

City of Angleton, Texas
City Council Special Meeting
Tuesday, May 17, 2016
@ 6:00 p.m.

The City of Angleton, Texas, City Council will conduct a Special Meeting beginning at 6 p.m., Tuesday, May 17, 2016 at the City Council Chambers, 120 S. Chenango, Angleton, TX, for the purpose of considering the following agenda items. *The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.*

1. Declaration of quorum and call to order.
2. Pledge of Allegiance.
3. Moment of silent reflection or prayer.
4. Presentation: Proclamation for Motorcycle Safety and Awareness Month
5. Citizens Wishing to Address Council.
6. Requests to Address Council Other Than Citizenry.
7. ALL ITEMS LISTED UNDER THE "CONSENT AGENDA" ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED BY A SEPARATE ACTION.

Consent item: Variance to the Peddler's Ordinance No. 2009-O-6E, Renewing Please Mom Ice Cream Truck's License to Operate one (1) Ice Cream Delivery Truck for One Year.

8. Discussion and Possible Action on Approval of ORDINANCE NO. 2016-O-5A; AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF THE CITY OF ANGLETON, TEXAS ON MAY 7, 2016; ENTERING AN ORDER IN THE RECORDS OF THE CITY OF ANGLETON DECLARING THAT POSITION 1, POSITION 3 AND POSITION 5 HAVE BEEN FILLED BY MAJORITY VOTE FOR EACH POSITION IN ACCORDANCE WITH THE REGISTER OF VOTING INFORMATION WHICH IS ADOPTED AND ATTACHED TO THIS ORDINANCE; PROVIDING AN OPEN MEETINGS

CLAUSE; PROVIDING FOR OTHER PURPOSES; AND PROVIDING AN EFFECTIVE DATE. (Shelly Deisher, City Secretary).

9. Issue Certificates of Election to Newly-Elected Officers (Shelly Deisher, City Secretary).
10. Statement of Elected Officers (Shelly Deisher, City Secretary).
11. Oaths of Office and Swearing in of Position 1, Position 3 and Position 5 by District Court Judge Pat Sebesta.
12. Councilman Hardwick Bieri Seated to Position 1, Councilman Wesley Rolan Seated to Position 3 and Councilman Cody Vasut Seated to Position 5 on the City Council of the City of Angleton.
13. Declaration of Quorum and Call To Order by the Mayor.
14. Recognition of Roger Collins' Service as Mayor Pro Tem, Position 5 (Mayor Randy Rhyne).
15. Discussion and Possible Action on Appointment of Mayor Pro Tem to the Angleton City Council (Mayor Randy Rhyne).
16. Discussion and Possible Action on an Agreement Between the City of Angleton and HDR Engineering for the Development of a Nitrification Action Plan (Michael Stoldt, City Manager).
17. Discussion and Possible Action on RESOLUTION NO. 2016-R-5A; A RESOLUTION BY THE CITY OF ANGLETON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., TEXAS COAST DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION" OF CITIES; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE (Mary Kay Fischer, City Attorney).
18. Discussion and Possible Action on ORDINANCE NO. 2016-O-5D; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, TRANSFERRING THE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING AND DISPOSAL OF MUNICIPAL SOLID WASTE IN THE CITY OF ANGLETON, TEXAS, FROM WASTE CONNECTIONS, INC. TO WASTE CONNECTIONS OF TEXAS, LLC.; MUTUALLY AGREEING TO A ONE (1)

YEAR EXTENSION THROUGH MAY 31, 2017, AS PREVIOUSLY AUTHORIZED IN THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

19. Adjourn.

The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of Angleton will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shelly Deisher, City Secretary, at 979-849-4364, extension 2115.

