

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, FINDING THAT THE PROVISION OF SOLID WASTE COLLECTION AND RECYCLING IS NOT A PUBLIC UTILITY; AMENDING AN EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS; AMENDING CERTAIN TERMS AND CONDITIONS OF THE FRANCHISE GRANT; EXTENDING THE TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council previously approved, by ordinance, an exclusive franchise agreement for the provision of solid waste and recycling services for the City of Pflugerville (the “Agreement”); and,

WHEREAS, Section 10.A of the Agreement authorizes the franchise holder to petition the City for Operating Cost Adjustments under; and

WHEREAS, the franchise holder has petitioned the City and seeks its approval for a one-time rate adjustment in the base for monthly services and a one-time increase for extra recycling cart; and

WHEREAS, the franchise holder and the City additionally desire to amend the Agreement to provide for brush pickup service to City residents on a “pay per pickup” basis, to amend the term of the Agreement and to require a Company financial contribution to the City’s recycling information program.

WHEREAS, the City Council finds the rates and service options should be amended as stated herein, and

WHEREAS, the City Council finds that the awarding of a franchise agreement for the provision of solid waste and recycling services within the City is not a public utility as that term is contemplated by the City Charter and, as such, compliance with Article X of the City Charter is not required; and

WHEREAS, the City Council finds that amending the Agreement for the collection, hauling, recycling and disposal of municipal solid waste and recyclable materials is in the best interest and welfare of the public.

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

SECTION 1. Incorporation of Recitals. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Agreement Amended; Authorization for Signature. The Agreement is amended as provided for in the attached Exhibit A and the City Manager is authorized to execute same.

SECTION 3. Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

SECTION 4. Severability Clause. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 5. Effective Date. That this Ordinance will become effective on its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this ____ day of March 2020.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
Denton Navarro Rocha Bernal & Zech PC