CITY OF PLANO
COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY	
☐ Consent ☐ Regular ☐ Statutory	
Council Meeting Date:	09/23/13
Department:	Public Works (Environmental Waste Services)
Department Head	Gerald Cosgrove
Agenda Coordinator (include phone #):	**Tiffany Stephens x4264**

CAPTION

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2012-9-27, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, a publication clause and an effective date.

FINANCIAL SUMMARY

☐ NOT APPLICABLE ☐ OPERATING EXPENSE ☒ REVENUE ☐ CIP

FISCAL YEAR: **2013-14**	**Prior Year (CIP Only)**	**Current Year**	**Future Years**	**TOTALS**
Budget	0	6,231,288	0	**6,231,288**
Encumbered/Expended Amount	0	0	0	**0**
This Item	0	13,197	0	**13,197**
BALANCE	0	6,244,485	0	**6,244,485**

FUND(S): SUSTAINABILITY & ENVIRONMENTAL SERVICES FUND

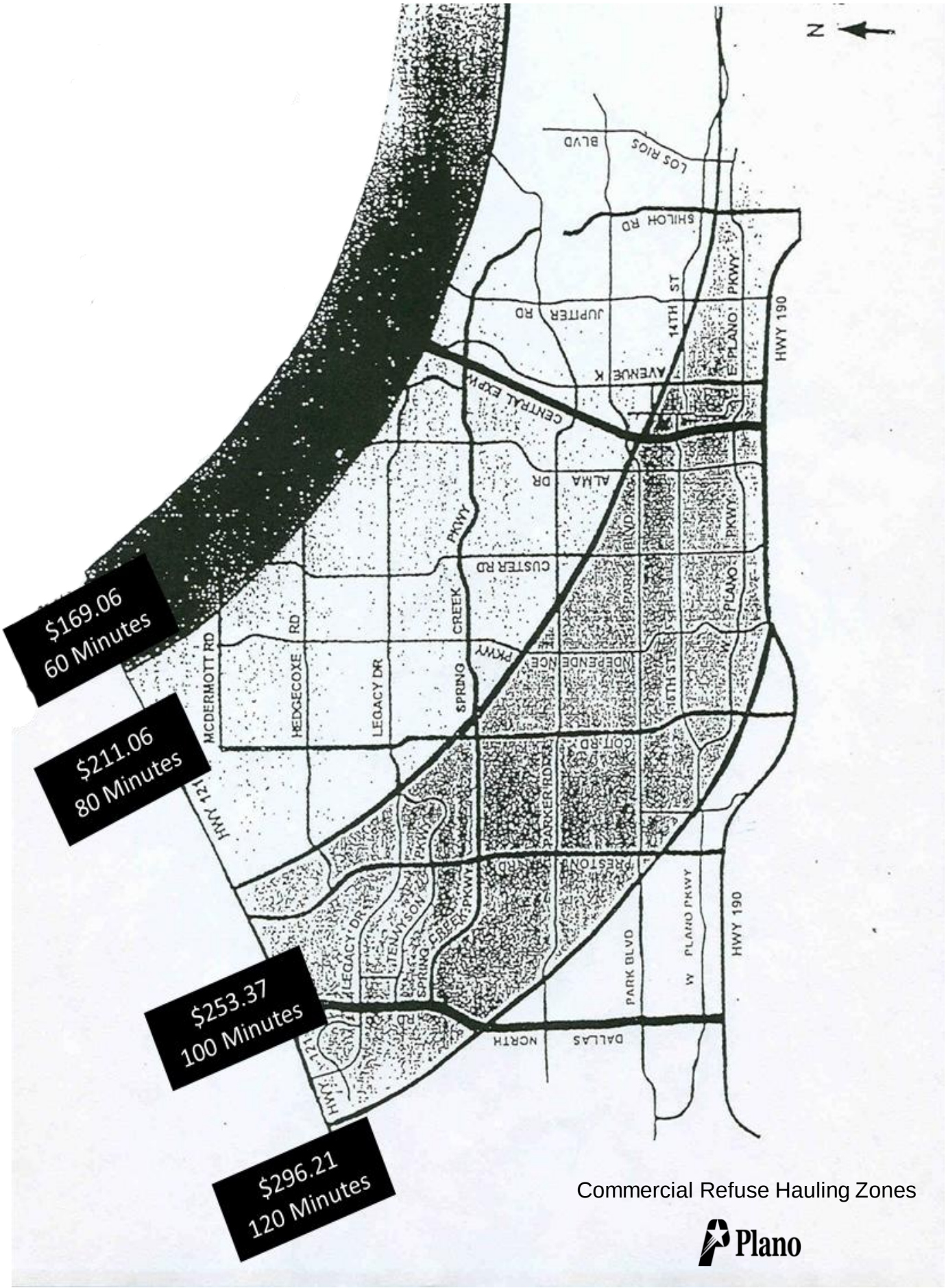
COMMENTS: Approval of the proposed changes to Commercial Container Rates in Plano is not expected to significantly change revenues that were originally anticipated in the FY 2013-14 Budget. These rate increases are necessary to keep pace with increased operational and service costs.

