the table. For purposes of Table 19.126.040, electric vehicle charging stations shall be provided when the development is 10,000 square feet or more and one of the following occurs:

- 1. A new building or a new off-street parking facility is developed;
- 2. An addition or improvement to an existing building is made that meets a certain threshold, pursuant to MTMC 19.120.250; or
- 3. The parking capacity of an existing building, site, or parking facility is increased by more than 50 percent.

B. The first column in Table 19.126.040 shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility's parking spaces that shall provide a connection to electric vehicle charging stations.

Table 19.126.040
Required Number of Electric Vehicle Charging Stations

Land Use Type	Percentage of Parking Spaces
Multi-household residential	10%
Lodging	3%
Retail, eating and drinking establishment	1%
Office, medical	3%
Industrial	1%
Institutional, municipal	3%
Recreational/entertainment/cultural	1%
Other	3%

C. Design for Expansion. In order to allow for additional electric vehicle parking in the future as the market for such vehicles grows, beginning January 1, 2011, all development that meets the criteria of subsection A of this section shall be designed to allow for double the amount of electric vehicle parking shown in Table 19.126.040.

Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations. (Ord. 2553 § 2, 2010).

19.126.050 General station requirements.

A. Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

B. Installation and Equipment. The station installation and equipment shall be consistent with the rules and regulations adopted pursuant to RCW 19.27.540, Electric vehicle infrastructure requirements, and with applicable regulations under the City's building code, Chapter 15.05 MTMC, and fire code, Chapter 15.10 MTMC.

C. Location, Design, and Maintenance. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections (C)(1) through (5) of this section.

1. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow-away provisions are to be enforced.

2. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

3. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

4. Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.

5. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

D. Data to Be Available. To allow for maintenance and notification, the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition of "electric vehicle charging station – public") shall provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

E. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting electric vehicle charging stations that are not being used according to posted rules.

F. Electric vehicle signage shall be provided pursuant to MTMC 19.126.090.

G. Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face. (Ord. 2553 § 2, 2010).

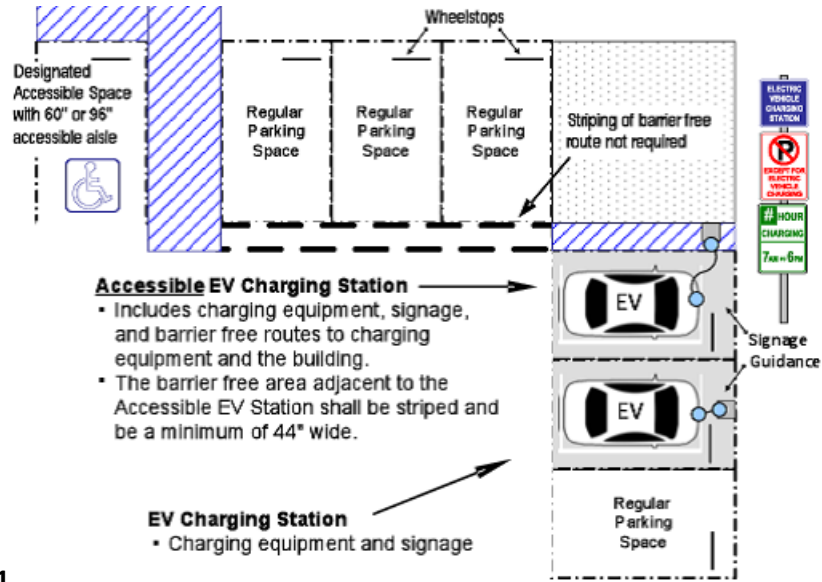
19.126.060 Accessible facilities.

A. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-household residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown on Table 19.126.060. The first column indicates the number of electric vehicle stations being provided on site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

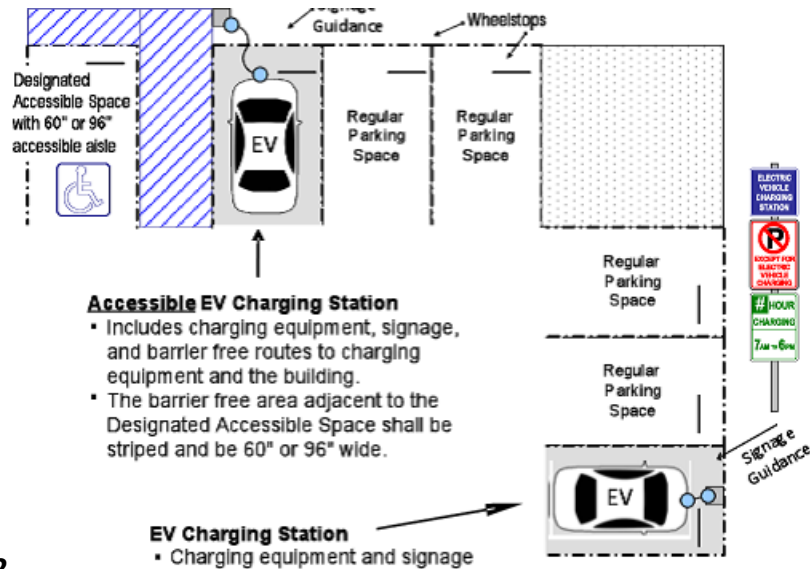
**Table 19.126.060
Minimum Number of Accessible Electric Vehicle (EV) Charging Stations**

Number of EV charging stations	Minimum accessible EV charging stations
5–50	1
51–100	2
101–150	3
151–200	4
201–250	5
251–300	6

B. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.



Option 1



Option 2

(Ord. 2553 § 2, 2010).

19.126.070 Charging and parking.

A. Electric vehicle charging stations, where provided for public use, are reserved for parking and charging electric vehicles only, except as otherwise provided by this chapter.

B. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space. (Ord. 2564 § 2, 2011; Ord. 2553 § 2, 2010).

19.126.080 Parking restrictions.

A. No person shall stop, stand or park any nonelectric vehicle in a space designated through signage as an electric vehicle charging station. Any nonelectric vehicle is subject to removal by the property owner or the property owner's agent.

B. Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that either (1) is not electrically charging or (2) is parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment. (Ord. 2564 § 3, 2011; Ord. 2553 § 2, 2010).

19.126.090 Signage.

A. Electric vehicle charging stations, other than in residential use, shall have posted signage, as identified in this section, allowing only charging electric vehicles to park in such spaces. (Exception: the Director may allow an exemption for such signage at a portion of electric vehicle parking stalls within a publicly owned transit center upon the public transit agency demonstrating through a utilization study that not all of the electric vehicle charging stalls are needed for commuters using transit and that the amount of nonelectric vehicle parking is inadequate to meet existing needs; such exemption may be renewed by the Director each year, based on a utilization study completed during the prior year.) For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.



B. Signage for parking of electric vehicles shall include:

1. Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
2. As appropriate, directional signs to effectively guide motorists to the charging station space(s).

C. Optional Signage. Optional information may be posted to alert potential charging station users to other expectations. (Ord. 2564 § 4, 2011; Ord. 2553 § 2, 2010).

DRAFT FOR PUBLIC RELEASE



SMART MOBILITY ROADMAP

2017

AUSTIN'S APPROACH TO SHARED, ELECTRIC,
AND AUTONOMOUS VEHICLE TECHNOLOGIES

Austin, Texas



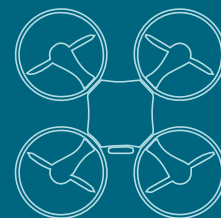


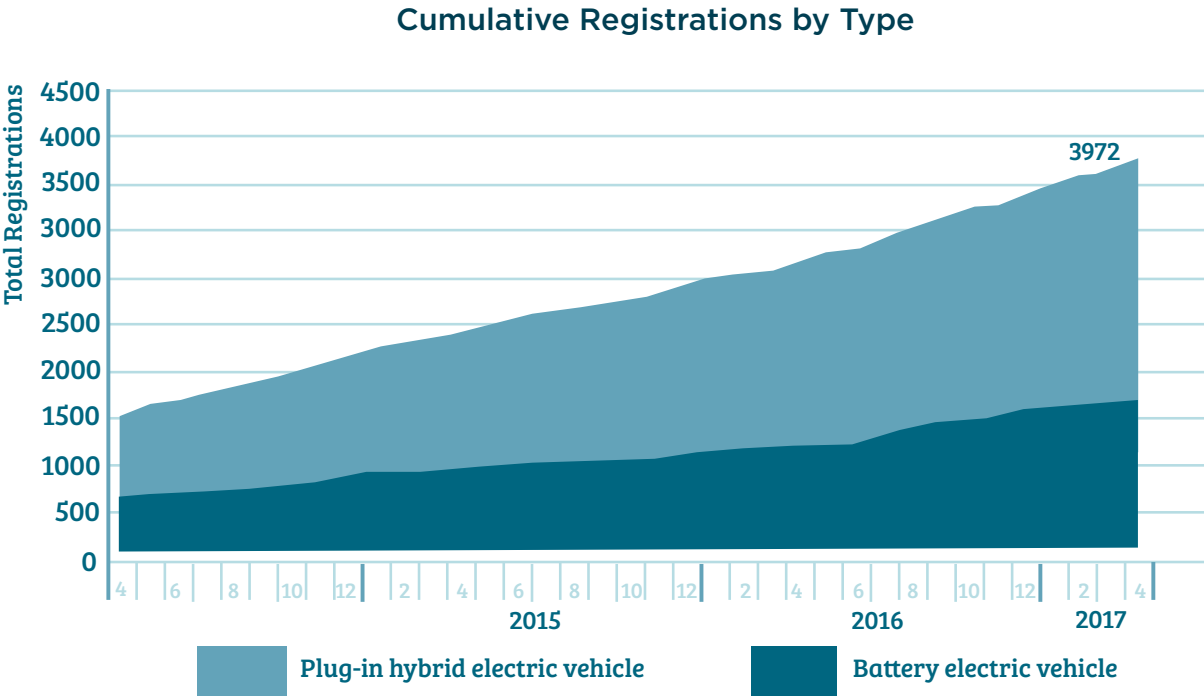
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ELECTRIC VEHICLES AND INFRASTRUCTURE

Currently in the Austin area there are approximately 4,000 EVs that represent approximately 22 percent of the Texas EV market and a 55 percent EV growth rate over the last three years³⁰ Global future EV projections vary widely with some of the more aggressive models predicting EVs overtaking internal combustion sales by as early as 2038. But regardless of source, each major model does predict a continued growth curve in EV sales.³¹ The rate of adoption is important because the increased deployment of electric vehicles in lieu of internal combustion engine (ICE) technology is an important strategy to reduce emissions, total cost of ownership and energy usage in the transportation sector.

Austin-Area EV 3-Year Growth



Data provided quarterly from EPRI for Travis and Williamson County.

Moving transportation from petroleum-based energy to electric-fuel also supports national fuel independence as electricity is generated regionally and not imported. In order for Austin to help accelerate EV adoption in the Austin area, policy incentives to drive an EV will need to be complemented with increased electric charging infrastructure.

Per Texas state law under the Public Utility Regulatory Act (PURA), Austin Energy has the sole responsibility and obligation to provide electric service within its service territory. Having a community- owned utility with this obligation to serve has allowed Austin to create a cohesive vision on public electric vehicle service equipment (EVSE) with a focus on affordability, clean air, climate protection and consumer experience. However, as the increasing cost of providing rebates and installing charging stations matches the growth rate of EV adoption, hard debates about appropriate cost allocation will be required to ensure appropriate cost recovery. Of particular importance will be analysis of the rate impacts and their effect on affordability.

