



**CITY COUNCIL
CALLED SPECIAL SESSION MINUTES
AUGUST 28, 2023**

PRESENT:

Dr. Christopher Harvey, Mayor (Absent)

COUNCIL MEMBERS:

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

CITY STAFF:

Scott Moore, City Manager
Lluvia T. Almaraz, City Secretary
Scott Dunlop, Development Services Director
Scott Jones, Economic Development Director
Lydia Collins, Finance Director
Tracey Vasquez, HR Director
Pauline Gray, P.E., City Engineer
Matthew Woodard, Public Works Director
Phil Green, IT Director
Christina M. Lane, Finance Advisor
Veronica Rivera, Assistant City Attorney
Paige Saenz, City Attorney

SPECIAL SESSION – 5:00 P.M.

With a quorum of the Council Members present, the special session of the Manor City Council was called to order by Mayor Pro Tem Emily Hill at 5:03 p.m. on Monday, August 28, 2023, in the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

INVOCATION

Mayor Pro Tem Emily Hill asked for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Emily Hill led the Pledge of Allegiance.

PUBLIC COMMENTS

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card and expressed his concerns regarding the Historic District of Manor, Comprehensive Plan, Manor Cemetery, and opposition to Agenda Items Nos 1 and 2.

No one else appeared at this time.

REGULAR AGENDA

1. Discussion on potential Capital Projects priorities for the proposed FY23-24 Annual Budget.

City Manager Moore discussed the tax rate that was presented at the August 16, 2023, regular council meeting. City Manager Moore is requesting direction from the City Council on additional Capital Projects priorities that had not been discussed or projected within the proposed FY23-24 Annual Budget.

Director of Finance Collins discussed the attached Ad Valorem Rate/Revenue Comparison Chart that had been provided to the Council at the August 16, 2023, regular council meeting.

The discussion was held regarding samples of debts of capital projects that could be issued.

The discussion was held regarding the bond propositions that were being presented to the voters in November.

The discussion was held regarding proposed city projects that had been discussed at the August 16, 2023, regular council meeting.

The discussion was held regarding the FY23-24 Annual Budget that will be presented at the September 6, 2023, regular council meeting.

The discussion was held regarding the proposed capital projects for Downtown Manor.

Council Member Wallace made a statement regarding the proposed capital improvement projects for the City of Manor residents.

The discussion was held regarding clarification on the proposed Tax Rate of .6789.

The discussion was held regarding clarification on the Maintenance and Operations (M&O) and Debt Services (I&S) amounts.

City Attorney Saenz clarified that staff was seeking direction from the City Council on whether or not to move forward with the bid process on taking bids of the proposed tax notes to fund Capital Projects for FY23-24.

Financial Advisor Lane expressed the process and timeline for the bid process. She discussed the proposed tax rate that had been presented to the City Council at the August 16, 2023, regular council meeting.

City Attorney Saenz discussed the process that would be needed if the Council decided to reconsider the Tax Rate that was previously presented at the August 16, 2023, regular council meeting.

The discussion was held regarding clarification of the tax rate that did not pass due to the 60% vote requirement for adoption.

There was no further discussion or action taken.

2. Consideration, discussion, and possible action on directing Bond Counsel and Financial Advisor to take bids on proposed tax notes to fund Capital Projects for FY 23/24.

MOTION: Upon a motion made by Council Member Wallace and seconded by Council Member Amezcua, to not direct Bond Counsel and Financial Advisor to take bids on proposed tax notes to fund Capital Projects for FY23/24 at this time.

There was no further discussion.

Motion to approve denial carried 6-0

3. Discussion on the Legislative Update.

Assistant City Attorney Rivera discussed the attached draft summary of the 88th Legislative Session - Planning-related Bills of Note.

There was no further discussion or action taken.

ADJOURNMENT

The Special Session of the Manor City Council Adjourned at 6:29 p.m. on Monday, August 28, 2023.

These minutes were approved by the Manor City Council on the 6th day of September 2023.

