

NOTICE OF PUBLIC MEETING AND PUBLIC HEARINGS
LORENA CITY COUNCIL
MONDAY, SEPTEMBER 18, 2023, 6:30 P.M.
LORENA CITY HALL
107-A S. FRONTAGE ROAD, LORENA TEXAS

THE PUBLIC WILL BE ABLE TO JOIN THE MEETING BY VIDEOCONFERENCE

AT THE FOLLOWING LINK <https://meet.goto.com/426485765>

The City Council Meeting will be opened to the public.

Questions and comments on items listed on the agenda may be emailed no later than NOON on the day of the meeting to the City Secretary Monica Hendrix via email to mhendrix@lorenatx.gov

AGENDA

1. Call to Order/Roll Call.

2. Pledge of Allegiance

3. Citizens questions or comments.

At this time any person with business before the Council not scheduled on the agenda may speak to the Council. Comments are limited to three (3) minutes, and this time is not transferable. Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. This forum is limited to a total of 30 minutes.

4. Approval of Minutes:

- a. August 21, 2023
- b. August 28, 2023

5. Committee and Corporation Reports:

- a. Lorena Economic Development Corporation
- b. Lorena Planning and Zoning Commission

6. Discussion and possible action on Ordinance 2023-0918-01 approving the updated terms of the Atmos Engery Corporation Franchise Agreement with the City of Lorena.

7. Discussion and recognition of new employee, School Resource Officer, Samantha "Sami" Bull.

8. Discussion and possible action authorizing the City Manager and Chief of Police to enter into a contract with the Lorena Independent School District for a fourth School Resource Officer.

9. Discussion and possible action on authorizing the City's Investment Officers to research and establish business accounts with Ebay and PayPal for the Police Department to purchase used equipment and establish a separate limited account with our depository bank as a funding source for the PayPal account.

10. Discussion and possible action accepting a donation to the Lorena Police Department from Quality Air Care for support of the K-9 department.

11. Proclamation for World Teachers' Day.

12. Discussion and possible action on Ordinance 2023-0918-02 adjusting minimum and volumetric water and sewer rates to become effective with the October 2023 billing cycle.

13. Discussion and possible action on Ordinance 2023-0918-03 adjusting the sanitation rates in support of the adopted 2023-2024 fiscal year budget.

14. Discussion and possible action on Ordinance 2023-0918-04 imposing a moratorium on the connection of property outside the city limits of Lorena Texas, which is also outside the city's certificated area to the City of Lorena's Water Supply System.

15. Discussion and possible action calling an election in May 2024 for the purpose of re-allocating a portion of EDC sales tax to provide revenue for maintenance and repair of municipal streets.

16. Discussion and possible direction given to the City Manager for securing additional waste water capacity in the Bullhide treatment plant expansion.

17. Police Department Activity Report.

18. City Manager Report.

1. City Manager's Training September 21-22
2. Street project update.

19. Future Agenda Items.

20. Adjourn

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Lorena, Texas, was posted on the front door at the Lorena City Hall and the city website before 5:00 p.m. on September 14, 2023.



Monica Hendrix-City Secretary

PURSUANT TO SECTION 551.127 OF THE TEXAS GOVERNMENT CODE, AND IN CONJUNCTION WITH THE GUIDANCE AND PROVISIONS PROVIDED BY THE GOVERNOR OF TEXAS IN THE DECLARATION OF DISASTER ENACTED MARCH 13, 2020, MEMBERS OF THE CITY COUNCIL MAY BE PARTICIPATING REMOTELY IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT, AS TEMPORARILY MODIFIED BY THE GOVERNOR.

Attendance by Other Elected or Appointed Officials – NOTICE OF POSSIBLE QUORUM: It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

In compliance with the American with Disabilities Act, the City of Lorena will provide reasonable accommodations for persons attending and/or participating in City Council meetings. The facility is wheelchair accessible, with handicap parking available at the side of the building. Requests for sign interpreters or special services must be received seventy-two (72) hours prior to the meeting by calling the City Secretary at 254-857-4641.

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

The meetings will be streamed live on the City of Lorena's Facebook page.

Citizens who wish to address the Council on any item on the agenda or under the hearing of visitors, must submit questions via email to the City Secretary Monica Hendrix @ mhendrix@lorenatx.gov or in person at Lorena City Hall at 107-A S. Frontage Road by NOON on the day of the meeting. Your comments will be read into the records during the meeting.

Council may not comment publicly on issues raised during citizen comments that are not listed on the agenda but may direct the City Manager to resolve or request the matter to be placed on a future agenda. Such public comments shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended.

Lorena City Council Meeting 9-18-2023

Sep 18, 2023, 6:30 – 8:30 PM (America/Chicago)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/426485765>

You can also dial in using your phone.

Access Code: 426-485-765

United States: +1 (872) 240-3311

- One-touch: tel:+18722403311,,426485765#

NOTICE OF PUBLIC MEETING AND PUBLIC HEARINGS
LORENA CITY COUNCIL
MONDAY, AUGUST 21, 6:30 P.M.
LORENA CITY HALL
107-A S. FRONTAGE ROAD, LORENA TEXAS

THE PUBLIC WILL BE ABLE TO JOIN THE MEETING BY VIDEOCONFERENCE
AT THE FOLLOWING LINK <https://meet.goto.com/794333069>
The City Council Meeting will be opened to the public.

Questions and comments on items listed on the agenda may be emailed no later than NOON on the day of the meeting to the City Secretary Monica Hendrix via email to mhendrix@lorenatx.gov

MINUTES

1. Call to Order/Roll Call.

Mayor Ross called the meeting to order at 6:30. Members present were Mayor Tommy Ross, Mayor Pro tem Kelly Yarbrough, Jason Blanek, Katrina George, Emily McKenzie and Brad Wetzel.

City Staff present were Monica Hendrix, Kyler Jones, Linda Klump, Kevin Neal, Scott Holt and Peter Rivas.

2. Pledge of Allegiance

Mayor Ross led the pledge of allegiance.

3. Citizens questions or comments.

At this time any person with business before the Council not scheduled on the agenda may speak to the Council. Comments are limited to three (3) minutes, and this time is not transferable. Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. This forum is limited to a total of 30 minutes.

No visitors spoke and no comments were received.

4. Approval of Minutes:

- a. **May 15, 2023**
- b. **July 17, 2023**
- c. **August 1, 2023**

MOTION: Kelly Yarbrough motioned to approve the May, July and August minutes.

SECOND: Jason Blanek.

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

5. Committee and Corporation Reports:

- a. **Lorena Economic Development Corporation**

Brad Wetzel reported EDC discussed the billboard contract on IH-35 and chose not to renew the contract. There was also discussion on the renewal contract with Mundo and Associates and

the board tabled the contract until the next meeting. Discussed the budget and presented it to the council for approval. They also awarded the Cheese House a rent subsidy grant.

The gateway monument sign is scheduled to start in 30-60 days.

b. Lorena Planning and Zoning Commission

Monica Hendrix reported the P&Z met and re-appointed Don Bagby as the Chairman and appointed Gary Payne as the Co-Chairman of the Commission. They also voted to recommend approval of the Conditional Use Permit that will be heard on the next agenda item. The vote was 4 for 1 against.

6. Public Hearing: Mayor Ross opened the public hearing at 6:42 p.m.

Conduct a public hearing to consider the request of Mubin Maredia, applicant, for approval of a Conditional Use Permit to allow a convenience store with fuel sales to be constructed on property located in the IC District (Interstate Corridor Zoning District) situated on a tract of land being described as Lot 1, Block 1, I35-Old Temple Road Addition, City of Lorena, McLennan County, Texas, and located on the East Interstate 35 frontage road at the intersection of Old Lorena Road and North Old Temple Road.