CERTIFICATION

I certify that copies of this agenda of items to be considered by the City of Angleton City Council were posted in the following locations:

City Hall Bulletin Board: Date: _____ Time: _____

City of Angleton Website: Date: _____ Time: _____

Shelly Deisher,
City Secretary

ORDINANCE NO. 2016-O-5A

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF THE CITY OF ANGLETON, TEXAS ON MAY 7, 2016; ENTERING AN ORDER IN THE RECORDS OF THE CITY OF ANGLETON DECLARING THAT POSITION 1, POSITION 3 AND POSITION 5 HAVE BEEN FILLED BY MAJORITY VOTE FOR EACH POSITION IN ACCORDANCE WITH THE REGISTER OF VOTING INFORMATION WHICH IS ADOPTED AND ATTACHED TO THIS ORDINANCE; PROVIDING AN OPEN MEETINGS CLAUSE; PROVIDING FOR OTHER PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: The City Council finds and declares that on May 7, 2016, a General Municipal Election (General Election) was held to fill Position 1, Position 3 and Position 5 of the City Council; that proper notice of the General Election was duly given; and that the General Election was duly held and the returns of the election officials have been delivered to the Council, all in accordance with the laws of the State of Texas and the Charter and ordinances of the City of Angleton, Texas.

SECTION 2: The official returns of the election officials having been opened, examined, and canvassed, and the City Council hereby finds and declares that 684 ballots were cast at the General Election, and that the votes cast for each position on the ballot for the General Election are as shown in the Register of Voting Information which is adopted, attached to and made a part of this Ordinance for all purposes as if written word for word herein and are as follows:

SECTION 3: It is hereby declared that Hardwick Bieri is elected to Position 1, Wesley Rolan is elected to Position 3, and Cody Vasut is elected to Position 5 of the City Council. This Ordinance shall constitute an Order that the above-mentioned persons have been elected to fill these positions and the City Secretary is hereby directed to enter this Ordinance in the Official Records of the City of Angleton showing that Position 1, Position 3 and Position 5 of the City Council have been filled by majority vote cast in this election.

SECTION 4: The City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance with the provisions of the Texas open meetings law, Tex. Gov't Code Ch. 551, as amended, and that a quorum of the City Council was present.

SECTION 5: This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 17th day of May, 2016.

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

MARY KAY FISCHER, City Attorney

City of Angleton General Election Cumulative Report — Unofficial Brazoria County — Joint Local Election — May 07, 2016

Total Number of Voters : 10,984 of 166,858 = 6.58%
 Number of District Voters: 687 of 11,176 = 6.15%

Precincts Reporting 64 of 64 = 100.00%
 District Precincts Reporting 5 of 5 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
Council Position 1, Vote For 1					
	Hardwick Bieri	88 100.00%	225 100.00%	188 100.00%	501 100.00%
	Cast Votes:	88 79.28%	225 72.35%	188 70.94%	501 72.93%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	23 20.72%	86 27.65%	77 29.06%	186 27.07%
Council Position 3, Vote For 1					
	Wesley Rolan	88 100.00%	222 100.00%	181 100.00%	491 100.00%
	Cast Votes:	88 79.28%	222 71.38%	181 68.30%	491 71.47%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	23 20.72%	89 28.62%	84 31.70%	196 28.53%
Council Position 5, Vote For 1					
	Cody Thane Vasut	64 58.18%	161 51.94%	143 54.17%	368 53.80%
	John Wright	36 32.73%	134 43.23%	114 43.18%	284 41.52%
	Larry Shaefer	10 9.09%	15 4.84%	7 2.65%	32 4.68%
	Cast Votes:	110 99.10%	310 99.68%	264 99.62%	684 99.56%
	Over Votes:	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	Under Votes:	1 0.90%	1 0.32%	1 0.38%	3 0.44%



CITY COUNCIL AGENDA ITEM

Meeting Date: May 17, 2016

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON AN AGREEMENT BETWEEN THE CITY OF ANGLETON AND HDR ENGINEERING FOR THE DEVELOPMENT OF A NITRIFICATION ACTION PLAN.