APPROVED:

Dr. Christopher Harvey
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Draft Minutes

Ad Valorem Rate/Revenue Comparisons

2023	
Taxable Value	2,101,439,419
Projected Debt Service	4,177,524

PROPOSED RATE FY 2023-24

	0.7470 2022 (current) Ad Valorem Tax Rate		0.6763 2023 AV Rate to... NNR Rate		0.6711 2023 AV Rate to... Voter Approval Tax Rate		0.6789 2023 AV Rate to... De Minimis Rate		0.6552 2023 No New Rev M&O Rate		0.6711 2023 Unused Increment Rate	
Taxable Property Value		1,763,624,291	2,101,439,419		2,101,439,419		2,101,439,419		2,101,439,419		2,101,439,419	
Debt Service (I&S)	0.2380	2,186,096	4,177,524	0.1987	4,177,524	0.1987	4,177,524	0.1987	4,177,524	0.1987	4,177,524	0.1987
Operations (O&M)	0.5090	8,976,848	10,036,475	0.4776	9,927,200	0.4724	10,091,112	0.4802	9,593,071	0.4565	9,927,200	0.4724
Total AV Revenues		11,162,944	14,213,998		14,104,723		14,268,636		13,770,594		14,104,723	
Total AV Tax Rate	0.7470			0.6763		0.6711		0.6789		0.6552		0.6711
Change in O&M Revenues			1,059,627.02		950,352		1,114,264		616,223		950,352	
Change in AV Tax Rate				-0.0707		-0.0759		-0.0681		-0.0918		-0.0759
Tax on average residence @ last year's value		242,618 1,812.36										
Tax on average residence @ this year's value			273,027 1,846.48		273,027 1,832.28		273,027 1,853.58		273,027 1,788.87		273,027 1,832.28	
Difference			34.13		19.93		41.22		(23.48)		19.93	

88th Legislative Session – Planning-Related Bills of Note

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 14</u>	09/01/2023	Determine if the City wishes to employ a third party inspector. Ensure contract includes deadlines for performing review. Update ordinances if needed.	NA	<u>Local Government Code Chapter 247</u>

Subject: Allowing for Third Party Inspections and Review of Development Applications

Summary: Provides (1) for a third-party review of certain development documents, permits, and inspections if a city fails to approve, conditionally approve, or disapprove the documents or conduct the inspection by the 15th day following the time prescribed by law for the review or inspection; (2) that a third-party document review may be performed by certain qualified persons, including: (a) a licensed engineer; or (b) a reviewer employed by the city or any other political subdivision, if the city approves the person; (3) that a third-party inspection may be performed by certain qualified persons, including: (a) a certified building inspector; (b) a licensed engineer; or (c) an inspector employed by the city or any other political subdivision, if the city approves the person; (4) that the city cannot collect an additional fee for the third-party review or inspection; (5) that the person performing the review or inspection must satisfy all applicable regulations and provide notice to the regulatory authority within 15 days of completion; and (6) that a person may appeal to the governing body of a political subdivision a decision to conditionally approve or disapprove a development document made by the regulatory authority for the political subdivision or a third party reviewer or inspector.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 73</u>	09/01/2023	Informational.	NA	<u>Civil Practice and Remedies Code § 75.006</u>

Subject: Landowner Liability

Summary: Provides that a landowner or lessee is not liable for damages arising from any incident or accident involving their livestock due to an act or omission of a firefighter or a peace officer who has entered

the landowner's property with or without the permission of the landowner, regardless of where the damage occurs.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 783</u>	09/01/2023	Informational. Ordinance is prepared after a request is received.	NA	Health & Safety Code §711.008
Subject: Designed to provide a mechanism for establishing or using cemeteries within municipalities and counties while ensuring that public health, safety, and welfare are not compromised. It also sets out clear guidelines for applicants, making it easier to navigate the process of establishing or using a cemetery.				
Summary: Provides that in a city in a county with a population of more than 750,000 or a city in a county adjacent to a county with a population of more than 750,000: (1) an individual, corporation, partnership, firm, trust, or association may file a written application with the city council to establish or use a cemetery located inside the city limits; and (2) the city council by ordinance shall prescribe the information to be included in the application in (1), above, and may authorize the establishment or use of the cemetery if the city council determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 586</u>	Immediately	Informational. Update annexation procedure for annexation of roadway. Understand that ETJ is not expanded by annexation of ROW.	NA	<u>Local Government Code § 43.1055</u>
Subject: Annexation of Roadways				
Summary: (1) a city may annex a road right-of-way (ROW) that: (a) is contiguous to the city's boundary or to an area being simultaneously annexed by the city; (b) is either: (i) parallel to the boundary of the city				