City Planner Robert LaCroix reviewed the staff report and explained the reason for hearing this again is to allow for a taller sign. There is no provision in the zoning ordinance to allow for a sign variance other than a Conditional Use Permit. After doing the site study for the sign, they discovered the sign needed to be taller. The sign height will be changed from 50 feet in the first CUP up to 80 feet in this CUP. All other conditions will remain as follows:

- (1) *That the development shall adhere to the conceptual Site Plan.*
- (2) *That the front of the building shall generally adhere to the submitted Elevation.*
- (3) *That the overnight parking of semi-tractor trailer trucks on the property be prohibited.*
- (4) *That no outside storage or display shall be allowed on the property with the exception of an ice sales freezer and a propane cage.*
- (5) *Any construction resulting from the approval of this Conditional Use Permit shall conform to the requirements set forth by the Lorena Zoning Ordinance, the International Building Code (IBC), the Lorena Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.*
- (6) *That due to the topography and substantial elevation change on the property combined with the adjacency to the interstate highway, one pylon sign only may be allowed on the property not to exceed eighty (80') feet in height and a maximum area of six hundred fifty (650) square feet and is required to meet all other requirements for pylon signs in the (IC) Interstate Corridor District. In the event the use of the property changes from a convenience store with fuel sales to another allowed use, the pylon sign will be required to conform to the current sign regulations or as may be amended.*

Mubin Maredia spoke and explained in the original request, he had not done the site study because they wanted to make sure the use would be allowed. Once the sign study was completed it was discovered the need for the taller sign.

No other citizens spoke and Mayor Ross closed the public hearing at 6:42 p.m.

7. Discussion and possible action on Ordinance 2023-0821-01 amending the Lorena zoning code to grant a conditional use permit(CUP) to allow a convenience store with fuel sales in the IC- Interstate Corridor zoning district.

MOTION: Jason Blanek motioned to adopt Ordinance 2023-0821-01.

SECOND: Emily McKenzie

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

8. Discussion and possible action on Ordinance 2023-0821-02 approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2023 Rate Review Mechanism Filing.

Tammie Bowman with Atmos Energy spoke and explained the new rates that were negotiated. Kelly Yarbrough asked how many commercial businesses were in Lorena? Bowman will get back to us with this information.

MOTION: Katrina George motioned to adopt Ordinance 2023-0821-02.

SECOND: Jason Blanek

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

9. Public Hearing: Mayor Ross opened the hearing at 7:01 p.m.

Conduct a public hearing on the proposed 2023-2024 Fiscal Year Budget

No citizens were present to speak and the hearing closed at 7:02 p.m.

10. Public Hearing: Mayor Ross opened the hearing at 7:02 p.m.

Conduct a public hearing on the proposed 2023 Tax Rate.

The proposed tax rate is .537289. No citizens were present to speak and the hearing closed at 7:02 p.m.

11. Discussion and possible action approving the Tax Increment Reinvestment Zone (TIRZ) proposed Fiscal Year 2023-2024 Budget.

Jason Mundo presented the TIRZ budget to the council. Mayor Ross had questions about the appraised land values in the TIRZ. Jason Blanek had questions about the proposed sales tax income.

There was lengthy discussion about the TIRZ and how long the TIRZ last. Mayor Ross wanted on the record that he does not agree with the projected numbers in the budget and that he is the Chairman of the TIRZ Board. He also wanted Mundo to know that the budget will be watched closely.

MOTION: Katrina George motioned to approve the TIRZ 2023-2024 fiscal year budget.

SECOND: Kelly Yarbrough

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

12. Discussion and possible action approving the Lorena Economic Development Corporation(LEDC) proposed Fiscal Year 2023-2024 budget.

Mayor Ross wants on record that he struggles with the LEDC budget. Ross struggles with what the city pays the consultant. With that being said, Ross called on Jason Mundo to present the proposed

LEDC 2023-2024 FY budget. Mundo informed council of the different projects that Mundo and Associates have worked on over the years. Mundo is requesting an increase in salary in the new budget. Mayor Ross and councilman Jason Blanek had numerous questions for Mundo on how many contacts he makes for new businesses and how many businesses he has brought to Lorena in the fifteen years he has been the consultant for Lorena. Mundo explained the increase in the budget for his salary is for the new projects the board has planned for in the next year. Mundo explained there will be more hours involved for these projects. Mayor Ross

informed council there will be a future agenda item to discuss the EDC. Mayor Ross also asked how the council could approve the proposed budget when the EDC voted to table the budget for future discussion of the consultant. Linda Klump explained the council could approve the budget as presented but that does not mean they have to spend the amount budgeted for the consultant. Kelly Yarbrough spoke and explained the budget was presented even though it was tabled by EDC so it would not be late for the final city budget as it has been in the past. After further discussion the Mayor called for a motion.

MOTION: Katrina George motioned to approve the LEDC 2023-2024 fiscal year budget.

SECOND: Emily McKenzie

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

13. Presentation of Summary of Cash and Investments and Budget report as of June 30, 2023.

Linda Klump presented the reports and explained the interest rates on investment is slowly climbing. Klump informed council that TexPool is an intergovernmental pool that cities can put money in and the pool will invest the funds.

Klump also explained the budget activity in the last quarter.

14. Discussion and possible action on the purchase of two pre-owned police vehicles.

Chief Holt explained that last month the council authorized the City Manager and Chief of Police the authority to purchase pre-owned police vehicles not to exceed \$83,000.00. Chief Holt was able to locate two pre-owned police vehicles in Hempstead, Texas. A 2019 Dodge Charger in the amount of \$19,254.59 and a 2017 Chevrolet Tahoe in the amount of \$25,182.23 for a total of \$44,436.82. In addition, and included in the prices given, a 3 year/40,000-mile comprehensive warranty was purchased on both vehicles. The remaining balance of \$38,563.18 will be used for the needed equipment for each vehicle to include but not limited to; radio, in-car camera, radar, lights, and prisoner transport. Linda Klump spoke and explained how the unbudgeted items will come from the Capital Project Fund.

MOTION: Jason Blanek motioned to approve the purchase of the two pre-owned vehicles for the police department for \$44,436.82.

SECOND: Katrina George

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

15. Discussion and possible action accepting the resignation of appointed P&Z member Eric Strelsky.

Due to other obligations Mr. Strelsky is unable to serve on the P&Z Commission.

MOTION: Jason Blanek motioned to accept the resignation of Eric Strelsky.

SECOND: Emily McKenzie

FOR: Brad Wetzel, Emily McKenzie, Kelly Yarbrough, Katrina George and Jason Blanek.

AGAINST: None

ABSENT: None

Motion carried 5-0.

16. Discussion and possible direction given to the City Manager for securing additional waste water capacity in the Bullhide treatment plant expansion.

City Manager Kevin Neal explained The City of Waco is expanding the Bullhide waste water treatment plant, and the Council has given previous direction to the City Manager to seek information for cost of securing Lorena up 1/3 of the new capacity. 1/3 of the new capacity is approximately 833,333 GPD (gallons per day) of capacity. Waco has determined that the new capacity will be sold in 100,000 GPD blocks, and each block will have an annual capital cost of \$ 178,254, along with increased costs associated with a higher percentage of overall capacity which will have an effect on the overall percentage of the Bullhide budget that Lorena will need to fund.

The City Manager will have a spreadsheet available at the council meeting that can be manipulated to show any and every cost scenario that the council would like to see run. This will allow no stone to go unturned prior to giving further direction to the City Manager on how much capacity the Council would like to start securing. Council reviewed the different scenarios and discussed briefly the options. Ginger Talbert with KPA Engineering was present and explained the new sewer line in the TIRZ project has the capacity for 6 million gallons per day. There was more discussion about the current capacity at the bullhide plant and the future capacity of the plant. Mayor Ross feels this item needs to be discussed in a workshop.

MOTION: Brad Wetzel motioned to table this discussion to the September 2023 council meeting.

SECOND: Emily McKenzie

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

17. Discussion and possible action authorizing the Mayor to enter into an agreement with Kasberg, Patrick & Associates, LP for engineering services to add a generator to the City of Lorena's water system in accordance with the McLennan County ARPA subrecipient agreement.

Kevin Neal explained in May of 2023 the City Council approved to be a subrecipient of McLennan County ARPA fund, and to fund a generator for the City's primary water well, and pump station (commonly referred to as well #3). The City of Lorena has received a proposal from KPA engineers with their proposal for the engineering services for this generator project.

MOTION: Jason Blanek motioned to authorize the Mayor to enter into an agreement with Kasberg, Patrick & Associates, LP for engineering services to add a generator to the City of Lorena's water system in accordance with the McLennan County ARPA subrecipient agreement.

