



City of La Vernia
SPECIAL CITY COUNCIL MEETING
City Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

October 25, 2016
4:00 PM

AGENDA

1. Call to Order

2. Invocation, Pledge of Allegiance, and Texas Pledge (*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*)

3. Citizens to be Heard

(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion)

3. Ordinance

- A. Discuss and consider approving Ordinance No. 102516-01, to increase garbage rates by CPI per contract with Waste Connections, Inc. (Progressive Waste).

4. Resolution

- A. Discuss and consider action on approving a Resolution, R102516-01, recognizing the importance of Municipal Courts, the Rule of Law, and The Fair and Impartial Administration of Justice

5. Adjourn

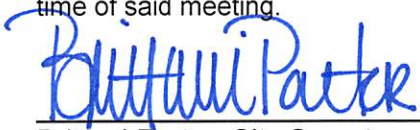
DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.086 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia City Council meetings are available to all persons regardless of disability. This facility is wheelchair accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email bporter@lavernia-tx.gov.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia City Council is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **October 14, 2016 at 4:30 P.M.** and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.



Brittani Porter, City Secretary

ORDINANCE NO. 101316-01

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS, AMENDING ORDINANCE NO. 051216-02; PROVIDING FOR AN INCREASE IN SOLID WASTE COLLECTION AND DISPOSAL FEES FOR RESIDENTIAL, HOUSEHOLD, COMMERCIAL AND INDUSTRIAL REFUSE BASED ON THE .08% CPI –U ADJUSTMENT WITH WASTE CONNECTIONS, INC, FORMALLY KNOW AS PROGRESSIVE WASTESOLUTION OF TX, INC., F/K/A IESI TX CORPORATION); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATION THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of La Vernia hereby finds and determines that all collection, conveyance, transportation and disposal of residential, household, commercial and industrial refuse and solid wastes within the city limits of La Vernia should be franchised by the City to an exclusive provider.

WHEREAS, the La Vernia City Council entered into an Exclusive Franchise Agreement by and between Waste connections, Inc, formally known as Progressive Water Solutions of TX, INC and the City of La Vernia beginning November 1, 2014 and concluding October 31, 2019; and

WHEREAS, the La Vernia City Council agreed to CPI price adjustments, per criteria outlined on page 8 in section 10, rate adjustment of original agreement, dated November 1, 2006.

WHEREAS, the Agreement established rates for collection of solid waste for Single Family Residential Units, Handicapped Residential Units, Commercial, Multifamily, and Multifamily Residential Unit Collections, Special Collections and Services; and Construction and Demolition Waste; and

WHEREAS, the rates charged to residential and commercial customers for Solid Waste Disposal fees are adjusted annually by the Consumer Price Index for all Urban Consumers (CPI-U); and

WHEREAS, Waste Connections, Inc requested rate increase to include recycling for residential and commercial handheld customers, to take effect on November 1, 2016; and

WHEREAS, any increase in rates must be approved by City Council; and

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

**I.
SOLID WASTE COLLECTION AND DISPOSAL RATES AND CHARGES**

The following rates shall apply for solid waste handling services within the City of La Vernia. Effective November 1, 2016.

Single Family Residential:

COST STILL NEEDS TO BE UPDATED

For the Services provided to Single-Family Residential Units under Section 4 hereof, the Service Provider shall charge (i)(A) \$15.95 per month for each Single-Family Residential Unit utilizing one (1) Roll-Out and one (1) Recycling Container, or (B) \$12.84 per month for each Single-Family Residential Unit receiving the senior citizen rate (head of the household is 65 years of age or older), plus (ii) \$8.34 per month for each additional Roll-Out utilized by such Single-Family Residential Unit, plus (iii) \$3.32 per month for each additional Recycling Container utilized by such Single Family Residential Unit. These rates apply to Single-Family Residential Units that are located within the City's corporate limits and billed by the City for water and sewer services."

Commercial:

<u>Container Size</u>	<u>One Collection Per Week</u>	<u>Two Collections Per Week</u>	<u>Three Collections Per Week</u>
One (1) Roll-Out	\$18.47*	N/A	
Two (2) Roll-Outs	\$25.47*	N/A	
2 Cubic Yards	\$63.98	\$127.94	
3 Cubic Yards	\$77.85	\$152.10	
4 Cubic Yards	\$88.12	\$160.55	
6 Cubic Yards	\$101.99	\$208.82	\$372.83
8 Cubic Yards	\$131.57	\$245.05	\$437.58
10 Cubic Yards	\$156.92	\$289.70	\$517.33

For any collection that the Service Provider is required to make in excess of the above weekly figure, the Service Provider shall charge an additional \$47.46 per Container, per additional collection. The foregoing rates apply to all Commercial, Industrial and Multi-Family Residential Units that are located within the City's corporate limits and billed by the City for water and sewer services.
 *Recycling is included in commercial handheld customers.

Roll-Off Services.

“Delivery Fee: \$94.28 per Roll-Off
 Rental Fee: \$3.62, per Roll-Off, per day
 Disposal Fee: \$30.16 per ton

Haul Fees:

20 Yard Roll-Off \$362.12 per haul
 30 Yard Roll-Off \$428.53 per haul
 40 Yard Roll-Off \$488.93 per haul

Extra Roll-Offs

Delivery/Exchange Fee: \$66.39 per Roll-Off delivery or exchange
 Rental Fee: \$3.62 per Roll-Off, per day
 Disposal Fee: \$30.16 per ton

Haul Fees:

20 Yard Roll-Off \$362.12 per haul
 30 Yard Roll-Off \$428.53 per haul
 40 Yard Roll-Off \$488.93 per haul

**II.
CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of La Vernia, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**III.
SEVERABILITY**

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

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 25th day of October, 2016.

Robert Gregory, Mayor
City of La Vernia

ATTEST:

Brittani Porter, City Secretary
City of La Vernia

APPROVED AS TO FORM:

City Attorney
City of La Vernia

RESOLUTION NO. 102516-01

IN RECOGNITION OF MUNICIPAL COURT WEEK

November 7-11, 2016

A RESOLUTION RECOGNIZING THE IMPORTANCE OF MUNICIPAL COURTS, THE RULE OF LAW, AND THE FAIR AND IMPARTIAL ADMINISTRATION OF JUSTICE

WHEREAS, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas;

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court;

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the La Vernia Municipal Court is a state court and its judges are members of the state judiciary;

WHEREAS, the procedures for the La Vernia Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas;

WHEREAS, the City of La Vernia is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, La Vernia Municipal Judges are not policy makers for the City of La Vernia but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees;

WHEREAS, the City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the La Vernia Municipal Court in complying with such legal requirements.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS THAT THE WEEK OF NOVEMBER 7 – 11, 2016 IS HEREBY RECOGNIZED AS MUNICIPAL COURT WEEK IN RECOGNITION OF THE FAIR AND IMPARTIAL JUSTICE OFFERED TO OUR CITIZENS BY THE MUNICIPAL COURT OF LA VERNIA.

PASSED AND APPROVED ON THIS THE 25th DAY OF OCTOBER, 2016.

MAYOR

ATTEST:

CITY SECRETARY