or to an area being simultaneously annexed by the city; or (ii) connects the boundary of the city to an area being simultaneously annexed by the city or to another point on the city’s boundary; and (c) does not result in the city’s boundaries surrounding any area that was not already in the city’s extraterritorial jurisdiction (ETJ) immediately before the annexation of the ROW; (2) a city may annex a ROW under (1), above, only if: (a) the owner of the ROW or the governing body of the political subdivision that maintains the ROW requests the annexation of the ROW in writing; or (b) both: (i) the city provides written notice of the annexation to the owner of the ROW or the governing body of the political subdivision that maintains the ROW not later than the 61st day before the date of the proposed annexation; and (ii) the owner or the governing body of the political subdivision that maintains the ROW does not submit a written objection to the city before the date of the proposed annexation; and (3) an annexation of ROW described by (1)(b)(ii), above, does not expand the city’s ETJ.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 1381</u>	09/01/2023	Update zoning ordinance if needed and desired.	NA	<u>Local Government Code § 211.007(b)</u>
Subject: Zoning Hearing Procedural Requirements for Planning Commission – Clarifies that only one public hearing on a preliminary report on the zoning recommendation is required before submitting the final report to City Council.				
Summary: Requires zoning commission to hold at least one public hearing on a preliminary report related to a proposed change in zoning classification before submitting a final report to the city’s governing body.				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 1707</u>	09/01/2023	Update ordinances as applicable	09/01/23 and After	
Subject: Regulation of Open Enrollment Charter Schools				
Summary: Provides, among other things, that: (1) to be considered a school district by a city for the purposes below, the governing body of an open-enrollment charter school must certify in writing to the city				

that no administrator, officer, or employee the school and no member of the governing body of the charter school or its charter holder derives any personal financial benefit from a real estate transaction with the charter school; (2) a city shall consider an open-enrollment charter school that qualifies under (1), above, a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (3) a city may not consider an open enrollment charter school a school district for the purpose of collection of impact fees; (4) a city may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (5) the provisions above apply to property owned or leased by the charter school; and (6) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes.

Bill No.	Effective Date	Recommended Action	Deadlines/Applies to	Statutes Affected
H.B. 1750	09/01/2023	Review existing and future ordinances for compliance. If existing ordinances regulate the agricultural operations that may continue to be regulated under HB 1750, determine if the City wishes to continue the regulations, and if so, follow the required procedure to adopt them.	09/01/2023 and after; Applies to existing and future ordinances.	Agriculture Code Chapter 251

Subject: Imposes Certain Requirements the City Must Meet to Regulate Certain Agricultural Operation; Imposes Some Limitations on City Regulation of Certain Agricultural Operations

Summary: 1. expands the definition of “agricultural operation” to include: (a) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, plantings seed or fiber; and (b) the raising or keeping livestock or poultry, including veterinary services; 2. provides that a city may not impose a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless: (a) the city council makes a finding by resolution, based on a report described in Number 3, below, that there is clear and convincing evidence that the purposes of the requirement cannot be addressed through less restrictive means and that the requirement is necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of: (i) the likelihood of an explosion; (ii) flooding; (iii) an infestation of vermin or insects; (iv) physical injury; (v) the spread of an identified disease that is directly attributable to the agricultural operation; (vi) the removal of lateral or subjacent support; (vii) an identified

source of contamination of water supplies; (viii) radiation; (ix) improper storage of toxic materials; (x) crops planted or vegetation grown in a manner that will cause traffic hazards; or (xi) discharge of firearms or other weapons subject to local restrictions; (b) the governing body of the city makes a finding by resolution, based on the report described in Number 3, below, that the requirement is necessary to protect public health; and (c) the requirement is not otherwise prohibited by the statute governing limitations on city governmental requirements applicable within corporate boundaries; 3. provides that before making a finding described in Number 2, above, the city council must obtain and review a report prepared by the city health officer or a consultant that: (a) identifies evidence of the health hazards related to agricultural operations; (b) determines the necessity of regulation and the manner in which agricultural operation should be regulated; (c) states whether each manner of regulation under (3)(b), above, will restrict or prohibit a generally accepted agricultural practice; and (d) if applicable, includes an explanation why the report recommends a manner of regulation that will restrict the use of a generally accepted agricultural practice; 4. prohibits a city from imposing a governmental requirement that directly or indirectly: (a) prohibits the use of generally accepted agricultural practices listed in a manual prepared by the Texas A&M AgriLife Extension Service; (b) prohibits or restricts the growing or harvesting of vegetation for animal feed, livestock forage, or forage for wildlife management except as provided by Number 5, below; (c) prohibits the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent an infestation; or (d) requires an agricultural operation be designated for an agricultural use or farm, ranch, wildlife management, or timber production under the Texas Constitution; 5. provides that a city may impose a maximum height for vegetation that applies to agricultural operations only if: (a) the maximum vegetation height is at least 12 inches; and (b) the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to: (i) a public sidewalk, street, or highway, or (ii) a property that is owned by a person other than the owner of the agricultural operation and has a structure that is inhabited; and 6. provides that a governmental requirement of a city relating to the restraint of a dog that would apply to an agricultural operation does not apply to a dog used to protect livestock on property controlled by the property owner; and 7. provides that a city may require a person to provide a written management plan that meets certain specifications to establish that activities constitute an agricultural operation on the basis of being wildlife management activities.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 2308</u>	09/01/2023	Informational. Review compliance before bringing any nuisance/enforcement action against agricultural operations.	Affects nuisance lawsuits	<u>Agriculture Code § 251.001</u>
Subject: Prohibition of Restraining Certain Agricultural Operations; Remedies for the Landowner Expanded				
Summary: Provides that: (1) the definition of “agricultural operation” includes producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber; and (b) raising or keeping livestock or poultry, including veterinary services; (2) the date an				