SECOND: Katrina George

FOR: Brad Wetzel, Emily McKenzie, Kelly Yarbrough, Katrina George and Jason Blanek.

AGAINST: None

ABSENT: None

Motion carried 5-0.

18. Discussion and possible action authorizing the Waco – McLennan County Health District to paint sidewalk art at McBrayer Park.

In July of 2023 the City of Lorena was contacted by the Waco – McLennan County Health District about painting the sidewalk at McBrayer Park. The Health District has received a grant for the funding of this project, and there will be no matching funds needed from the City.

MOTION: Katrina George motioned to authorize the Waco-McLennan County Health District to paint sidewalk art at McBrayer Park.

19. Police Department Activity Report.

Chief Holt informed council of a new school resource officer has been hired. Samantha Bull is coming from the Waco Police Department. She will be the third SRO for Lorena ISD. Holt explained there will still be the need for one more SRO and the city will need to negotiate with the Lorena ISD.

20. City Manager Report.

**1. Movie night in McBrayer Park hosted by Journey Lorena
August 28th 8:00 P.M. till 10:00 P.M.**

Neal reported movie night August 28th at the park.

2. Lorena ISD Homecoming Parade September 6th P.M.

Homecoming parade will be September 6th at 6:00 p.m.

3. Bright Farms update.

Piers and padwork are moving along. Big Creek construction will be providing the concrete for the project. Big Creek has agreed to chip seal N. Old Temple Road for the use of the road to the construction site at no cost to the city for use of the road.

4. Street project update.

Second pour of asphalt in 2-3 weeks. The north end of Borden will be difficult due to the

multiple utilities in the ground in that area.

21. Future Agenda Items.

The discussion of more sewer capacity and the future of the Lorena EDC.

22. Adjourn

Due to no further business the meeting adjourned at 9:05 p.m.

These minutes were approved this 18th day of September 2023.

Tommy Ross, Mayor

Attest:

Monica Hendrix-City Secretary

**NOTICE OF CALLED MEETING AND PUBLIC HEARING
LORENA CITY COUNCIL
MONDAY, AUGUST 28, 2023, 6:30 P.M.
LORENA CITY HALL
107-A S. FRONTAGE ROAD, LORENA TEXAS**

THE PUBLIC WILL BE ABLE TO JOIN THE MEETING BY VIDEOCONFERENCE
AT THE FOLLOWING LINK <https://meet.goto.com/668479285>

Questions and comments on items listed on the agenda may be emailed no later than NOON on the day of the meeting to the City Secretary Monica Hendrix via email to mhendrix@lorenatx.gov

CALLED MEETING MINUTES

1. Call to Order/Roll Call.

Mayor Ross called the meeting to order at 6:30. Members present were Mayor Tommy Ross, Mayor Pro tem Kelly Yarbrough, Jason Blanek, Katrina George, Emily McKenzie and Brad Wetzel.

City Staff present were Monica Hendrix, Linda Klump, Kevin Neal, Scott Holt and Peter Rivas.

2. Pledge of Allegiance

3. Citizens questions or comments.

At this time any person with business before the Council not scheduled on the agenda may speak to the Council. Comments are limited to three (3) minutes, and this time is not transferable. Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. This forum is limited to a total of 30 minutes.
No citizen comments.

4. Public Hearing:

Conduct a public hearing on the Proposed 2023 Tax Rate of .537289.

Mayor Ross opened the public hearing at 6:31 p.m. No citizens were present to speak and the hearing closed at 6:32 p.m.

5. Discussion and possible action on Ordinance 2023-0828-01 accepting the 2023 Certified Tax Roll.

MOTION: Kelly Yarbrough motioned to certify the tax roll.

SECOND: Emily McKenzie

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0.

6. Discussion and possible action on Ordinance 2023-0828-02 adopting the 2023-2024 fiscal year budget.

MOTION: Jason Blanek motioned to approve Ordinance 2023-0828-02 adopting the 2023-2024 fiscal year budget.

SECOND: Brad Wetzel

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0

7. Discussion and possible action on Ordinance 2023-0828-03 adopting the 2023 property tax rate of .537289.

MOTION: Brad Wetzel moved that the property tax rate be increased by the adoption of a tax rate of 0.537289, which is effectively a 4.01 percent increase in the tax rate.

SECOND: Jason Blanek

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0

8. Discussion and possible action on ratification of the property tax increase reflected in the 2023-2024 fiscal year budget.

MOTION: Katrina George moved to ratify the property tax increase reflected in the 2023-2024 fiscal year budget.

SECOND: Kelly Yarbrough

FOR: Jason Blanek, Katrina George, Kelly Yarbrough, Emily McKenzie and Brad Wetzel.

AGAINST: None

ABSENT: None

Motion carried 5-0

9. Adjourn.

Due to no further business the meeting adjourned at 6:36 p.m.

These minutes were approved this 18th day of September 2023.

Tommy Ross, Mayor

Attest:

Monica Hendrix-City Secretary

CITY OF LORENA, TEXAS

ORDINANCE NO. 2023-0918-01

AN ORDINANCE OF THE CITY OF LORENA, TEXAS, GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF LORENA, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lorena and Atmos Energy Corporation have agreed to the terms of this Franchise Agreement; and

WHEREAS, this Franchise Agreement is consistent with other such Franchise Agreements between Texas municipalities and Atmos Energy Corporation.

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

SECTION 1. GRANT OF AUTHORITY

The City of Lorena, Texas, hereinafter called "the City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through the City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2048.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. In

determining the location of the facilities of the City and other users of Public Right-of-Way within the City, the City shall endeavor to minimize interference with then existing facilities of Atmos Energy and shall endeavor to require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of the City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, the City or an authorized agent of the City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. The City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. The City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by the City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by the City; however, Atmos Energy shall promptly endeavor to remove or relocate such facilities.

- B. If the City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification, performed solely at the request of a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four feet (4') unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by the City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by the City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through the City, Atmos Energy costs and expenses shall be included in any application by the City for reimbursement if Atmos Energy submits its cost and expense documentation to the City prior to the filing of the application. The City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to the City. Upon

receipt of an amount of reimbursement intended for utility relocations including gas utilities, the City shall remit to Atmos Energy, within thirty (30) days or receipt, any portion of such reimbursement specifically designated as a reimbursement of Atmos Energy's costs incurred in the relocation or removal of Atmos Energy's facilities but only after the City has been fully reimbursed for its own costs of relocation or removal of utilities and related facilities.

If Atmos Energy is required by the City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by the City, Atmos Energy shall be entitled to reimbursement from the City or others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by the City without reimbursement from the City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. The City shall not oppose recovery of relocation costs when Atmos Energy is required by the City to perform relocation. The City shall not require that Atmos Energy document request for reimbursement as a pre-condition to recovery of such relocation costs.
- D. If the City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any Right-of-Way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE

In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless the City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-

insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

SECTION 4. NON-EXCLUSIVE FRANCHISE

The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and the City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for the City and the inhabitants thereof.

SECTION 5. PAYMENTS TO THE CITY

- A. Atmos Energy, its successors and assigns, agrees to pay and the City agrees to accept, on or before the 1st day of April, 2024, and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 1st day of April, 2048, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B. below, received by Atmos Energy during the preceding calendar year.
- B. "Gross Revenues" shall mean:
 - (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within the City) within the City;
 - (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in the City for resale to its customers within the City);
 - (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales") (excluding the value of any gas transported to another gas utility in the City for resale to its customers within the City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
 - (4) "Gross Revenues" shall also include the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.
 - (5) "Gross Revenues" shall not include:
 - (a) revenues billed but not ultimately collected or received by Atmos

Energy;

- (b) contributions in aid of construction;
- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax and franchise fees paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, this exclusion does not apply to the lease of facilities within the City's Right-of-Way.