STRATEGIC PLAN GOAL: Updating rates to reflect the increasing expense of providing a service relates to the City's goal of a Financially Strong City with Service Excellence.

SUMMARY OF ITEM

The commercial rate increase reflects an annual escalation included in the commercial franchise agreement. The annual escalation is based upon the net percentage of increase or decrease in the Consumer Price Index (CPI) - Urban Wage Earners and Clerical Workers, Dallas-Fort Worth metropolitan area by the Bureau of Labor Statistics of the U.S. Department of Labor.

List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies
Commercial Refuse Hauling Zones Map	



Commercial Refuse Hauling Zones

Plano

An Ordinance of the City of Plano, Texas, repealing in its entirety Ordinance No. 2012-9-27, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste of the Code of Ordinances of the City of Plano, Texas and enacting this new Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, establishing a revised schedule of rates and charges for solid waste disposal and collection applicable to commercial accounts; providing a repealer clause, a severability clause, a publication clause and an effective date.

WHEREAS, on September 24, 2012, the City Council of the City of Plano enacted Ordinance No. 2012-9-27, which was codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano establishing a schedule of rates and charges for the collection and disposal of solid waste from commercial customers within and outside the City; and

WHEREAS, the schedule of rates and charges for solid waste collection and disposal must be reviewed annually in connection with preparation of the City budget and those rates and charges must be adjusted periodically to address increased operational costs and/or increased services being provided; and

WHEREAS, upon recommendation of staff and upon full review and consideration of all matters thereto, the City Council hereby finds and determines that it is necessary to revise the schedule of rates and charges for solid waste collection and disposal, as hereinafter provided, and that such revised schedule of rates and charges is reasonable and in the best interest of the City of Plano and its citizens.

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

Section I. Ordinance No. 2012-9-27, codified as Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas, is hereby repealed in its entirety.

Section II. Section 18-34 of Article II, Commercial Container Rates, of Chapter 18, Solid Waste, of the Code of Ordinances of the City of Plano, Texas is enacted to read as follows:

"Sec. 18-34. Commercial container rates.

(a) The collection and disposal of solid waste from commercial accounts in the City of Plano shall only be performed by those commercial contractors authorized by the City Council to conduct such business within the City of Plano.

(b) The following rates and charges as set forth in the schedule below are hereby established as the maximum rates that may be charged by an authorized commercial contractor for collection, transportation and disposal of solid waste pursuant to that commercial contractor's contract with the City:

(1) Rates for commercial container service for containers with a volume between two (2) cubic yards and eight (8) cubic yards shall be as follows plus a one time delivery charge of fifty-six dollars and twenty-eight cents ($56.28):

SIZE OF CONTAINER	SERVICE	MONTHLY CHARGE
2 Cu. Yd.	1 x Week	58.21
	2 x Week	90.16
	3 x Week	135.22
	Extras	48.08
3 Cu. Yd.	1 x Week	76.92
	2 x Week	140.43
	3 x Week	195.29
	Extras	51.48
4 Cu. Yd.	1 x Week	93.30
	2 x Week	163.64
	3 x Week	233.82
	Extras	56.59
6 Cu. Yd.	1 x Week	128.22
	2 x Week	231.52
	3 x Week	333.55
	4 x Week	449.93
	5 x Week	567.80
	6 x Week	704.28
	Extras	63.73
8 Cu. Yd.	1 x Week	167.37
	2 x Week	293.16
	3 x Week	437.10
	4 x Week	588.76
	5 x Week	703.59
	6 x Week	834.71
	Extras	72.05

(2) Rates for commercial compactors with a volume between six (6) cubic yards and eight (8) cubic yards shall be as follows plus a one time delivery charge of fifty-six dollars and twenty-eight cents ($56.28):

COMPACTORS

SIZE OF CONTAINER	SERVICE	MONTHLY CHARGE
6 Cu.Yd., Compactor	1 x week	382.72
	2 x week	765.42
	3 x week	1,148.14
	4 x week	1,530.85
	5 x week	1,913.54
	6 x week	2,296.24
	Extras	71.86
8 Cu.Yd., Compactor	1 x week	510.25
	2 x week	1,020.47
	3 x week	1,530.72
	4 x week	2,040.92
	5 x week	2,551.18
	6 x week	3,061.42
	Extras	95.81

(3) Rates for container service for open top containers and compactors with a volume in excess of eight (8) cubic yards will be determined and paid based on haul charges plus a per ton disposal charge that is established annually by the North Texas Municipal Water District (NTMWD). Haul charges are determined based on established zones that reflect the contractor's transportation costs using time/distance from the service location to the disposal site. A minimum haul charge of one hundred twenty-seven dollars and twelve cents ($127.12) will be assessed for disposal at one of NTMWD's three transfer stations or the appropriate Zone Charge associated for disposal at the NTMWD RDF 121 Landfill site. Customers renting containers will be charged a delivery fee and per day rental fee. Haul rates and associated fees shall be as follows:

Zone 1	Zone 2	Zone 3	Zone 4	Delivery	Rental
$169.06	$211.06	$253.37	$296.21	$85.84	$5.70

Disposal Fee: $43.35 per ton

(4) Rates for commercial recycling container service shall be as follows:

SIZE OF CONTAINER	SERVICE	MONTHLY CHARGE
2 Cu. Yd.	Every Other Week	37.98
	1 x Week	50.64
	2 x Week	88.62
	3 x Week	126.60
	Extras	30.00
3 Cu. Yd.	Every Other Week	38.17
	1 x Week	50.89
	2 x Week	89.06
	3 x Week	127.23
	Extras	30.00
4 Cu. Yd.	Every Other Week	38.36
	1 x Week	51.14
	2 x Week	89.50
	3 x Week	127.86
	Extras	30.00
6 Cu. Yd.	Every Other Week	38.72
	1 x Week	51.63
	2 x Week	90.35
	3 x Week	129.07
	4 x Week	167.79
	5 x Week	206.51
	6 x Week	245.23
	Extras	30.00
8 Cu. Yd.	Every Other Week	39.10
	1 x Week	52.13
	2 x Week	91.23
	3 x Week	130.33
	4 x Week	169.43
	5 x Week	208.53
	6 x Week	247.63
	Extras	30.00

These monthly commercial recycling container service rates are not subject to the City's Commercial Franchise Fee.

(5) In addition to the rates specified in subsections (b)(1) and (b)(3) above, there will be a delivery charge of eighty-five dollars and eighty-four cents ($85.84) for each temporary or on-call container delivered. "Temporary service" shall be defined as service of duration of less than one year.

(6) All rates for solid waste services are subject to the appropriate state taxes.

(7) Charges for damages to commercial solid waste containers not caused by the authorized commercial contractor, and charges for replacement of such containers at more frequent intervals than approved by the City Council shall be set forth in the performance standards for the authorized commercial contractor as referenced in the Commercial Franchise Agreement.

(8) In addition to the charges hereinabove specified, the following additional fees and charges are authorized:

Casters	$4.28 per lift
Locks	$1.42 per lift
Gates	$1.42 per lift
Return Check Charge	$35.00
Fee for late payment	1.5% per month for balance due over 30 days."

Section III. The rates established in Section 18-34 shall be effective for all billings rendered on and after October 1, 2013.

Section IV. All provisions of the Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section V. It is hereby declared to the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

<u>Section VI.</u> This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this 23rd day of September 2013.

_____
Harry LaRosiliere, MAYOR

ATTEST:

_____
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

_____
Diane C. Wetherbee, CITY ATTORNEY