agricultural operation is established is the date on which an agricultural operation commenced; (3) a “substantial change” to an agricultural operation means a material alteration to the operation of or type of production at an agricultural operation that is substantially inconsistent with the operational practices since the established date of operation; (4) **no action to restrain an agricultural operation may be brought against an operation that has been in operation and substantially unchanged for at least one year;** (5) **remedies for an agricultural operator against whom an action is brought are expanded to include any damages found by the trier of fact;** (6) **an occupant of any land on which agricultural operations exist or take place is not liable to the state or a governmental unit for the construction or maintenance on the land of an agricultural improvement if the construction is not expressly prohibited by state statute in effect at the time the improvement is constructed;** and (7) any other law is preempted to the extent of a conflict with the law governing governmental requirements on agricultural operations.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 2371	09/01/2023	Update City ordinances/policies to implement this statute, if desired.	NA	Health and Safety Code § 713.009

Subject: Cemeteries – Circumstances for Making Additional Burial Spaces Available

Summary: Provides: (1) that a city may make additional burial spaces available in a city cemetery if: (a) the city has had possession and control of the cemetery for at least 25 years; (b) the city holds a public hearing; (c) the cemetery has been consistently maintained in accordance with other law; and (d) selling of additional spaces will not endanger public health, safety, comfort, and welfare; and (2) for a process to determine whether a burial plot has been abandoned.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 2947	Immediately	Informational. See HB 1750 and 2308 for recommended action.	09/01/2023 and after	Agriculture Code § 215.002

Subject: Definition of Agricultural Operation Expanded

Summary: Expands the definition of “agricultural operation” to include the commercial sale of poultry, livestock, and other domestic and wild animals for purposes of preempting certain nuisance actions and governmental requirements on preexisting agricultural operations.

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Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 3526	09/01/2023	Informational. Determine if ordinance amendments are required to remove regulations.	09/01/2023 and after	Local Government Code § 214.221
Subject: Prohibition Against Regulating Solar Pergolas				
Summary: Prohibits a city from applying a local building code to the construction of a solar pergola.				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 3699	09/01/2023	Update subdivision regulations, processes, and forms. Additional action items are highlighted in green below. Determine whether plat/plan approvals will be delegated to staff.	09/01/2023 and after for ordinance amendments. <u>By 01/01/2024:</u> Adopt and make available to the public the written docs and information required to be submitted with an application. HB 3699 applies to applications submitted after 9/1/2023.	Local Government Code § 212.001 (2) and (3)
Subject: Amendments to the Platting Shot Clock Regulations				

Summary: Provides that:

1. subdivision development plans, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan are no longer subject to the 30-day review and approval shot clock;
2. the state statute governing city regulation of subdivisions may not be construed to restrict a city from establishing a submittal calendar to be used by an applicant to facilitate compliance with the shot clock for plat review;
3. **a city council, by ordinance and after notice is published in a newspaper of general circulation in the city, may: (a) adopt reasonable specifications relating to the construction of each street or road based on the amount and kind of travel over each street or road in a subdivision; and (b) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; [Note: Future amendments to transportation and drainage specifications must comply with this process.]**
4. a landowner subdividing property must prepare a plat when the owner intends parts of the subdivided tract to be dedicated to public use;
5. **a plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements to the city council or the municipal authority responsible for approving plats; [Action Item: Update review procedures to comply. Completeness check is tied to the list of required application materials that must be published.]**
6. **the city council or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law;**
7. the city authority responsible for approving plats must approve a plat or replat that is required to be prepared pursuant to Subchapter A, Chapter 212 of the Local Government Code, and that subchapter may not be construed to convey any authority to a city regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by the subchapter;
8. **a city council or city planning commission may delegate the ability to approve, approve with conditions, or disapprove a plat to municipal officers or employees; [Note: Determine if the city wishes to authorize this delegation of authority.]**
9. an applicant has the right to appeal a delegated plat application disapproval decision under Number 8, above, to the city council or the city planning commission;
10. **by January 1, 2024, a city shall adopt and make available to the public a complete, written list of all documentation and other information that the city requires to be submitted with a plat application;**
11. an application submitted to the city that contains all documents and other information on the list provided by Number 10, above, is considered complete;
12. **a city that operates a website must publish and continuously maintain the list described by Number 10, above, on the website not later than the 30th day after the date the city adopts or amends the list;**
13. **a city that does not operate a website must publish the list described by Number 10, above, in a newspaper of general circulation in the city and a public place in the location in which the city council meets;**
14. the statutory approval timeframes may be extended for multiple 30-day periods under certain circumstances;
15. **the city authority responsible for approving plats may not require dedication of land within a subdivision for a future street or alley that is not: (a) intended by the owner of the tract; and (b) included, funded, and approved in the city's capital improvement plan; [Action Item: Update City ordinances as needed; make sure roads the City desires to be dedicated are included in the City's CIP]**