The City of Austin to date has made significant strides in transportation electrification and is widely considered a national leader on this front. The City of Austin/Austin Energy is listed by the ICCT in the top 10 U.S. cities for public and workplace electric charging infrastructure, per million population.³²

Recently, from City of Austin Fleet Services, Office of Sustainability and Austin Energy analysis, with support from the Electrification Coalition, predicts that the City will save \$3.5 million over the course of 10 years by deploying 330 EVs through the year 2020.³³ Savings are expected to continuously improve, due to rapidly advancing battery technologies and lower manufacturing costs.³⁴

Yet barriers to current electric vehicle adoption still exist and a combination of tools and actions are needed to grow the EV market adoption, including:³⁵

- Policies, such as a Zero Emission Vehicle plan or free express lane access,
- Consumer purchase incentives,
- Widely available workplace and public charging points,
- EV car options (to include plug-in trucks and SUVs) and competitive price points, and
- Promotional and public awareness campaigns, including price incentives

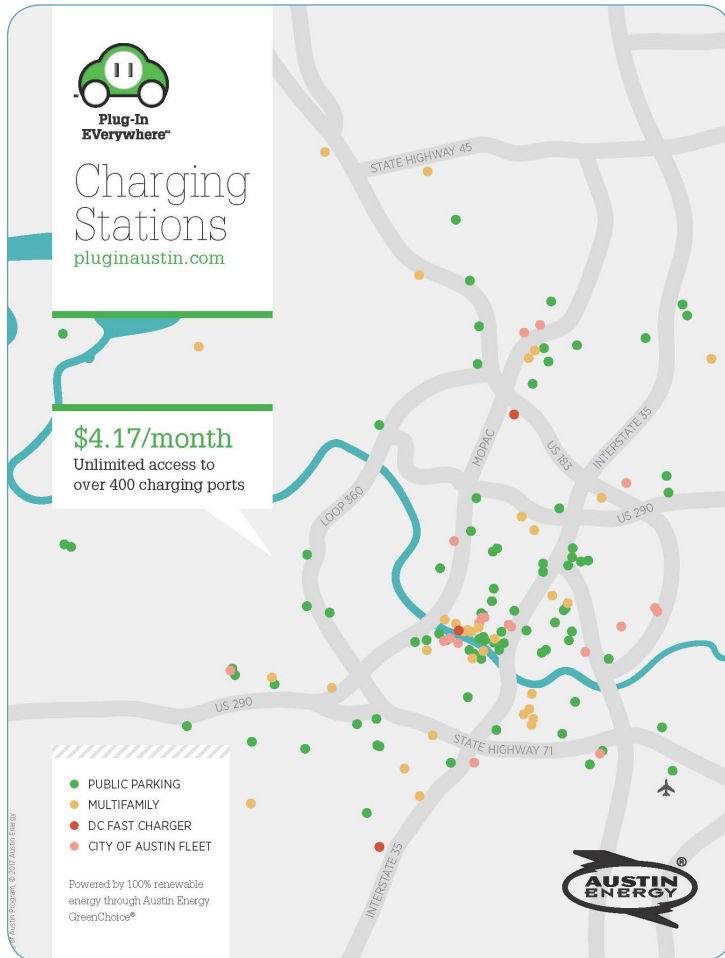


New fast-charging stations, like the one pictured here at Austin's Electric drive, refuel cars in minutes.

AUSTIN ENERGY'S EV PROGRAM HIGHLIGHTS:

EV Charging Network—In 2011, Austin Energy installed the first EV charging infrastructure in the region. Today, Austin Energy has over 600 EV charging ports at 172 locations, including retail, workplace, multifamily and fleet locations throughout the city.³⁶ Austin Energy is adding 8-10 DC Fast Chargers to the network

beginning in 2018. The fast chargers will recharge a vehicle within 15 minutes and are slated to be positioned along major transportation corridors. Additionally, the Plug-In EVerywhere network is powered by clean, renewable wind energy via Austin Energy's GreenChoice Program and the cost to Plug-In EVerywhere customers is only \$4.17 per month for unlimited electric "fill-ups."³⁷



On Electric Drive, in the heart of downtown, Austin Energy has also developed a showcase for sustainable transportation. Electric Drive includes a DC fast charger that meets both global standards for EV fast charging, as well as universal level 2 charging for customers to use while they are downtown. A solar powered kiosk with integrated battery storage includes level 1 charging for electric bikes, scooters, motorcycles and mopeds. Electric Drive is an integral part of the downtown redevelopment known as the Seaholm EcoDistrict, which features sustainability innovations.³⁸

Capital Metro and Austin Energy are also reviewing opportunities to install EV charging infrastructure, including

additional DC fast charge stations, at public facilities such as metro park and rides, metro transit centers and metro transit oriented developments. Both organizations will jointly develop a strategy for identifying priority public charging station installations.

- **A Focus on Multi-Family Properties and EV Charging** – Given that over 40 percent of Austin's population lives in multi-family properties³⁹ and that the number of electric vehicles is rapidly growing in the Austin area, Austin Energy is working to encourage adoption of electric vehicles by multi-family residents. Over the past two years, Austin Energy has expanded the network of public EV charging infrastructure by supporting installation of EV chargers at 43 multifamily properties serving more than 25,040 residents.⁴⁰

With support from the philanthropic 11th Hour Project, Austin Energy will lead a new effort to identify and develop EV sharing programs for low-to moderate-income communities.⁴¹ Given unique challenges at multi-family properties—factors such as charging station siting, occupant

turnover, security, safety, billing and parking protocols—the effort will also aim to better understand the needs of electric vehicle charging habits at multifamily properties in order to continue providing the appropriate infrastructure for increased EV adoption.

