



# City of Pflugerville

## Legislation Details (With Text)

**File #:** ORD-0334    **Version:** 3    **Name:**  
**Type:** Ordinance    **Status:** Mayor's Office  
**File created:** 12/2/2016    **In control:** City Council  
**On agenda:** 1/24/2017    **Final action:** 1/24/2017

**Title:** Approving an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Franchise Ordinance - Texas Disposal Systems, Inc - Jan, 2017.pdf, 2. Chapter 52 Solid Waste ORD 790-05-07-12.pdf, 3. Commercial Solid Waste Revenues.pdf

Date	Ver.	Action By	Action	Result
1/24/2017	3	City Council	Adopted	Pass
1/10/2017	2	City Council	Approved on Second Reading	Pass
12/13/2016	1	City Council	Approved on First Reading	Pass

Approving an ordinance on third reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING A NON-EXCLUSIVE FRANCHISE TO TEXAS DISPOSAL SYSTEMS, INC. FOR THE COLLECTION OF REFUSE FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS; PROVIDING THE TERMS AND CONDITIONS OF THE FRANCHISE GRANT; ESTABLISHING A TERM OF THE FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

The City of Pflugerville entered into franchise agreements for commercial solid waste collection with numerous providers five years ago. The terms of these agreements will expire in January 2017 and staff has prepared documents to extend the franchises for one year so the term of these agreements coincide with the term of the residential solid waste contract which is up for renewal in 2018. Further, per section 3(D) of the attached ordinance provides, "the franchise may be terminated by mutual agreement of the parties at any time or may be terminated upon sixty (60) days notice by either party to the other."

These franchises were developed to compensate the city for the use of the rights-of-way by commercial solid waste collectors and provide a method for the city to monitor companies working within the City of Pflugerville. Insurance and indemnity bond limits are specified and contact information for each company is provided to staff through these agreements. Per Chapter 52, Section 08 of the City's Code of Ordinances (attached), a franchise is required for a provider to provide commercial solid waste collection services within the city.

The franchise fee of 6% of gross revenues is commensurate with that charged by other cities in our

area.

The city attorney has reviewed the ordinance.

### **Prior City Council Action**

These five commercial solid waste franchises were approved by City Council in 2007 and renewed in 2012. A sixth provider was granted a franchise in January 2016 which expires in 2021. No other companies provide commercial solid waste within the City of Pflugerville.

This ordinance was approved on first reading on December 13, 2016 and on second reading on January 10, 2017.

### **Deadline for City Council Action**

Staff recommends final approval on third reading on January 24, 2017 because these franchises expire in January 2017.

### **Fiscal Impact**

The total revenue from this vendor will depend on the number and type of customers within the Pflugerville city limits. The attached summary provides the amount of commercial solid waste franchise revenue from all providers received by the City since 2007.

### **Staff Recommendation**

Approve the ordinance as presented on third and final reading.

### **Drafter**

Lauri Gillam  
Assistant City Manager