

**AGENDA ITEM SUMMARY FORM**

PROPOSED MEETING DATE: January 4, 2023
PREPARED BY: Scott Moore, City Manager
DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Conduct a public hearing on an ordinance granting Texas Community Propane Inc. the right, privilege and franchise to use streets, alleys and thoroughfares to operate and maintain a propane distribution system in the City of Manor.

BACKGROUND/SUMMARY:

On April 17, 2002, the City Council approved Ordinance 200 with Texas Community Propane with a term of 20 years. It is common for public utilities in the State of Texas to secure long term agreements and allow them time to plan and fund their infrastructure upgrades throughout the community and region. The City of Manor has been fortunate to form partnerships with other public utilities by investing and providing quality services to our residents and businesses and extending this agreement would be a consistent business practice for our organization.

Per City Charter Section 11.02 – Franchises - The council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the city. Except as specifically authorized and provided otherwise by state law, no individual, organization, entity, political subdivision, corporation, public utility or any provider of public service shall provide any service within the city requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such city facilities. The franchise ordinance or permit shall fully describe the terms of the agreement, and regardless of the title given, shall be subject to the terms of this article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include, but not be limited to, the terms prescribed in this charter. No franchise ordinance or permit shall be passed except on two readings, held after a public hearing for which ten days notice is given in a newspaper of general circulation in the city and posted on the city's website, unless applicable state or federal law requires the issuance of the franchise or permit within a specific time period, in which case the franchise ordinance or permit will be approved in accordance with the procedures established by ordinance.

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

- Ordinance

STAFF RECOMMENDATION:

It is the city staff's recommendation that the City Council conduct the public hearing.

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