C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2024, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that the City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that the City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then the City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public Rights-of-Way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due the City under this Ordinance, then the franchise fee to be paid by Atmos Energy to the City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to the City were the franchise fee provisions of that other franchise ordinance applied to the City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Atmos Energy may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) The City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) The City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within the City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within the City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

G. The City shall, within thirty (30) days of final approval, give Atmos Energy notice of annexations and disannexations of territory by the City, which notice shall include a map and addresses, if known. Upon receipt of said notice, Atmos Energy shall promptly initiate a process to reclassify affected customers into the City limits no later than sixty (60) days after receipt of notice from the City. The annexed areas added to the City limits will be included in future franchise fee payments in accordance with the sales tax effective date of the annexation if notice was timely received from the City. Upon request from the City, Atmos Energy will provide documentation to verify that affected customers were appropriately reclassified and included for purposes of calculating franchise fee payments. In no event shall Atmos Energy be required to add premises for the purposes of calculating franchise payment prior to the earliest date that the same premises are added for purposes of collecting sales tax.

SECTION 6. BOOKS, RECORDS, AND REPORTS

- A. Atmos Energy shall maintain, at its local office or principal place of business within the State of Texas, adequate books and records relating to the performance of its obligations under this Franchise. Atmos Energy shall maintain its books and records in a form and with coding sufficient to identify its Gross Revenues. The records of Atmos Energy applicable to its performance under this Franchise shall be made available upon not less than ten (10) working days' notice for inspection by the City at any time during normal working hours, subject to statutory and regulatory provisions regarding the confidentiality of customer-specific information. All books and records will be made available at Atmos Energy's principal place of business within the State. Atmos Energy shall assist the City during any audit conducted under this Franchise, including answering questions and providing any requested records or information.
- B. Atmos Energy shall keep its accounts as required by law. The City shall have the right to audit the books, records and computations pertaining to this agreement. Atmos Energy shall retain such books, records, documents and other evidence pertaining to this agreement during the term of this Franchise and five years thereafter, except if an audit is in progress or audit findings are yet unresolved, in which case records shall be kept up to one year in addition to the initial five-year period until all audit tasks are completed and resolved.
- C. The City has the right to audit Atmos Energy's conformance with and payments made under this Franchise for the previous three (3) years from the date of notice to audit is provided to Atmos Energy by the City and up to two (2) years following the termination of this Franchise. These books, records, documents and other evidence shall be available within ten (10) business days of written request.
- D. The cost of the audit will be borne by the City unless the audit reveals an underpayment of ten percent (10%) or greater. If an underpayment of ten percent (10%) or greater occurs, the underpayment and all reasonable costs of the audit, including any travel costs, shall be borne by Atmos Energy and must be paid within sixty (60) days of receipt of an invoice. Failure to comply with the provisions of this section shall be a material breach of this Franchise and shall constitute, in the City's sole discretion, grounds for termination thereof. Each of the terms "books," "records," "documents," and "other evidence," as used above, shall be construed to include electronic files, even if such electronic files are subsequently used to generate or prepare a final printed document.
- E. In the event that a dispute arises regarding an audit performed on Atmos Energy's books and records, Atmos Energy agrees to participate in non-binding mediation to attempt in good faith to resolve the dispute, should the City request such mediation. Atmos Energy agrees that it will consult with the City and the parties will mutually agree on cost, location and a Mediator to preside over the mediation.

- F. At the time of each payment, Atmos Energy will prepare a statement of the Gross Revenues signed by an authorized representative of Atmos Energy, in such reasonable form and detail sufficient to show the source and method of calculation of Atmos Energy's Gross Revenues, including but not limited to residential, commercial, industrial, and governmental customers within the City, including the amount of revenues received by Atmos Energy for the transportation of gas. Failure or inability of Atmos Energy to collect the franchise fee from its transport customers does not relieve Atmos Energy of its responsibility and obligation to remit payment for franchise fees related to such gas. The acceptance of any statement or payment shall not prevent the City from asserting that the amount paid is not the amount due or from recovering any deficit by any lawful proceeding, including interest.
- G. If an audit contemplated by this Section 6 reveals Atmos Energy has underpaid the City, then the City shall provide Atmos Energy written notification from the City regarding the existence of such alleged underpayment, and Atmos Energy shall proceed in good faith to undertake a review of the City's claim. Atmos Energy shall have thirty (30) days within which to verify the City's findings. If Atmos Energy confirms the existence of an underpayment, or if Atmos Energy fails to present evidence refuting the City's findings within thirty (30) working days, it shall remit the amount of underpayment to the City within ten (10) working days after the end of the 30-day period. Should Atmos Energy determine through examination of its books and records that the City has been overpaid, upon receipt of written notification from Atmos Energy regarding the existence of such overpayment, the City shall proceed in good faith to review Atmos Energy's claim. If the City confirms the existence of an overpayment, or if the City fails to present evidence refuting Atmos Energy's findings within thirty (30) working days, it shall remit the amount of overpayment to Atmos Energy within ten (10) working days after the end of the 30-day period.

SECTION 7. ACCEPTANCE OF FRANCHISE

In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by the City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of the City granting franchises for gas delivery purposes that were held by Atmos Energy, shall be automatically repealed, canceled and annulled, and shall be of no further force and effect.

SECTION 8. PARAGRAPH HEADINGS. CONSTRUCTION

The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this Ordinance

and this Ordinance shall not be construed either more or less strongly against or for either party.

SECTION 9. EFFECTIVE DATE

If Atmos Energy accepts this Ordinance, it becomes effective as of October 1, 2023.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LORENA, TEXAS, ON THIS _____ DAY OF _____, 2023.

APPROVED:

Tommy Ross, Mayor

ATTEST:

Monica Hendrix, City Secretary

STATE OF TEXAS §
§
CITY OF LORENA §

I, Tommy Ross, Mayor of the City of Lorena, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Lorena, Texas, at a regular session, held on the _____ day of _____, 2023, as it appears of record in the official Minutes of the City of Lorena, Texas.

**WITNESS MY HAND AND SEAL OF SAID CITY, this the _____ day of
_____, 2023.**

Monica Hendrix, City Secretary
City of Lorena, Texas

SUBJECT: Discussion and recognition of new employee, School Resource Officer, Samantha “Sami” Bull.

BACKGROUND: Today it is with great honor that I am able to introduce our third SRO, Sami Bull. Sami is married to Tyler Bull and together they have two boys, Bryce and Mark. Bryce is a student at our primary school.

Sami is a graduate of Baylor University where she received a Bachelors Degree in Sociology and her Masters Degree in Sports Management.

Sami, prior to her law enforcement career, worked in higher education for 7 years at Baylor University.

Sami is a graduate of the McLennan Community College Law Enforcement Academy, class A-2021 and worked for the Waco Police Department prior to joining Lorena.

RECOMMENDATION:

SUBJECT: Discussion and possible action authorizing the City Manager and Chief of Police to enter into a contract with the Lorena Independent School District for a fourth School Resource Officer.

BACKGROUND: In 2018, the Lorena Independent School District entered into an agreement requesting the City of Lorena, specifically the Lorena Police Department, provide a School Resource Officer to be assigned at the schools. In 2022, with the growing population and additional needs, the City of Lorena agreed, at the request of the Lorena Independent School District, to provide a second School Resource Officer. However, the 2022 contract honored the same terms as the contract ratified in 2018. Chief Holt and the administration from the Lorena Independent School District, Superintendent Joe Kucera and Assistant Superintendent Rusty Grimm, recently met to update the contract. In July of this year, Governor Greg Abbott signed into law House Bill three. The Lorena Independent School District has now requested a fourth School Resource Officer to be in compliance with the new law. The Lorena Independent School District will pay all costs associated with the first-year implementation of the fourth SRO not to exceed \$100,000.00. Chief Holt has agreed to pay, out of forfeiture, for any additional implementation expenses in excess of the \$100,000.00. Estimated breakdown is listed below;

Salary & Benefits:	\$64,000.00
Equipment of officer:	\$6,000.00
Sign on bonus:	\$10,000.00
Vehicle & Equipment:	<u>\$40,000.00</u>
Total:	\$120,000.00

RECOMMENDATION: City staff recommends the councils review and approval of the request for a fourth School Resource Officer.

Subject:

Discussion and possible action on authorizing the City's Investment Officers to research and establish business accounts with Ebay and PayPal for the Police Department to purchase used equipment and establish a separate limited account with our depository bank as a funding source for the PayPal account.

Background Information:

Our Police Department, as in the past, is attempting to equip their department as economically as possible. To that point, the Police Department has purchased used vehicles and is working diligently to equip those cars with used equipment as available. Ebay is a great resource for cost effective equipment that is needed. However, Ebay transactions are online, direct payment transactions. Ebay works seamlessly with PayPal to provide direct payment for purchases.

Current Findings:

In order for the Police Department to continue to equip their department with economical alternatives, the City's Investment Officers seek authorization to research and establish an Ebay account for the Police Department that would be subject to the City's existing purchasing policy. The Investment Officers also seek authorization to research and establish a City of Lorena PayPal account to provide the direct payment access that is necessary for Ebay purchases. The City's purchasing policy will be reviewed and updated to address the use of Ebay and PayPal for equipment purchases. The proposal includes establishing a separate bank account at the City's depository bank that would be the sole source of funding for the PayPal/Ebay transactions. That separate account would limit the City's liability if either account were compromised and not tax the City's limited credit limits on existing credit cards.

Recommendation:

Provide direction to the City's Investment Officer on how to proceed.

From: Linda Klump
Sent: Tuesday, September 12, 2023 2:25 PM
To: Jennifer Herrin
Cc: Scott Holt; Kevin Neal; Monica Hendrix
Subject: Re: Quality Air Care - donation

Thank you Jennifer! I am forwarding to Kevin and Monica for Monday's council meeting

Linda

Sent via the Samsung Galaxy S22 5G, an AT&T 5G smartphone

Get [Outlook for Android](#)

From: Jennifer Herrin <jherrin@lorenatx.gov>
Sent: Tuesday, September 12, 2023 1:35:56 PM
To: Linda Klump <lkclump@lorenatx.gov>
Cc: Scott Holt <sholt@lorenatx.gov>
Subject: FW: Quality Air Care - donation

Hi Linda.

Please add this email to your documentation for the recent donation from Quality Air Care.

Respectfully,

Jennifer Herrin
Records Supervisor
Lorena Police Department
100 N. Bordon St.
Lorena, TX 76655
(254) 857-9614 Office
(254) 857-9616 Fax



Important/Confidential: This communication and any files or documents attached to it are intended only for the use of the person or entity to which it is addressed. It contains information that may be privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient of this communication, you are hereby notified that the copying, distribution or other use of this communication is strictly prohibited. If you have received this communication by mistake, please notify the sender immediately by electronic mail and destroy all forms of this communication (electric or paper). Thank you.

From: stvwgg@aol.com <stvwgg@aol.com>
Sent: Tuesday, September 12, 2023 1:32 PM
To: Jennifer Herrin <jherrin@lorenatx.gov>
Subject: Fw: Quality Air Care - donation

----- Forwarded Message -----

From: stvwg@aol.com <stvwg@aol.com>

To: jherrin@lorena.tx.gov <jherrin@lorena.tx.gov>

Sent: Tuesday, September 12, 2023 at 01:24:43 PM CDT

Subject: Quality Air Care - donation

Please accept our \$277.00 matching donation to help with supporting the K-9 department. This match was inspired by the recent Mason Bare fundraiser. I can't think of any more valuable service than police, keeping our public safe on a daily basis, THANK YOU!

Steve & Sarah Wiggins - Quality Air Care

CITY OF LORENA
PROCLAMATION FOR WORLD TEACHERS' DAY

WHEREAS, City of Lorena future strength depends on providing a high-quality education to all students; and

WHEREAS, teacher quality matters more to student achievement than any other school-related factor; and

WHEREAS, teachers spend countless hours preparing lesson plans and supporting students; and

WHEREAS, our Lorena ISD teachers have demonstrated great resilience, adaptability, and creativity during the COVID-19 crisis; and

WHEREAS, our community recognizes and supports its teachers in educating the children of this community; and

WHEREAS, #TeachersCan is a statewide movement supported by more than 150 partnering businesses and organizations committed to elevating the teaching profession and honoring the critical role teachers play in the success of Texas; and

NOW, THEREFORE, BE IT RESOLVED that the City of Lorena City Council joins #TeachersCan and its partnering entities across Texas in celebrating World Teachers' Day and proclaims October 5, 2023 to be City of Lorena Teachers' Day; and

BE IT FURTHER RESOLVED that the Lorena City Council encourages members of our community to personally express appreciation to our teachers and display a light blue ribbon outside your homes or businesses the week of October 5 as a symbol of support for our educators.

IN OFFICIAL RECOGNITION WHEREOF, I hereby affix my signature this 18th day of September 2023.

CITY OF LORENA, TEXAS

Tommy Ross, Mayor

Subject:

Discussion and possible action on Ordinance 2023-0918-02

AN ORDINANCE OF THE CITY OF LORENA, TEXAS, ADJUSTING THE MINIMUM AND VOLUMETRIC WATER AND SEWER RATES CHARGED BY THE CITY OF LORENA; PROVIDING THAT THE INCREASES WILL BE EFFECTIVE WITH THE OCTOBER 2023 BILLING CYCLE; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

Background Information:

Current Findings:

The City of Lorena Budget for Fiscal Year 2024 approved at the August 28th City Council meeting was prepared based on a 7.5% increase in water rates for all classes of water customers and a 10% increase in sewer rates for all classes of sewer customers to meet expected increases in expenses. Ordinance 2023-0918-02 provides those adjusted water and sewer rates to support the adopted budget with an effective date of October 1, 2023.

Recommendation:

Adopt Ordinance 2023-0918-02 adjusting water and sewer rates in support of the adopted budget.

The schedule below shows the amount and percentage increase monthly for different water and wastewater customer types at sample levels of usage based on the proposed rate schedule.

Water Bill for 3,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial 1.5"	161.20	173.28	12.08	7.5%
Commercial 2"	204.47	219.80	15.33	7.5%
Commercial 3"	307.30	330.34	23.04	7.5%
Commercial	63.79	68.57	4.78	7.5%
Residential	47.53	51.09	3.56	7.5%

Water Bill for 7,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial 1.5"	193.92	208.44	14.52	7.5%
Commercial 2"	237.19	254.96	17.77	7.5%
Commercial 3"	340.02	365.50	25.48	7.5%
Commercial	96.51	103.73	7.22	7.5%
Residential	80.25	86.25	6.00	7.5%

Water Bill for 10,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial 1.5"	218.46	234.81	16.35	7.5%
Commercial 2"	261.73	281.33	19.60	7.5%
Commercial 3"	364.56	391.87	27.31	7.5%
Commercial	121.05	130.10	9.05	7.5%
Residential	104.79	112.62	7.83	7.5%

Water Bill for 20,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial 1.5"	312.36	335.71	23.35	7.5%
Commercial 2"	355.63	382.23	26.60	7.5%
Commercial 3"	458.46	492.77	34.31	7.5%
Commercial	214.95	231.00	16.05	7.5%
Residential	198.69	213.52	14.83	7.5%

Sewer Bill for 3,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial	\$ 61.52	\$ 67.67	\$ 6.15	10.0%
Residential	\$ 61.52	\$ 67.67	\$ 6.15	10.0%

Sewer Bill for 7,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial	\$ 82.88	\$ 91.17	\$ 8.29	10.0%
Residential	\$ 82.88	\$ 91.17	\$ 8.29	10.0%

Sewer Bill for 10,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial	\$ 98.90	\$ 108.79	\$ 9.89	10.0%
Residential	\$ 98.90	\$ 108.79	\$ 9.89	10.0%

Sewer Bill for 20,000 gallons

Customer Class	existing rates	proposed rates	Increase/(Decrease)	% Increase/Decrease
Commercial	\$ 152.30	\$ 167.53	\$ 15.23	10.0%
Residential	\$ 152.30	\$ 167.53	\$ 15.23	10.0%

**CITY OF LORENA
ORDINANCE 2023-0918-02**

AN ORDINANCE OF THE CITY OF LORENA, TEXAS, ADJUSTING THE MINIMUM AND VOLUMETRIC WATER AND SEWER RATES CHARGED BY THE CITY OF LORENA; PROVIDING THAT THE INCREASES WILL BE EFFECTIVE WITH THE OCTOBER 2023 BILLING CYCLE; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of Lorena, Texas is a Type A General Law Municipality located in McLennan County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas;

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

**SECTION 1
MINIMUM MONTHLY RATE-WATER**

- 1.1 The minimum monthly rate for residential water service for inside city limit customers is hereby revised as demonstrated in Exhibit "A".
- 1.2 The minimum monthly rate for commercial water service for inside city limit customers is hereby revised as demonstrated in Exhibit "A".
- 1.3 The minimum monthly rate for builder water service is hereby revised as demonstrated in Exhibit "A".
- 1.4 The minimum monthly rate for fire hydrant meters is hereby revised as demonstrated in Exhibit "A".
- 1.5 The minimum monthly rate for residential water service for outside city limit customers is hereby revised as listed in Exhibit "A".
- 1.6 The minimum monthly rate for commercial water service for outside city limit customers is hereby revised as listed in Exhibit "A".

**SECTION 2
VOLUMETRIC MONTHLY RATE-WATER**

- 2.1 The volumetric monthly rate for residential water service for inside city limit customers is hereby set as demonstrated in Exhibit "A".

- 2.2 The volumetric monthly rate for commercial water service for inside city limit customers is hereby set as demonstrated in Exhibit "A".
- 2.3 The volumetric monthly rate for builder water service is hereby established as demonstrated in Exhibit "A".
- 2.4 The volumetric monthly rate for fire hydrant meters is hereby established as demonstrated in Exhibit "A".
- 2.5 The volumetric monthly rate for residential water service for outside city limit customers is hereby revised as listed in Exhibit "A".
- 2.6 The volumetric monthly rate for commercial water service for outside city limit customers is hereby revised as listed in Exhibit "A".

SECTION 3 **MINIMUM MONTHLY RATE-SEWER**

- 3.1 The minimum monthly rate for residential sewer service is hereby revised as listed in Exhibit "A".
- 3.2 The minimum monthly rate for commercial sewer service is hereby revised as listed in Exhibit "A".

SECTION 4 **VOLUMETRIC MONTHLY RATE -SEWER**

- 4.1 The volumetric monthly rate for residential sewer service is hereby revised as listed in Exhibit "A".
- 4.2 The volumetric monthly rate for commercial sewer service is hereby revised as listed in Exhibit "A".

SECTION 5 **EFFECTIVE DATE**

- 5.1 The increased fees will be effective with the OCTOBER 2023 utility billing cycle.

SECTION 6 **SEVERABILITY**

- 6.1 It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

SECTION 7
CUMULATIVE REPEALER

7.1 Any and all Ordinances, resolutions, and/or policies of the City of Lorena, Texas, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 8
ENGROSSMENT AND ENROLLMENT

8.1 The City Secretary of the City of Lorena is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date Clause in the minutes of the City Council of the City of Lorena and by filing this Ordinance in the Ordinance records of the City.

SECTION 9
SAVINGS

9.1 All rights and remedies of the City of Lorena are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

PASSED THIS 18th day of September at a scheduled meeting of the City Council of the City of Lorena, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 18th DAY OF SEPTEMBER 2023.

APPROVED:
BY: _____
Tommy Ross, Mayor

ATTEST:
BY: _____
Monica Hendrix, City Secretary

Water and Sewer Rates Effective 10-1-2023

EXHIBIT A

CITY OF LORENA WATER & WASTEWATER RATES

Water Rates					
Table	Class	Minimum Bill	Volumetric per 1,000		
			0-2,000	2,001-10,000	>10,001
CO1	Commercial 1"	\$113.74	\$7.92	\$8.79	\$10.09
CO15	Commercial 1.5"	\$148.65	\$7.92	\$8.79	\$10.09
CO2	Commercial 2"	\$195.17	\$7.92	\$8.79	\$10.09
CO3	Commercial 3"	\$305.71	\$7.92	\$8.79	\$10.09
CO4	Commercial 4"	\$480.29	\$7.92	\$8.79	\$10.09
CO6	Commercial 6"	\$720.45	\$7.92	\$8.79	\$10.09
CO8	Commercial 8"	\$1,080.69	\$7.92	\$8.79	\$10.09
WCI	Commercial Inside	\$43.94	\$7.92	\$8.79	\$10.09
WRI	Residential Inside	\$26.46	\$7.92	\$8.79	\$10.09
BWA	Builder Water	\$43.94	\$7.92	\$8.79	\$10.09
CHF	Commercial Fire Hydrant	\$78.79	\$10.09	\$10.09	\$10.09

Sewer Rates			
Table	Class	Minimum Bill	Volumetric per 1,000
CSW	Commercial	\$50.05	\$5.87
SWR	Residential	\$50.05	\$5.87

Outside of City Limits Water Rates						
Table	Class	Base Rate	Volumetric per 1,000			
			0-10,000	10,001-15,000	15,001-20,000	>20,001
WRO	Residential	\$97.87	\$5.51	\$6.74	\$7.92	\$9.40
WCO	Commercial	\$100.86	\$5.51	\$6.74	\$7.92	\$9.40

Subject:

Discussion and possible action on Ordinance 2023-0918-03

AN ORDINANCE OF THE CITY OF LORENA, TEXAS ADOPTING A FIRST ADDENDUM TO ORDINANCE NO. 2022-1219-02 AND TO THE AGREEMENT BETWEEN CITY OF LORENA AND FRONTIER TEXAS VENTURES 1, LLC D/B/A FRONTIER WASTE SOLUTIONS FOR SOLID WASTE SERVICES; APPROVING INCREASE IN CUSTOMER RATES BASED ON INCREASED COSTS OF SERVICE TO FRONTIER WASTE SOLUTIONS; SETTING DATE THAT NEW RATES BECOME EFFECTIVE; AND FINDING THAT THE MEETING AT WHICH THIS ADDENDUM WAS ADOPTED WAS OPEN TO THE PUBLIC AND COMPLIED WITH THE TEXAS OPEN MEETINGS ACT

Background Information:

Current Findings:

The City of Lorena Budget for Fiscal Year 2024 approved at the August 28th City Council meeting was prepared based on a 7% increase in sanitation rates for all classes of sanitation customers to meet expected increases in expenses. Ordinance 2023-0918-03 provides those adjusted sanitation rates to support the adopted budget with an effective date of October 1, 2023.

Recommendation:

Adopt Ordinance 2023-0918-03 adjusting sanitation rates in support of the adopted budget.

ORDINANCE NO. 2023-0918-03

AN ORDINANCE OF THE CITY OF LORENA, TEXAS ADOPTING A FIRST ADDENDUM TO ORDINANCE NO. 2022-1219-02 AND TO THE AGREEMENT BETWEEN CITY OF LORENA AND FRONTIER TEXAS VENTURES 1, LLC D/B/A FRONTIER WASTE SOLUTIONS FOR SOLID WASTE SERVICES; APPROVING INCREASE IN CUSTOMER RATES BASED ON INCREASED COSTS OF SERVICE TO FRONTIER WASTE SOLUTIONS; SETTING DATE THAT NEW RATES BECOME EFFECTIVE; AND FINDING THAT THE MEETING AT WHICH THIS ADDENDUM WAS ADOPTED WAS OPEN TO THE PUBLIC AND COMPLIED WITH THE TEXAS OPEN MEETINGS ACT

WHEREAS, by Ordinance No. 2022-1219-02 the City Council of the City of Lorena, Texas granted the franchise and agreement for collection of solid waste within the City of Lorena and disposal thereof to Frontier Waste Solutions (hereinafter "Provider"); and

WHEREAS, the Agreement for Solid Waste Services allows for the Provider to periodically request to increase the customer rates where its costs of providing the services have increased; and

WHEREAS, any increase is subject to City Council approval, and the Provider must submit acceptable proof of the increased costs, and such increase must be reasonable under the circumstances; and

WHEREAS, the Provider has submitted proof that its cost of service has increased due to the inflation and increases in fuel charges; and

WHEREAS, The City Staff has reviewed the information and has found the Provider's request to be justified and reasonable in the facts and circumstances.

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

Section 1. That the foregoing recitals are incorporated herein and made findings of fact. The increase requested, which will be passed along to customers is Seven (7%) Percent.

Section 2. That the Provider has submitted proof that an increase in customer rates is justified due to increased cost of services to the Provider, and the requested increase is reasonable in the facts and circumstances.

Section 3. The customer rate increase of Seven (7%) Percent is hereby APPROVED and the addendum to Ordinance No. 2022-1219-02 and the Agreement for Solid Waste Services with Frontier Waste Solutions is hereby ADOPTED;

Section 4. That the increase shall go into effect for the October 2023 billing cycle. The increase will be considered in the calculation of the Franchise Fee and the Administrative/Billing Fee, and for purposes of any applicable taxes.

Section 5. It is officially found that the meeting at which this Ordinance was adopted was open to the public and was noticed and held in compliance with the Texas Open Meetings Act.

ENACTED this 18th day of September, 2023.

CITY OF LORENA

BY: _____
Tommy Ross, Mayor

Attest:

Monica Hendrix, City Secretary

Subject: Discussion and possible action on adopting ordinance number 2023-0918-04.

Background Information:

This is an annual renewal of the presented ordinance. This is an ordinance that the City has had in place for many years now, and is a key part of making sure that the future water that Lorena secures serves the citizens of Lorena. This ordinance was enabled due to the large number of requests that Lorena's utility department receives for water meters outside the City's Certificate of Convenience and Necessity (CCN), and outside the incorporated city limits.

Current Finding:

The City of Lorena will continue to follow all state regulations for serving water inside the City's CCN. These regulations do change occasionally; however, they are closely monitored to ensure that Lorena is always up to date with the most current version of the regulations. This ordinance does not hinder anyone inside the city limits, or inside Lorena's CCN from receiving water from the City of Lorena.

Recommendation:

The City staff recommends the City Council adopt ordinance 2023-0918-04 to renew the current ordinance that is in place that prohibits connections to the City of Lorena water system that are both outside the incorporated city limits, and outside the bounded CCN area #10030.

Ordinance No. 2023-0918-04

AN ORDINANCE OF THE CITY OF LORENA, TEXAS IMPOSING A MORATORIUM ON THE CONNECTION OF PROPERTY OUTSIDE THE CITY LIMITS OF THE CITY OF LORENA, TEXAS, WHICH IS ALSO OUTSIDE THE CITY'S CERTIFICATED AREA TO THE CITY OF LORENA'S WATER SUPPLY SYSTEM; PROVIDING FOR A TERMINATION DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lorena, Texas finds that it is in the best interest of the City and its citizens to provide a safe and adequate water supply for the citizens and businesses located within the city limits of the City of Lorena ("the City") and within those areas outside the City's limits which are within the area covered by the City's Certificate of Convenience and Necessity ("the City's Certificated Area"); and

WHEREAS, the groundwater conservation district has advised the City that its aquifer may be dry or unusable by 2030; and

WHEREAS, the only water supplies currently available to the City are those from the City's aquifer and the raw water rights owned by the City from the Brazos River Authority; and

WHEREAS, until the City can secure and ensure long-term supplies of water adequate to serve the citizens and businesses located within the city limits of the City or located outside the city limits of the City but within the City's Certificated Area, the provision of new water connections to citizens and business which are both outside the city limits of the City and outside the City's certificated area may cause the City to be unable to provide a safe and adequate water supply to the citizens and businesses located within the city limits of the City and located outside the City's limits but within the City's Certificated Area; and

WHEREAS, because the City has not zoned any property outside its city limits for residential or commercial land use, a moratorium on new water connections outside the city limits of the City and outside the City's Certificated Area therefore will not impose a moratorium on property that has been approved for the development of residential or commercial property; and

WHEREAS, the City Council finds that it is in the best interest of the City to impose a moratorium on new water connections outside the city limits of the City in areas which are also outside the City's Certificated Area until such time as the City can secure and ensure long-term supplies of water adequate to serve the citizens and businesses located within the city limits of the City and within the City's Certificated Area in the future; and

WHEREAS, upon full review by the City Council of all matters related thereto, the City Council is of the opinion that the public interest will be served by imposing a moratorium on new water connections outside the city limits of the City in areas which are outside the City's Certificated Area until such time as the City can secure and ensure long-term supplies of water adequate to serve the citizens and businesses located within the city limits of the City and within the City's Certificated Area.

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

Section 1. The foregoing recitals are hereby made findings of fact and incorporated herein for all purposes. Based on these findings, the City Council hereby establishes a moratorium on the issuance of new water connections to the City's water system for any property located outside of the city limits of the City which is also outside of the City's Certificated Area.

Section 2. Except as otherwise provided herein, and extending for the duration of this ordinance, no City employee, officer, agent, department, board, or commission of the City shall accept for filing any applications for the issuance of one or more water connections to any property located outside the city limits of the City in areas which are outside the City's Certificated Area. Applications, together with any documents or fees accompanying the applications, which are submitted during the duration of this ordinance, shall be returned to the applicant as unfiled.

Section 3. Unless the City Council determines to extend the duration of this ordinance or to terminate it sooner, the provisions of this ordinance shall be in effect from the date of passage until one year after its passage.

Section 4. It is the intention of the City Council that this ordinance and every provision thereof shall be considered severable, and the invalidity of any section, clause, or provision or part or portion of any section, clause or provision of this ordinance shall not affect the validity of any other portion of this ordinance.

Section 5. Any and all ordinances, orders, resolutions, rules, regulations, policies, or provisions in conflict with the provisions of this ordinance are hereby repealed and rescinded to the extent of any conflict herewith.

Section 6. This ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED this 18th day of September, 2023.

Tommy Ross, Mayor

Attest:

Monica Hendrix, City Secretary

MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE

JANUARY 2020



Glenn Hegar

Texas Comptroller of
Public Accounts

Many Texas cities do not have the funds necessary to repair existing streets and sidewalks. The Tax Code authorizes cities to impose a special sales tax to fund maintenance of this important mobility infrastructure.

WHO IS ELIGIBLE?

Cities may impose the tax if the new combined local sales tax rate will not exceed 2 percent.

[Refer to [Tax Code, Sect. 327.003\(b\)](#).]

ELECTION IS REQUIRED

A city's voters must approve the additional sales tax. The city's governing body must adopt an ordinance calling for an election to be held on one of the two uniform election dates:

- the first Saturday in May; or
- the first Tuesday after the first Monday in November.

For guidance on the timing of elections, please contact the Secretary of State at 512-463-5650 or toll free at 800-252-8683. Additional information is available on the [Secretary of State's website](#).

BALLOT LANGUAGE

At the election to adopt the additional tax, a ballot must allow voters the choice of voting for or against the proposition. Following is the required ballot language:

"The adoption of a local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to provide revenue for maintenance and repair of municipal streets."

[Refer to [Tax Code, Sect. 327.006\(b\)](#).]



For sales tax elections called by the governing body, a municipality may combine measures to lower or repeal any dedicated or special purpose municipal sales tax into a single ballot proposition, and at the same time raise or adopt any other dedicated special purpose municipal sales tax. A combined sales tax proposition would have to contain substantially the same language as that required for lowering, repealing, raising or adopting each tax as appropriate. If a combined sales tax proposition were defeated, there would be no effect on existing sales taxes.

[Refer to [Tax Code, Sect. 321.109](#).]

The tax may be used to **repair existing streets**, but **not build new streets**.

FOR MORE INFORMATION,
VISIT OUR WEBSITE
Comptroller.Texas.Gov

RECEIVE ECONOMIC
DEVELOPMENT TAX HELP
BY EMAIL AT
econ.dev@cpa.texas.gov

This publication is intended as a general guide and not as a comprehensive resource on the subjects covered.
It is not a substitute for legal advice.

MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE

**Street
maintenance tax**
funds may be spent
on municipal streets
including sidewalks.

FOR MORE INFORMATION,
VISIT OUR WEBSITE
Comptroller.Texas.Gov

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ELECTION RESULTS

If the election is successful, within 10 days of the election the city must declare the results of the election by resolution or an ordinance entered in its minutes of proceedings. The resolution or ordinance must include statements showing:

- the date the election was held;
- the wording of the proposition;
- the total number of votes cast for and against the proposition; and
- the number of votes by which the proposition passed.

