

ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, APPROVING A FRANCHISE FOR RESIDENTIAL SOLID WASTE AND RECYCLING COLLECTION SERVICES IN THE CITY OF BURLESON, TEXAS TO WASTE CONNECTIONS LONE STAR, INC.; PRESCRIBING GENERALLY FOR THE OPERATION OF SUCH SERVICES; APPROVING AN AMENDMENT TO THE EXCLUSIVE FRANCHISE AGREEMENT WITH WASTE CONNECTIONS LONE STAR, INC. FOR THE COLLECTION, HAULING, AND DISPOSAL OF MUNICIPAL SOLID WASTE; FINDING THAT THIS ORDINANCE MAY BE CONSIDERED AND APPROVED AT ONLY ONE MEETING; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND, PROVIDING FOR ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is in the public interest to ensure solid waste and recycling services are provided to the citizens of the City; and

WHEREAS, the City has selected Waste Connections as the best provider for said services; and

WHEREAS, on May 20, 2020, the City granted Waste Connections Lone Star, Inc. (“Waste Connections”) the exclusive franchise to collect, haul, and dispose of municipal solid waste from residential units and non-residential units requiring manual collection; and

WHEREAS, on May 20, 2020, the City and Waste Connections entered into an exclusive franchise agreement for such for solid waste collection (the “Original Agreement”); and

WHEREAS, the City and Waste Connections desire to amend the Original Agreement to, among other things, amend the renewal date and extend the term of the Original Agreement, a copy of the amended Original Agreement is attached hereto as Exhibit “A” (the “Agreement”); and

WHEREAS, the City Council has determined that granting of a franchise to Waste Connections will assist in meeting the solid waste and recycling needs of the community; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds and determines that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance meet the requirements set forth in Section 2-4 of the Code of Ordinances, is not considered as part of the consent agenda, and concerns the granting of a franchise; and

WHEREAS, the City Council hereby finds and determines that entering into the Agreement and granting a franchise on the terms set forth herein is in the public interest and in the interest of the City and its residents; and

WHEREAS, the City Council hereby finds and determines that entering into the Agreement and granting a franchise on the terms set forth herein is in furtherance of the public health, safety, welfare, morals, and general welfare.

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

Section 1.

Waste Connections shall be the exclusive provider to collect, haul, and dispose of municipal solid waste from residential units and non-residential units requiring manual collection inside the corporate city limits of the City of Burleson, Texas, as set forth in the Agreement and is bound by all of the obligations of the Agreement, attached hereto as Exhibit "A" and incorporated herein by reference as though fully transcribed herein for all purposes. This franchise shall automatically terminate upon the termination of the Agreement.

Section 2.

The City Manager is authorized to execute on behalf of the City the Agreement between the City and Waste Connections, substantially in the form attached as Exhibit "A".

Section 3.

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 4.

All ordinances in conflict with the provisions of this ordinance are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence,

clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 6.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 7.

This ordinance shall become effective immediately upon its passage and publication as required by law.

First and Final Reading: the _____ day of _____, 20____.

PASSED AND APPROVED this _____ day of _____, 20____.

Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney