



CITY COUNCIL CONSENT AGENDA

CITY OF FAIR OAKS RANCH, TEXAS

December 1, 2022

AGENDA TOPIC: Approval of the second reading of an Ordinance approving the first amendment to the City's exclusive franchise agreement with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste in the City of Fair Oaks Ranch

DATE: December 1, 2022

DEPARTMENT: Administration

PRESENTED BY: Consent Agenda - Carole Vanzant, CPM, TRMC, Assistant City Manager, Community Services

INTRODUCTION/BACKGROUND:

The City's exclusive franchise agreement (**Exhibit A attached**) with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste expired on September 30, 2022. At the June 2, 2022 Regular City Council meeting, the City Council instructed staff to move forward with exercising the City's option to renew the agreement with Republic Services, inclusive of negotiating enhancements where possible.

At the request of Republic Services, the City Council at the September 1, 2022 Regular Business meeting approved an extension of the 2017 Agreement for an additional two months expiring November 30, 2022 under the conditions of the current Agreement. The extension was requested by Republic to provide additional time for their corporate office to review proposed modifications.

The purpose of this agenda item is to consider approval of the first amendment to said exclusive franchise agreement. Because a franchise is adopted by ordinance it may only be amended or extended by ordinance. Because the existing agreement is being modified as opposed to simply renewed, an amendment is required. **Exhibit A1** of the attached ordinance details the amendments to the existing Agreement (strikethrough/underlined and italics).

Primary elements of the first amendment are as follows:

- Provides for a 2-year renewal expiring on September 30, 2024, and seamless continued service.
- Continued utilization of the trailing twelve (12) month average Consumer Price Index (CPI) to establishing annual base service rates. The following table provides a historical perspective of base rate adjustments over the previous 5-year contract period.

Fiscal Year	Eligible Monthly Service Rate	Adopted Monthly Service Rate
October 2017		\$20.05
October 2018	\$20.69	\$20.05
October 2019	\$21.45	\$20.65
October 2020	\$22.08	\$21.25
October 2021	\$22.72	\$21.87
October 2022	\$23.86	\$22.96 *

*New base rate starting October 1, 2022

- Clarifies that all bulk and brush items shall be placed into one collection pile.
- Clarifies the type and size of containers utilized at City facilities.
- Clarifies that the City will be responsible for advance notices (mailers) regarding customer procedures for the annual brush and bulk events. The contractor will reimburse the city for all cost.
- Confirms the contractor's annual contribution toward the Household Hazardous Waste collection event is \$20k.
- Increases the franchise fee from 3% to 5%.

On November 17th, the City Council approved the first reading of the Ordinance approving the first amendment to the City's exclusive franchise agreement with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste in the City of Fair Oaks Ranch. The motion also included the following amendment to Exhibit A1 relative to the sixth Whereas:

Whereas, on September 1, 2022, Republic Services requested an extension of the 2017 agreement for an additional two-months expiring November 30, 2022 under the conditions of the current agreement.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A as service cost is paid by customers.

LEGAL ANALYSIS:

Approved as to form

RECOMMENDATION/PROPOSED MOTION:

Consent Agenda - I move to approve the second reading of an Ordinance approving the first amendment to the city's exclusive franchise agreement with Republic Services for the collection, hauling, and disposal of residential garbage and refuse waste.