- **Home Charging Rebates** – Even though Austin Energy offers extensive and affordable public charging, the majority of plug-in electric vehicle (PEV) charging will be conducted at home. For many electric vehicle drivers, standard existing electrical outlets will meet their needs. However, for those who want to charge more quickly, Austin Energy offers a 50 percent rebate—up to \$1,500—towards the hardware and installation of a level 2 fast charger⁴²
- **EV360 Time-of-Use Rate Pilot Program** – Austin Energy has launched an EV-specific time-of-use rate pilot program called EV360. EV drivers can have unlimited off-peak charging at home and public charging stations for a flat rate of \$30 per month.⁴³ This not only gives drivers a consistent fuel charge for driving their EV, but also encourages off-peak charging to promote affordability and climate protection goals.
- **“EVs are for Everyone”** - is a new Austin Energy initiative to conduct electric vehicle outreach, program development and deployment with a focus on low to moderate income communities.

- **Two-Wheel E-Ride Rebates** – Austin Energy also offers rebates on electric bikes, scooters and motorcycles as an additional way to promote electric transportation. These rebates are available to individuals and to businesses and organizations offering these e-vehicles in fleets ranging in size from 5 to 25 vehicles.⁴⁴ The non-profit Bike Texas is Austin Energy’s lead community partner in this effort, and through Austin Energy’s rebate program, Bike Texas has secured 25 electric bikes that they use to provide public demonstrations to encourage adoption of e-bikes.⁴⁵



- **EV-Share Pilots** – The Austin Transportation Department is also preparing to launch public/private initiatives for electric bikeshares, electric scooters, and electric pedicabs

- **Studying and Managing the Impact of EVs on the Grid**

In the long run, electric AVs will be a crucial technology for managing loads on power grids fueled by renewable energy sources. AVs will supply valuable data that will enable utilities to predict future demand for electricity as well as automatically schedule vehicle recharging and efficiently move vehicles around to spread the load more evenly.⁴⁶ Austin Energy is integrating electric vehicle charging into their demand-response programs and has successfully conducted a pilot to demonstrate that plug-in charging can be centrally managed, further improving grid reliability. Funded by the U.S. Department of Energy, Austin Energy’s ‘Austin SHINES’ project is using an open standards-based approach to integrating photovoltaic solar and storage into the grid.⁴⁷ The lessons learned from the SHINES project can be applied so that in the future EVs can more readily serve as a distributed energy resource asset to support grid reliability, reduce fuel cost and

maximize the reduction in CO₂ emissions by timing charging with the most efficient and clean generation of electricity. Austin Energy also launched a pilot time of use rate called EV360 to incentivize EV customers to charge off grid peak at home.

In the future, further study of this issue would be beneficial, along with additional pilots that will validate other evolving charging and storage opportunities. In particular, examination of impacts on distribution infrastructure, including upgrades to maintain reliability and expansion to accommodate increasing needs for facilities will be critical to understanding how best to roll out new programs.

MUNICIPAL FLEET ELECTRIFICATION

In May 2016, Council passed a resolution directing the City Manager to develop an assessment to determine the benefits, timeline and feasibility of increasing electric vehicle adoption into the City's Fleet, and deliver recommendations for opportunities to the Council Mobility Committee by October 5, 2016.

In response, Fleet, Austin Energy and the Office of Sustainability, worked with RMI, Vulcan and the Electrification Coalition to research and analyze options, develop cost models and develop recommendations. To assess feasibility, staff examined the strengths, weaknesses, opportunities and threats that exist in the current automotive and equipment industry, as well as the resources required and prospects for success.

Based on this, the following recommendations were delivered in October 2016:

- Add 330 plug-in electric vehicles to the City fleet by 2020,
- Expand City Fleet charging stations to support city fleet EV adoption,
- Fund electric vehicle acquisitions through municipal leases (lease-to-own), when feasible,
- Fund charging infrastructure through an interdepartmental fuel surcharge, and
- Total cost of ownership savings of \$3.5 million to the City of the 10 year life-cycle of the new EV fleet⁴⁸

In August, Council approved the first installment of vehicles associated with this initiative. Fleet will be ordering 28 Chevy Bolts to be used by various departments. Council also authorized the purchase of an electric employee shuttle bus that should begin operations in the next few months.

As this roll-out of EVs into the City's fleet occurs, staff will be monitoring and analyzing areas of increased adoption based on cost savings and new technologies to include availability of electric trucks and SUVs.

Capital Metro is also working with the City of Austin's Fleet Operations and Austin Energy to deploy a fleet of electric vehicles for employee fleet use. Staff is coordinating opportunities for joint purchasing and procurement. Charging infrastructure is being installed at Capital Metro facilities in coordination with Austin Energy's EV infrastructure plan, for both fleet vehicles and personal EVs.

ELECTRIC VEHICLE (EV) CHALLENGE

A regional group of stakeholders is developing a shared electric vehicle proposal, should the Central Texas region receive funds as part of the legal settlement that was approved as mitigation for Volkswagen's emissions-cheating scandal. As a result of the settlement, Texas is eligible for almost \$192 million, if the governor accepts the funds, and the Travis County-area could be eligible for some \$29 million, if funds are

dispersed geographically according to the number of vehicles that had been altered.^{49,50} This “EV Challenge” group includes a number of City departments—the Intergovernmental Relations Office, Office of Sustainability, Austin Energy, Austin Transportation and Fleet Services—and Capital Metro. The group is advancing ways to work with other Texas cities to conduct a group/bulk-buy of electric vehicles to bring prices down and spur related economic development throughout the state.