16. a city authority responsible for approving plats may not refuse to review a plat or to approve a plate for recordation for failure to identify a roadway corridor unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the city is located; and

17. if a city authority responsible for approving plats fails or refuses to approve a complying plat application, the owner of the tract may bring an action in district court for: (a) a writ of mandamus to compel the city to approve the plat; and (b) reasonable attorney fees and costs.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.J.R. 126	11/07/2023 (Effective if approved at the election on November 7, 2023)	Informational.	NA	Article I, Texas Constitution
Subject: Right to farming, Ranching and Wildlife Management				
Summary: Amends the Texas Constitution to, among other things: (1) protect the right of individuals in Texas to engage in farming, ranching, timber production, horticulture and wildlife management practices on their property; and (2) allow cities to regulate these activities if there is clear and convincing evidence that regulation is necessary to protect public health and safety from imminent danger.				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
S.B. 543	Immediately	Informational. Useful Tool.	NA	Local Government Code § 253.0125
Subject: Addresses Conveyance of Real Property for Economic Development Purposes; Establishes Procedures for Conveyance				
Summary: (1) provides that a city that has entered into an economic development agreement authorized by Chapter 380 of the Local Government Code with an entity may transfer to the entity real property or an interest in real property for consideration if: (a) the agreement requires the entity to use the property in a manner that primarily promotes a public purpose relating to economic development; and (b) the agreement				

includes provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (2) prohibits the city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (3) provides that before a city may transfer real property or an interest in real property under an agreement as provided by the bill, the city must provide notice to the public published in a newspaper of general circulation in the county in which the property is located or, if there is no such newspaper, by any means for the city to provide public notice authorized by statute or by ordinance of the city; (4) provides that the notice in (3), above, must: (a) include a description of the property, including its location; (b) be provided within 10 days before the date the property or an interest in the property is transferred; and (c) be published for two separate days within the period prescribed by (4)(b), above, if the notice is published in a newspaper; and (5) prohibits the city from transferring real property for consideration if the property was acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
S.B. 580	09/01/2023	Informational.	NA	Local Government Code § 232.0085(a)
Subject: County Cancellation of Plats				
Summary: Extends a county’s power to cancel a subdivision plat filed and approved before September 1, 1989 for undeveloped property to subdivisions located in a city’s ETJ if the city is not authorized to regulate plats and approve related permits in that area of the ETJ through an applicable agreement with the county.				