[Refer to [Tax Code, Sect. 321.405.](#)]

If the voters of a municipality adopt the street maintenance sales tax at an election held on the same date that another political subdivision adopts a sales and use tax or approves the increase in the rate of its sales and use tax, the combined rate of all sales and use taxes must not exceed 2 percent at any location in the municipality. If the combined rate exceeds 2 percent at any location in the municipality, the election to adopt a street maintenance sales tax will have no effect.

[Refer to [Tax Code, Sect. 327.003\(c\).](#)]

EFFECTIVE DATE

The tax will become effective on the first day of the first calendar quarter after one complete calendar quarter passes from the date the Comptroller receives the city's notice that voters have approved the tax.

[Refer to [Tax Code, Sect. 327.005.](#)]

For example, if voters approve the tax in an election held in May and the city sends the election results to the Revenue Accounting, Tax Allocation Section of the Comptroller's office by the end of June, the tax would take

effect on Oct. 1. The city would begin receiving revenue from the Comptroller beginning with the December sales tax allocation.

ADMINISTRATION OF THE TAX

The city should account for street maintenance sales tax funds separately from other revenues.

USE OF THE STREET MAINTENANCE SALES TAX

Funds may be used only to maintain and repair municipal streets and sidewalks that existed on the date of the election to adopt the tax. It may not be used to build new streets.

[Refer to [Tax Code, Sect. 327.008.](#)]

WHAT ARE "MUNICIPAL" STREETS?

A "municipal street" includes the entire width of a way (including sidewalks) held by a municipality in fee or by easement or dedication that has a part open for public use for vehicular travel. The term does not include a designated state or federal highway or road or a designated county road.

[Refer to [Tax Code, Sect. 327.001.](#)]



MUNICIPAL SALES AND USE TAX FOR STREET MAINTENANCE

EXPIRATION AND REAUTHORIZATION OF THE TAX

For most cities, the street maintenance sales tax expires four years after it takes effect unless the city's voters authorize it to continue in an election held for that purpose. The election to reauthorize the tax must be held on one of the two uniform election dates noted previously. The ballot proposition language should permit voting for or against the following proposition:

"The reauthorization of the local sales and use tax in (name of municipality) at the rate of (insert appropriate rate) to continue providing revenue for maintenance and repair of municipal streets."

The municipality must notify the Comptroller of the scheduled expiration not later than the 10th day after the municipality determines that the tax will expire.

[Refer to [Tax Code, Sect. 327.007](#).]



If an election to reauthorize the tax is not held before the tax expires or if votes cast in an election to reauthorize the tax do not favor reauthorization, the municipality may not call an election to authorize a new tax under this chapter before the first anniversary of the date on which the tax expired.

[Refer to [Tax Code, Sect. 327.007](#).]

The **tax expires four years after it takes effect** unless voters authorize its extension.

NEED MORE INFORMATION?

For more information about the street maintenance sales tax, call the Comptroller's Data Analysis and Transparency Division at 844-519-5672.

FOR MORE INFORMATION,
VISIT OUR WEBSITE
Comptroller.Texas.Gov

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Glenn Hegar
Texas Comptroller of Public Accounts

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800-252-5555

911 Emergency Service/
Equalization Surcharge
Automotive Oil Fee
Battery Fee
Boat and Boat Motor Sales Tax
Customs Broker
Mixed Beverage Taxes
Off-Road, Heavy-Duty Diesel
Equipment Surcharge
Oyster Fee
Sales and Use Taxes

800-531-5441

Cement Tax
Inheritance Tax
Local Revenue
Miscellaneous Gross
Receipts Taxes
Oil Well Servicing Tax
Sulphur Tax

800-442-4353

WebFile Help

800-252-1381

Bank Franchise
Franchise Tax

800-252-7875

Spanish

800-531-1441

Fax on Demand (Most frequently requested Sales and Franchise tax forms)

800-252-1382

Clean Vehicle Incentive Program
Manufactured Housing Tax
Motor Vehicle Sales Surcharge,
Rental and Seller Financed Sales Tax
Motor Vehicle Registration Surcharge

800-252-1383

Fuels Tax
IFTA
LG Decals
Petroleum Products Delivery Fee
School Fund Benefit Fee

800-252-1384

Coastal Protection
Crude Oil Production Tax
Natural Gas Production Tax

800-252-1387

Insurance Tax

800-252-1385

Coin-Operated Machines Tax
Hotel Occupancy Tax

800-252-1386

Account Status
Officer and Director Information

800-862-2260

Cigarette and Tobacco

888-4-FILING (888-434-5464)
TELEFILE: To File by Phone

800-252-1389

GETPUB: To Order Forms and Publications

800-654-FIND (800-654-3463)
Treasury Find

800-321-2274

Unclaimed Property Claimants
Unclaimed Property Holders
Unclaimed Property Name Searches
512-463-3120 in Austin

877-44RATE4 (877-447-2834)

Interest Rate

Subject: Discussion and possible direction given to the City Manager for securing additional waste water capacity in the Bullhide treatment plant expansion.

Background Information:

The City of Waco is expanding the Bullhide waste water treatment plant, and the Council has given previous direction to the City Manager to seek information for cost of securing Lorena up 1/3 of the new capacity. 1/3 of the new capacity is approximately 833,333 GPD (gallons per day) of capacity.

Current Finding:

Waco has determined that the new capacity will be sold in 100,000 GPD blocks, and each block will have an annual capital cost of \$ 178,254, along with increased costs associated with a higher percentage of overall capacity which will have an effect on the overall percentage of the Bullhide budget that Lorena will need to fund.

The City Manager will have a spreadsheet available at the council meeting that can be manipulated to show any and every cost scenario that the council would like to see run. This will allow no stone to go unturned prior to giving further direction to the City Manager on how much capacity the Council would like to start securing.

Recommendation:

Have City Council give further direction to the City Manager on how to proceed with securing the future capacity of Lorena's future waste water capacity.

LORENA POLICE DEPARTMENT

Calls - By Type

08\01\2023
thru 08\31\2023
Agency is: LORENA PD

Type	Description	# Of Calls
319	BURGLAR ALARM	1
180	911 HANG UP	1
109	ABANDONED VEHICLE	4
6	ACCIDENT	6
1	ASSAULT	1
42	ASSIST CITIZEN	5
30	ASSIST MOTORIST	22
70	ASSIST OTHER AGENCIES	16
202	ASSIST OTHER AGENCIES-K9	3
144	CRIMINAL MISCHIEF	1
43	DISTURBANCE	3
166	ELECTRICAL	1
32	EMS	14
58	EQUIPMENT SERVICE	2
89	FIRE	5
64	FIRE ALARM	1
38	FOLLOW UP	2
35	FOOT PATROL	19
315	LIFTING ASSISTANCE	3
283	MISSING PERSON	1
138	OPEN DOOR	1
278	PANIC ALARM	1
69	PARKING VIOLATION	1
308	SEXUAL ASSAULT	1
126	SUSPICIOUS CIRCUMSTANCES	9
29	SUSPICIOUS PERSON	7
22	SUSPICIOUS VEHICLE	9
4	THEFT	1
78	TRAFFIC COMPLAINTS	5
103	TRAFFIC HAZARD	3
27	TRAFFIC STOP	204
57	VCO - DOG	2
155	VCO-SOLICITATION	3
56	VIOLATION OF CITY ORDINANCE	1
77	WARRANT SERVICE	3
76	WELFARE CONCERN	12
Total		374

LORENA POLICE DEPARTMENT

Arrests - By Violation

08\01\2023

thru 08\31\2023

Agency is: LORENA PD

<u>Violation</u>	<u># of Offenses</u>
CRIMINAL MISCHIEF >=\$100<\$750	1
POSS CS PG 2 >= 4G < 400G	1
POSSESSION OF MARIJUANA <=2OZ (MB)	1
THEFT <\$2500 W/TWO PREV CONV - ALL OTHER LARCENY (FS)	1
WARRANT- OTHER AGENCY (MISD)	1
Total Violations	5
Total Arrests	4

CITATIONS ISSUED BY THE LORENA POLICE DEPARTMENT

AUGUST 2022	211
AUGUST 2023	337

Becknauld	150
Board	8
Deppen	55
Disney	10
Greer	113
Serrato	0
Rivas	1
<hr/>	
Total	337