TRANSIT SYSTEM ELECTRIFICATION

Many transit systems around the country are moving swiftly to replace their gasoline or diesel powered fleets with electric buses. The Antelope Valley Transit Authority (AVTA), serving a 450,000 resident community in northern Los Angeles County, set a goal to convert all of its aging diesel buses to a 100 percent battery electric bus fleet, by purchasing up to 85 new all-electric buses in three years to be “100% Green by 2018.”⁵¹ This spring Seattle’s King County Metro Transit announced plans to acquire 120 all-electric battery buses by 2020, creating the largest all-electric transit fleet in the nation.⁵²

Research has shown that the total lifecycle cost of an electric bus is commensurate with the total lifecycle cost of a diesel bus, with operating cost savings from electric power offsetting the higher capital outlay to purchase the vehicle and associated charging equipment.⁵³ New York City Transit conducted an analysis that compared its current fleet of buses to electric buses. The study found that the cost savings associated with fuel and bus maintenance more than offset the higher cost of electric buses including the cost of charging infrastructure over the lifetime of a bus.⁵⁴ Electric buses cost approximately \$300,000 more than diesel buses. Annual savings are estimated at \$39,000 per year over the 12-year lifetime of the bus, totaling a \$468,000 in savings per bus, over the lifetime of the bus.⁵⁵

These savings exclude the health care cost benefits associated with reduced levels of air pollution. Switching to electric buses eliminates the air pollution caused by diesel bus fuel combustion. The resulting health benefit to the population of the city from the reduction of respiratory and other diseases is estimated at \$150,000 per bus based on EPA data.⁵⁶ When health benefits and financial benefits are combined, total savings exceeds \$600,000, based on these estimates.

Capital Metro is planning and preparing to integrate electric buses into its fleet, concurrent with the implementation of the Connections 2025 Plan and the next procurement cycle for new buses in FY 2021. In support of that deployment, the following activity is underway:

- Coordination between finance, planning and operations departments to identify an appropriate funding mechanism to fund the increased capital cost of an electric bus program using a total cost of ownership model,
- Reviewing available grant funding opportunities for potential revenue to support the electrification of the fleet, and
- Installing basic infrastructure for electric buses at the North Operations and Maintenance facility. By early 2019 the bus yard at that facility will be “electric bus ready” and include parking configurations and electric service necessary to support the implementation of electric buses

ELECTRIC BATTERIES, PUBLIC AND PRIVATE CHARGING STATIONS

In order to support the increasing electric vehicle market and reduce range anxiety, more public and private electric charging stations should be supported. These technologies will also benefit autonomous personal and commercial vehicles, including a rise in land delivery bots and a projected surge in electric bikes, or e-bikes.

New EV fueling stations will also likely need to be co-located with other modes of mobility such as public transit stations, car-sharing services, bike-sharing services and ride-hailing pick-up and drop-off points or parking spaces. What these new mobility hubs of the future look like will be important from an urban design standpoint.

Battery technology and charging infrastructure is simultaneously experiencing rapid advances that may change what infrastructure is needed where. For example, roadway electrification is being tested in several European countries and could impact the way vehicles are recharged.

Recommendations for Electric Vehicles and Infrastructure in Austin

TIME PERIOD	ACTIONS	POLICIES	PILOTS AND PROGRAMS
1. On-going	Engage citizens, businesses and visitors to understand how this technology can meet their needs and help the City address community issues	Coordinate outreach/education program with other public and private organizations	Start dialogue with communities to be impacted by pilots; Extend communication across city
2. On-going	Launch electric technology demonstrations; (See the Shared Mobility Recommendations section)		
3. 0-2 years	Adopt a buy “Electric First” or “Zero Emission” policy for all City vehicles (and consider lease instead of buy); Unless business case or technology limitations preclude early adoption	Establish “buy electric first” policy for all city vehicles; Encourage City to accelerate vehicle conversion or vehicle count elimination (above current 330 vehicles by 2020) through lease or purchase by 2020; Develop reasonable exceptions policies which recognize the longer timeframe required for certain heavy-duty work vehicles and trucks	Review costs of leases v. purchase; Expand EV charging stations at COA, Capital Metro other properties
4. 0-2 years	Deploy shared electric mobility and charging infrastructure to include low-income neighborhoods	Continue Austin Energy rebate incentives to support e-bike fleets; Allocate funds to support pilot programs and marketing	Austin Energy EV deploy car share pilot program with charging infrastructure (fleet of EVs provided by a third party vendor); Identify low-income neighborhoods; Pilot E-bike stations
5. 0-2 years	Increase public awareness of electric vehicle benefits	Increased budget for outreach/marketing, as needed; Direct staff to assist creation of E-AV demonstration	Create an Autonomous and/or electric vehicle showcase at a major Austin-based event
6. 2-4 years	Deploy ‘smart’ public, private, and fleet charging infrastructure	Direct use of integrated communications and controls to proactively manage charging stations to include station reliability and enable consumer mobile apps to remotely locate and check availability of station access	Expand interactive map or application that shows the location of chargers and, current use status
7. 2-4 years	Expand rapid charging station network on-street (at curb/parking spaces); Examine free parking options for EVs	Assess feasibility and costs of expanding right of way for public charging infrastructure; Provide designated parking spaces for chargers; Consider reduced parking fees for EVs; Explore utility pole charging stations	Develop deployment plan with Austin Energy; Review/revise any related parking code necessary to implement
8. 2-4 years	Create Electric vehicle-for-hire priority access incentives for ABIA	Create permit system to allow priority access to ABIA for electric vehicles for hire	Electric chargers placed at ABIA; Create priority access pick-up and drop off locations. Partner with ABIA and AE

TIME PERIOD	ACTIONS	POLICIES	PILOTS AND PROGRAMS
9. 2-4 years	Conduct vehicle managed charge and grid integration pilots	Conduct additional distributed energy resource studies in integrating electric vehicle charging into demand-response programs; Allocate funds for such studies	Leverage Austin SHINES project to access viability of EVs as a Distributed Energy Resource (DER) asset to support grid reliability, reduce fuel cost, and CO2 emissions

**A set of performance metrics will be developed for each implemented action to assess the benefits and impacts of the given action.