Bill No.	Effective Date	Recommended Action	Deadlines/Effective	Statutes Affected
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S.B. 929	Immediately	Establish Process to Determine when this Law is Applicable to a Zoning Amendment. Update Procedures and Notices Accordingly.	Immediately	Local Government Code § 211.006
Subject: Addressing Required Notice for Zoning Changes that Create a Nonconforming Use and Requiring Compensation				
<p>Summary: Provides (1) that in addition to other notices, a city shall provide written notice containing certain language of any public hearing regarding any proposed zoning change that could result in the creation of a nonconforming use; (2) that the notice required in (1), above, must: (a) be sent by mail to certain addresses; (b) contain the time and place of the hearing; and (c) include specific notice language; (3) a person using property in a manner considered to be a nonconforming use as a result of a change in an applicable zoning regulation may continue that nonconforming use unless required to stop by the city; (4) that a requirement to stop a nonconforming use includes: (a) an official action by the city; or (b) a determination by the city that the nonconforming use has an adverse effect or another necessary determination that the city must make prior to imposing a requirement to stop a nonconforming use; (5) that if a nonconforming use is required by a city to cease operation, the owner or the lessee of the property is entitled to receive a certain, calculated payment for damages associated with closing the operation or additional time to engage in the nonconforming use; and (6) for a process to appeal determinations to the board of adjustment, along with a process to seek judicial review of the final decision of the board of adjustment.</p>				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
S.B. 2038	09/01/2023	Informational.	09/01/2023	Local Government Code Chapter 42
Subject: Allowing Landowners to Petition for Release from Cities' ETJ's; Establishing Exceptions and Procedures.				
<p>Summary: 1. the ability to pursue release from city's extraterritorial jurisdiction (ETJ) by petition or election, as described below, does not apply to an area located: (a) within five miles of the boundary of a military base at which an active training program is conducted; (b) in an area that was voluntarily annexed into the ETJ that is located in a specific county; (c) within the portion of the ETJ of a specific city that is within 15 miles of the boundary of a military base; (d) in an area designated as an industrial district; or (d) in an area subject to a strategic partnership agreement;</p> <p>2. the owner or owners of the majority in value of an area consisting of one or more parcels of land in a city's extraterritorial jurisdiction may file a written petition with the city to be released from the ETJ;</p>				

3. a petition requesting release must be signed by: (a) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or (b) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district;
4. a person filing a petition must satisfy the signature requirement in Number 3, above, not later than the 180th day after the date the first signature for the petition is obtained;
5. a petition under Number 3, above, must include a map of the land to be released and describe the boundaries of the land to be released by metes and bounds or lot and block number, if there is a recorded map or plat;
6. a petition requesting removal from the ETJ shall be verified by the city secretary or other person responsible for verifying signatures;
7. a city shall notify the residents and landowners of the area described by the petition of the results of the petition;
8. if a resident or landowner obtains the number of signatures on the petition required by Number 3, above, to release the area from the city's ETJ, the city shall immediately release the area from the ETJ;
9. if a city fails to take action to release the area from the ETJ under Number 7, above, by the later of the 45th day after the date the city receives the petition or the next meeting of the city council that occurs after the 30th day after the date the city receives the petition, the area is released by operation of law;
10. an area released from a city's ETJ by petition may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city's ETJ or corporate boundaries;
11. a resident of an area in a city's ETJ may request the city to hold an election to vote on the question of whether to release the area from the city's ETJ by filing with the city a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date; 12. a resident may not request another election on the question of releasing the same or substantially same area from the city's ETJ before the second anniversary of the date the city receives a petition under Number 11, above;
13. a petition under Number 11, above, must include a map of the land to be released and describe the boundaries of the land to be released by metes and bounds or lot and block number, if there is a recorded map or plat;
14. a city shall order an election on the question of whether to release an area from the city's ETJ to be held on the first uniform election date that falls on or after the 90th day after the date the city receives a petition under Number 11, above;
15. the city shall hold an election described by Number 14, above, in the area described by the petition at which the qualified voters of the area described by the petition may vote on the question of the release;
16. not later than 48 hours after the canvass of an election held under Number 14, above, the city shall notify the residents of the area proposed to be released from the city's ETJ of the results of the election;
17. if a majority of qualified voters of the area to be released from the ETJ approve the proposed release at the election held under Number 14, above, the city shall immediately release the area from the ETJ;
18. if a city fails to take action to release the area from the ETJ under Number 17, above, by the later of the next meeting of the city council or the 15th day after the canvass date for the election, the area is released by operation of law;
19. an area released from a city's ETJ by election may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city's ETJ or corporate boundaries;
20. instead of holding an election under Number 14, above, a city may voluntarily release an area for which the election is to be held from the city's ETJ before the date on which the election would have been held;
21. an annexation commenced after January 1, 2023 does not automatically expand a city's ETJ unless contemporaneously with the annexation the owner or owners of the area that would be included in the city's ETJ as a result of the annexation request that the area be included in the city's ETJ;

22. cities must take action to release any ETJ acquired from an annexation commenced after January 1, 2023, as necessary to comply with Number 21, above; and

23. if an area subject to an agreement reached between a city and a county authorizing the city to regulate subdivisions in the ETJ is removed from a city’s ETJ, the agreement is terminated as to the area and the county is the political subdivision authorized to regulate subdivisions in the removed area.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
S.B. 2440	01/01/2024	Update Subdivision Ordinances and Application List to Incorporate This Requirement	01/01/2024	Local Government Code § 212.0101
Subject: Certification of Groundwater Supply Required for Certain Plats				
Summary: (1) requires certain plats for the subdivision of land to include proof of groundwater supply; and (2) allows a city to waive the requirement from (1), above, if: (a) the entire tract will be supplied with groundwater from certain aquifers; or (b) the tract is being subdivided into not more than 10 parts.				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 2071	Immediately	Informational.	NA	Local Government Code § 303.021
Subject: Public Facility Corporation Exemptions				
Summary: A PFC or a sponsor may: 1. Only finance, own, or operate a multifamily residential development located in the area of operation or jurisdictional boundaries of the sponsor; 2. To receive beneficial tax treatment for a multifamily development located in a city, a PFC must meet certain minimum thresholds related to affordable housing availability, give certain notice to affected city,				

obtain consent of the city in certain circumstances and provide feasibility and other financial analyses related to the project;

3. Certain protections are extended to tenants living in multifamily developments owned by PFCs;
4. All materials used to improve real property of a PFC are exempt from sales and use taxes;
5. PFCs must make annual reports to the TDHCA and chief appraiser and make certain information publicly available on their websites; and
6. Legislative Budget Board must conduct a study to assess long-term effect the exemptions for qualifying multifamily development projects have on state's revenue.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 2334	09/01/2023	Update Ordinances as Needed.	09/01/2023 and After	Texas Occupations Code § 1301.059
Subject: Creates Additional Exceptions to the Plumbing Licensing Law				
<p>Summary: Provides that: (1) a person is not required to be licensed under the plumbing licensing law to perform plumbing work consisting of installing, servicing, or repairing service mains or service lines that provide water, sewer, or storm drainage services on private property in an area that extends from a public right-of-way or public easement to not less than five feet from a building or structure; and (2) the exemption to licensure in (1), above, does not apply to plumbing work performed on private property designated for use as a one-family or two-family dwelling.</p>				

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
<u>H.B. 1922</u>	01/01/2024	Determine when fees need to be reauthorized. Establish and track a schedule for doing so. Consider making this part of the annual budget process.	01/01/2024	<u>Government Code § 1231.064</u>
Subject: Reauthorization of Building Permit Fees				

Summary: Would abolish a city fee charged as a condition to constructing, renovating, or remodeling a structure on the 10th anniversary after date fee is adopted or most recently authorized unless city holds a public hearing and reauthorizes the fee by a vote.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 3492	09/01/2023	Update fee schedule to comply with this section as part of the 2023/24 budget process	09/01/2023	Government Code § 212.096

Subject: Value-Based Fees Prohibited

Summary: Cities may not consider the cost of constructing or improving public infrastructure for a subdivision, lot, or related property development in determining amount of a fee subject to this section. City must determine the fee by considering the actual cost to, as applicable, review and process the engineering or construction plan or to inspect the public infrastructure improvement.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 3727 S.B. 1420	Immediately	Informational.	Immediately	Tax Code § 351.001(2)

Subject: Hotel Occupancy Tax

Summary: Amends definition of “convention center facilities” to include parking facilities only if located within 1,500 feet of the convention center; defines “tourist” to include an individual who travels for business; adds definition of “multiuse facility”; changes due date to report to March 1st and adds additional reporting requirements.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 2127	09/01/2023	Informational. Discuss with Executive Staff/Council Options Related to this Law. Monitor caselaw development.	09/01/2023	Multiple

[Subject: Preemption of City and County Regulatory Authority In Certain Fields of Preemption](#)

Summary: Unless expressly authorized by another statute, a municipality or county may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of this code.

1. may not be construed to prohibit: (a) a city from building or maintaining a road, imposing a tax, or carrying out any authority expressly authorized by statute; or (b) a home-rule city from providing the same services and imposing the same regulations that a general-law city is authorized to provide or impose;
2. does not affect the authority of a city to: (a) adopt, enforce, or maintain an ordinance or rule that relates to the control, care, management welfare, or health and safety of animals, except as expressly provided by the bill; (b) conduct a public awareness campaign; (c) enter into or negotiate terms of a collective bargaining agreement with its employees or adopt a policy related to its employees; and (d) repeal or amend an existing ordinance, order, or rule that violates provisions of the bill for the limited purpose of bringing that ordinance, order, or rule in compliance with the bill;
3. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Agriculture Code;
4. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Business and Commerce Code;
5. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Finance Code, except that a city may enforce or maintain an ordinance regulating a credit services organization or a credit access business if the city adopted the ordinance before January 1, 2023 and the ordinance would have been valid under the law as it existed before the enactment of the bill;
6. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Insurance Code;