AUSTIN CODE:

ARTICLE 5. - UNIVERSAL RECYCLING.

Division 1. - General Provisions.

§ 15-6-80 - APPLICABILITY.

This article applies in the City's zoning jurisdiction.

Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; [Ord. No. 20140612-010, Pt. 1, 6-23-14.](#)

§ 15-6-81 - RESPONSIBLE PARTY GENERAL RULE; EXCEPTION.

- (A) With the exception of Subsection (B), a responsible party shall comply with any duty that is imposed on the responsible party in this Article 5.
- (B) A tenant or lessee on a premises who contracts or arranges with a hauler for solid waste service or who self-hauls is deemed the responsible party with respect to that portion of the premises over which the tenant or lessee has care, custody, control, or possession.

Source: [Ord. No. 20140612-010, Pt. 2, 6-23-14.](#)

§ 15-6-82 - RIGHT OF ENTRY.

- (A) City staff authorized by the director or the code compliance director may enter a premises to inspect for compliance with this article.
- (B) An inspector shall present the inspector's credentials to an occupant of the premises on request.
- (C) An inspector shall make a reasonable effort to locate the responsible party and request entry to the premises.

Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 3, 6-23-14.](#)

Division 2. - Service.

§ 15-6-91 - AFFECTED PREMISES.

- (A) The responsible party for a premises of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that is multi-family residential, effective:
 - (1) immediately for premises with 75 or more dwelling units;
 - (2) October 1, 2013 for premises with 50 or more but less than 75 dwelling units;
 - (3) October 1, 2014 for premises with 25 or more but less than 50 dwelling units;
 - (4) October 1, 2015 for premises with 10 or more but less than 25 dwelling units; and
 - (5) October 1, 2016 for premises with 5 or more but less than 10 dwelling units.

- (B) The responsible party for a premises of which all or part is used for office, medical office, medical facilities, religious assembly, or private educational facilities shall ensure that tenants and employees have access to on-site recycling services described under this article, for that portion of the premises that has one or more of the uses described in this Subsection (B), effective:
- (1) immediately for premises with more than 100,000 square feet of the non-residential uses described in this Subsection (B); and
 - (2) October 1, 2013 for premises with more than 75,000 square feet and up to 100,000 square feet of the non-residential uses described in this Subsection (B).
- (C) The requirements in Subsection (D) of this section are in addition to the requirements in Subsections (A) and (B) of this section.
- (D) The responsible party for a premises of which all or part is used for non-residential use, including but not limited to those uses described in Subsection (B) of this section and also including hotels and lodging, grocery stores, and commercial businesses, shall ensure that tenants and employees have access to on-site recycling services described under this article effective:
- (1) October 1, 2014 for premises with more than 50,000 square feet of any type of non-residential use;
 - (2) October 1, 2015 for premises with more than 25,000 square feet and up to 50,000 square feet of any type of non-residential use;
 - (3) October 1, 2016 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
 - (4) October 1, 2017 for all non-residential premises that are not described in (D)(1)—(3) of this subsection.
- (E) In addition to complying with the other requirements described in this section, the responsible party for a premises of which all or a portion has use attributable to a food enterprise that requires a food permit under Section 10-3-61 (*Permit Required*) of this Code to operate shall ensure that employees at the food enterprise have access to on-site diversion of organic materials effective:
- (1) October 1, 2016 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is 15,000 square feet or more;
 - (2) October 1, 2017 where the square footage in a certificate of occupancy, food enterprise permit, or similar document issued by a government entity for the food enterprise is between 5,000 square feet to 14,999 square feet; and
 - (3) October 1, 2018 for all food enterprises that hold a food enterprise permit and that are not described in (E)(1), (2) of this subsection.
- (F) For purposes of determining the effective date under this section the director may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.
- (G) A responsible party for an affected premises to which an effective date in Subsections (A)—(E) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premises is issued a certificate of occupancy.

Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 4, 6-23-14.](#)

§ 15-6-92 - DIVERSION REQUIREMENTS FOR AFFECTED PREMISES.

- (A) On-site recycling and organic material diversion services required under this article shall:

- (1) collect at least the following materials: paper (including mixed paper and office paper), plastics PETE (#1) and HDPE (#2) bottles and containers, aluminum cans, corrugated cardboard, and glass bottles and jars;
 - (2) collect organic materials, if a premises with a food enterprise is subject to Subsection (E) of Section 15-6-91 (*Affected Premises*);
 - (3) provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
 - (4) remove the recyclable or organic materials by either:
 - (a) transporting the recyclable and organic materials to a materials recovery or composting facility authorized by law;
 - (b) contracting with a City-licensed recycling service provider to transport the recyclable and compostable materials to a materials recovery or composting facility authorized by law; or
 - (c) transporting recyclable or organic material, as permitted and required by City Code, to a material recovery facility, food bank, processor, material broker, urban farm, urban ranch, rural farm, rural ranch, community garden, or a facility that prioritizes the hierarchy of beneficial use as set out in Subsection (D) of this section.
- (B) The director may add to the list of recyclable materials required under Subsection (A)(1) of Section 15-6-92 (*Recycling Requirements for Affected Premises*) by providing notice on the City's website at least 365 continuous days before adding the additional materials.
- (C) The department shall adopt rules that establish a process in which the responsible party for an affected premises can request:
- (1) a waiver of certain requirements in this article;
 - (2) approval to comply with this article by achieving the City's Zero Waste Goal through alternative means;
 - (3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (A)(1) above;
 - (4) approval to comply with this article by sharing solid waste, recycling, or organic materials diversion services;
 - (5) approval of a deduction of square footage under Subsection (E) of Section 15-6-91 (*Affected Premises*) if the food enterprise serves only pre-packaged food; or
 - (6) approval for performing recycling or organic materials diversion on-site.
- (D) In accordance with the requirements of the Good Faith Donor Act set forth in Chapter 76 of the Texas Civil Practice and Remedies Code, the department shall by rule encourage the responsible party for affected premises to follow the hierarchy of beneficial use of scrap food which, beginning with the most beneficial, is:
- (1) feeding hungry people;
 - (2) feeding animals;
 - (3) providing for industrial uses; and
 - (4) composting.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 5, 6-23-14.](#)

§ 15-6-93 - EDUCATION.

- (A) The responsible party for an affected premises shall provide recycling information and instructions in accordance with rules adopted by the director to:
- (1) all tenants and employees of the premises annually;
 - (2) a new employee or tenant no later than the thirtieth day after the tenant occupies or the employee begins work at the premises; and
 - (3) all employees or tenants not later than the 30th day after a substantive change in the recycling service offered at the premises.
- (B) The responsible party shall provide recycling information and instructions in accordance with rules adopted by the director to:
- (1) each business, tenant, or organization located at the premises annually;
 - (2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and
 - (3) all occupancies at the premises not later than the 30th day after a change in the recycling service offered.
- (C) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English and Spanish and include universal symbols as adopted by the director.
- (D) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked "Landfill Trash" in English and Spanish and in compliance with the rules adopted by the director.
- (E) Each container designated or used for collection or transport of recyclable or organic materials shall be affixed with a sign that includes:
- (1) the universal chasing arrows recycling symbol;
 - (2) the type of materials accepted written in English and Spanish; and
 - (3) the term "Recycling" or "Compostables" or "Organics", as appropriate.

Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 6, 6-23-14.](#)

Division 3. - Reporting Requirements.

§ 15-6-101 - ANNUAL DIVERSION PLAN.

- (A) The responsible party for an affected premises shall submit a recycling plan to the department by February 1 of each year starting with the year in which requirements of this article apply to the premises.
- (B) The responsible party for an affected premises shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.
- (C) A plan must:
- (1) be on a form prescribed by the director;
 - (2) list the materials to be diverted;
 - (3) state the service capacities for landfill trash, recyclables, and organic materials;

- (4) state the collection method and service providers for landfill trash, recyclables, and organic materials; and
 - (5) include information or documentation as required by the director to verify compliance with this article.
- (D) The director may exempt a property from submitting a Recycling Plan if the property contracts with the City for solid waste and recycling services or if exempting the property is consistent with the City's Zero Waste Goal set out in Resolution No. 20090115-050 and the Department's Master Plan adopted in Resolution No. 20111215-047, as those resolutions may be amended from time to time.

Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 7, 6-23-14.](#)

§ 15-6-102 - RESERVED.

Editor's note— [Ord. No. 20140612-010, Pt. 8, effective June 23, 2014](#), repealed § 15-6-102, which pertained to biannual quantity report. See the References to Ordinances for complete derivation.

§ 15-6-103 - NOTICE OF CONTRACT TERMINATION.

A person who provides recycling or organic diversion service under this article by contract with a recycling service provider shall notify the department in writing not later than the 30th day after the person terminates the contract.

Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 9, 6-23-14.](#)

§ 15-6-104 - NOTICE OF CHANGE OF PROVIDER.

- (A) The responsible party for an affected premises shall notify the department in writing if the person:
 - (1) discontinues self-hauling and contracts with a recycling or organic materials diversion service provider; or
 - (2) terminates a contract with a provider licensed under Article 3 (*Private Solid Waste Collection Service*).
- (B) A responsible party shall submit the notice required by this section to the department in accordance with rules adopted by the director.

Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018; Ord. 20130425-007; [Ord. No. 20140612-010, Pt. 10, 6-23-14.](#)

Division 4. - Registration Requirements.

§ 15-6-105 - REGISTRATION OF RECYCLING AND ORGANIC MATERIAL HAULERS AND RECYCLING PROVIDERS.

- (A) A person who owns, operates, or provides a recycling and organic material hauler or recycling processor business or service located within the territorial jurisdiction of the City or to any premises within the territorial jurisdiction of the City shall submit to the director in compliance with applicable rules adopted for such registration the following:

- (1) physical address of operation;
 - (2) proof of insurance - annual commercial fleet policy;
 - (3) drivers' licenses for company drivers, including commercial drivers' licenses, if applicable;
 - (4) proof that the recycling hauler or recycling processor is using the correct vehicle to transport recyclable materials consistent with Section 15-6-42 (*Vehicles and Equipment*); and
 - (5) other documentation as specified in applicable rules for such registration adopted by the director.
- (B) A person who owns, operates, or provides a recycling processor business agrees as a condition of such registration to submit to a random site inspection of their property or premises upon request by the director to ensure that the processor's operations are being conducted in compliance with all applicable City Codes and regulations relating to land development, health and safety, recycling, and nuisance abatement.

Source: Ord. 20101104-018; [Ord. No. 20140612-010, Pt. 11, 6-23-14.](#)

New Mesquite ordinance will limit number of dollar stores

Published August 13, 2018

The city of Mesquite is taking steps to limit the number of dollar-type stores in the growing city.

Zoning changes have been approved by the council that may make it harder for the stores to open there. The changes are about the future public and economic health for the city with almost 150,000 residents and 7,000 more single family homes being planned.