7. provides that: (a) unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Labor Code; and (b) a field occupied by a provision of the Labor Code includes employment leave, hiring practices, breaks, employment benefits, scheduling practices, and any other terms of employment that exceed or conflict with federal or state law for employers other than a city;
8. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Natural Resources Code;
9. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Occupations Code, though city authority to regulate a massage establishment is not preempted;
10. provides that: (a) unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Property Code; and (b) a field occupied by a provision of the Property Code includes an ordinance regulating evictions or otherwise prohibiting, restricting, or delaying delivery of notice to vacate or filing a suit to recover possession of the premises;
11. provides that an ordinance, order, or rule that violates Numbers 3 through 10, above, is void, unenforceable, and inconsistent with the specified code;
12. prohibits a city from adopting, enforcing, or maintaining an ordinance or rule that restricts, regulates, limits, or otherwise impedes: (a) a business involving the breeding, care, treatment, or sale of animals or animal products, including a veterinary practice, or the business's transactions if the person operating the business holds a license for the business that is issued by the federal government or a state; or (b) the retail sale of dogs or cats, except that a city may enforce or maintain an ordinance or rule adopted before April 1, 2023, that restricts, regulates, limits, or otherwise impedes the retail sale of dogs or cats until the state adopts statewide regulations for the retail sale of dogs or cats, as applicable;
13. provides that a city council may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of the state;
14. provides that any person or trade association representing a person who has sustained an injury in fact, actual or threatened, from a city ordinance, order, or rule adopted in violation of Numbers 3 through 12, above, may bring an action against the city, and governmental immunity to suit and from liability is waived to the extent of any liability;
15. provides that a claimant is entitled to recover declaratory and injunctive relief and costs and reasonable attorney's fees in an action brought under Number 14, above;
16. provides that a city is entitled to recover costs and reasonable attorney's fees in an action brought under Number 14, above, if the court finds the action to be frivolous;

17. entitles a city to receive notice of a claim against it under Number 14, above, not later than three months before the date a claimant files an action, and the notice must reasonably describe the injury claimed and the ordinance, order, or rule that is the cause of the injury;
18. provides that a claimant may bring an action against a city under Number 14, above, in the county in which all or a substantial part of the events giving rise to the cause of action occurred or in a county in which the city is located; and
19. prohibits an action from being transferred to a different venue without the written consent of all parties.

Bill No.	Effective Date	Recommended Action	Deadlines	Statutes Affected
H.B. 3579	09/01/2023	Informational. Update ordinances and processes as necessary	09/01/2023	Occupations Code 455.055

Subject: Massage Establishments

Summary

1. the statutes governing massage therapy do not affect a local regulation that relates to: (a) zoning requirements, including conditional use permits; (b) hours of operation; or (c) other similar regulations for massage establishments;
2. except as provided for in state law governing city and county authority to regulate sexually oriented business, a political subdivision may not adopt a regulation of the type described by Number 1, above, that is more restrictive for massage therapists than for other health care professionals;
3. a political subdivision may not adopt a regulation of the type described by Number 1, above, that is more restrictive for massage establishments than for other health care establishments, except that a more restrictive regulation may be adopted: (a) as provided by state law governing city and county authority to regulate sexually oriented business; or (b) if the regulation relates to the location, ownership, hours of operation, or operation of a massage establishment: (i) where three or more arrests have occurred or citations in lieu of arrest have been issued for certain offenses that were committed at the massage establishment; (ii) where certain offenses were committed that resulted in a conviction; (iii) that is operating at a location where another massage establishment against which a sanction was imposed for a violation of this chapter previously operated; or (iv) that is operating at a location where another massage establishment owned or operated by an individual

against whom a sanction was imposed for a violation of this chapter previously operated;

4. the owner or operator of a massage establishment that is operating at a location where another massage establishment against which a sanction was imposed previously operated subject may submit a request to the applicable political subdivision for an exemption from the regulation;
5. the governing body of a political subdivision that receives a request under Number 4, above, shall:
 - (a) consider, but is not required to approve, the requested exemption at the governing body's next regularly scheduled meeting to be held on a date after the date on which the request is received and that allows sufficient time to comply with the Open Meetings Act in certain circumstances; or
 - (b) approve the requested exemption as soon as practicable after the date on which the request is received in certain circumstances; and
6. the executive director of the Texas Department of Licensing and Regulation (TDLR) shall issue an emergency order halting the operation of a massage establishment if: (a) a law enforcement agency gives notice to TDLR or TDLR otherwise learns that the law enforcement agency is investigating the massage establishment for an offense for trafficking of persons; or (b) TDLR has reasonable cause to believe that an offense of trafficking of persons is being committed at the massage establishment.