Dollar-type variety stores are popular everywhere. There are more than 15 stores in Mesquite since 2008, and there are plans for more.

“We considered a moratorium,” said Mesquite City Manager Cliff Keheley. “But the council was able to come together very quickly and put together rules and regulations which addressed their concerns and the things that we're hearing from the residents.”

Residents like store manager Vilma Ortiz say there are too many.

“I think so, with mesquite being so small,” she said. “I like them because its cheap.”

The city amended the zoning ordinance to limit the number and location of dollar-type stores.

“The main guideline was a spacing guideline stores would have to be at least 5,000 feet from another variety store,” Keheley said. “And for new stores that are coming in, we're requiring at least a ten percent dedication of floor space to fresh fruits, fresh meats and dairy products.”

A resolution said “variety stores offer inexpensive, energy-dense, low-nutritive foods and beverages rather than fresh, nutritious food.”

Mesquite wants more of supermarkets with a super selection of fresh food.

“They’re fresh,” said Kroger shopper Martha Ware. “It’s good fruit, and they have good prices.”

“We want to make sure that we provide as many opportunities for grocery stores to develop. We want the full service grocery store in our community,” Keheley said. “We're not against dollar stores. We just feel a concentration a proliferation of them would be detrimental to the long term development of our neighborhoods.”

MESQUITE CODE:

3-510 VARIETY STORES Ord. 4583 / 07-16-2018

A. Variety stores are prohibited unless the proposed use is located more than 5,000 feet from another variety store.

B. Incidental outdoor display is prohibited at allow variety stores.

C. If located at least 5,000 feet from another variety store, this use is permitted by conditional use permit (“CUP”) only. In addition to the criteria for a CUP set forth in Section 5-303. B, when reviewing a request for CUP for a variety store use, the City Council shall consider:

1. Whether the proposed variety store will likely have a detrimental impact on the development of grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use.

2. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.

3. Whether the proposed use is within a food desert as defined by the United States Department of Agriculture at the time of application.

D. A CUP approved under this section must stipulate that a minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.

E. A nonconforming variety store in existence on August 1, 2018, may relocate on the same parcel or within the same area shopping center that it currently exists without obtaining a CUP provided the nonconforming variety store has not been terminated as provided in Section 1-304, Termination of Nonconforming Situations, of Part 1 of the zoning ordinance and the use complies with all other applicable regulations.

Fort Worth City Council passes regulations to limit spread of dollar stores

[BY CARLA JIMENEZ](#)

DECEMBER 04, 2019 01:00 PM,

UPDATED DECEMBER 04, 2019 08:02 PM

'They don't provide any vital service.' One neighborhood's fight against another dollar store

The Rolling Hills Neighborhood in southeast Fort Worth is fighting the proposed construction of a Family Dollar in their community. There are already nine Family Dollar locations within a three-mile radius, say community leaders. BY [AMANDA MCCOY](#)

FORT WORTH

Six months after the Rolling Hills community tried and failed to [fight the opening of a new Family Dollar](#), the city of Fort Worth passed measures that would limit the opening of new dollar stores.

The city council passed the measure at its meeting Tuesday night. The vote was 8-1, with Councilman Brian Byrd being the only “no” vote.

The measure was an amendment to the city’s zoning ordinance.

It defines dollar stores as “small box discount stores” that have a floor area of less than 10,000 square feet and sell a variety of home and personal goods, and also food and beverages, but do not sell gasoline or have a prescription pharmacy. The definition also includes that small-box discount stores dedicate less than 15 percent of their space for fresh food and vegetables.

The amendment requires that future dollar stores meet two requirements: They can not be located within 2 miles of an existing dollar store, and at least 10% of the store must include fresh produce, meat and dairy products.

The first requirement addresses the issue of proliferation, and the second requirement addresses the issue of the quality of products the stores offer.

Councilwoman Kelly Allen Gray was the one to champion this amendment. Her district, which covers much of east and southeast Fort Worth, is heavily affected by the proliferation of dollar stores.

Gray says working with existing stores to offer more fresh produce is the next step, and one that she is currently working on.

“I’m excited that (the amendment) passed,” Gray said. “I think it is a really good first step at looking at how we reduce the saturation of dollar-type stores in east and southeast Fort Worth,” she said. “The next step would be to work with one of these stores to actually pilot that program so that other stores can see that that program is successful.”

As the only dissenting vote, Byrd said he did not approve of regulating what private stores should sell.

“While the proliferation of small box stores has created a retail crowding problem in parts of our city, I don’t believe that putting more restrictions on property owners is the right solution,” Byrd said. “I would

have preferred to see us work with the current store owners and neighborhoods, whether through education or introductions, to facilitate the retail of grocery produce in areas that are without.”

According to a report by the Institute for Local Self-Reliance, dollar stores operate on a business model of oversaturation, thereby crowding out competitors or potential competitors.

In rural communities, they often become the singular source for grocery needs and in poor and underserved minority communities, they proliferate until no other business wants to locate there.

The passage of this amendment only applies to future dollar stores -- it does not apply to the ones that already exist.

As of November, 14 permits for dollar stores were approved, 12 of which were new construction. This ordinance doesn't affect these new stores.

FORT WORTH CODE:

§ 5.151 SMALL BOX DISCOUNT STORE.

Small box discount store may be permitted in accordance with the use tables in Chapter 4, Articles 6, 8 and 12, the city council may consider the following criteria:

(a) The proposed location is no less than two miles from any existing small box discount store. The measurement shall be in a direct line from the property line of the proposed small box discount store to the property line of the existing small box discount store, in a direct line across intersections.

(b) A minimum of 10% of the floor area is dedicated to fresh produce, meat and dairy products.

(Ord. 23971-12-2019, § 1, passed 12-3-2019, eff. 12-11-2019)