Consent item Discussion item
 Discussion and possible action Public Hearing

REQUESTED BY: Michael Stoldt

Attachments: (Attachment description)
HDR Agreement

Executive Summary:

The City of Angleton water system was recently reclassified as a chloramine disinfection system with TCEQ. Chloramine systems use ammonia and chlorine to disinfect water, rather than just chlorine. Chloramine disinfection is typically used by regional water systems that transport potable water over long distances since the chloramine disinfection remains active over longer distances and time than just chlorine. The Brazosport Water Authority uses chloramines to disinfect the water it produces. In the past we have only had to add chlorine to the City's water system, since BWA water had excess ammonia available. However, with our increasing use of well water and the addition of the Freedom Park Water Well (which is not mixed with BWA water in a storage tank) we will need to add additional ammonia to our water system. TCEQ requires chloramine water systems to have a Nitrification Action Plan.

The attached Agreement with HDR provides for the development of a Nitrification Action Plan. The total cost for the project is \$10,500. This was not a budgeted item, but funds are available from the 2013 Debt Issue (Fund 120). This Fund has an engineering line item with \$42,500 available (120-570-503.05).

Recommendation:

Approval of the HDR Agreement for the development of a Nitrification Action Plan with expenses charged to the Preliminary Engineering line item from the 2013 Debt Issue.

Michael Stoldt
Name

May 4, 2016
Date



March 23, 2015

Michael Stoldt
City Manager
City of Angleton
121 S. Velasco
Angleton, Texas 77515

Re: Proposal for Nitrification Action Plan
City of Angleton

Dear Mr. Stoldt:

HDR is pleased to submit this proposal to assist the City of Angleton to create a Nitrification Action Plan, as it required by TCEQ for installing a liquid ammonia system (LAS) at Water Plant #3 on Henderson Drive. Based on recent communications with TCEQ our services consist of three components, as are described in further detail below.

PROJECT BACKGROUND

The Texas Commission on Environmental Quality (“TCEQ”) sent a letter to HDR concerning the City of Angleton’s exception request to use chloramines for the City’s public water system. This request was granted by TCEQ, provided that the City follows 7 conditions. These conditions are:

- 1 – Notification: The City will have to notify new customers of the conversion to chloramines prior to implementing the proposed improvements at the City’s wells.
- 2 – Residual: The City must maintain a total chlorine residual of 0.5 mg/L in the distribution system.
- 3 – Periodic Testing: The City must periodically test for monochloramines, total chlorine, free ammonia and nitrate/nitrite in the distribution system.

4 – Nitrification Action Plan: The City must develop a written Nitrification Action Plan. This condition will be addressed by this proposal.

5 – Record Retention: The City must maintain records of monitoring of monochloramines, total chloramine, ammonia, nitrite and nitrate for a period of three years.

6 – Notification of reversion to free chlorine: Proper notifications must be issued when the City periodically reverts back to chlorine for controlling the levels of nitrifying bacteria in the distribution system.

7 – Ratios: The City must perform sampling to ensure the proper ammonia/chlorine ratio is maintained.

This proposal is for the creation of a Nitrification Action Plan, which is condition number 4 from TCEQ.

PROJECT APPROACH

Based on our current understanding of the project and our experience on other similar design projects, we recommend the following approach for this task.

- Item 1 Development of Sampling Program
- Item 2 Interpretation of Baseline Data and Development of Action Plan
- Item 3 Presentation of Action Plan and Staff Training

SCOPE OF WORK

Item 1 – Development of Sampling Program

HDR will develop a baseline sampling program, as TCEQ has required. This baseline sampling will be for total chlorine, nitrate, nitrite, free ammonia, monochloramines, and heterotrophic plate count. The recommended baseline sampling program will include frequencies and locations for the sampling.

The goal of this Item is to be able to develop a normal level of each of the parameters mentioned above, in order to determine if and when system adjustments should be made. The City has been proactive in performing regular analyses on total chlorine, free ammonia, monochloramines, and free ammonia, which should greatly aid in creating baseline values.

The length of the sampling program should be tied to the startup of the City's proposed LAS feed systems. For this reason, our preliminary recommendation is for the baseline sampling period of 8 weeks. This should give the City a good knowledge of the quality of the water at the entry points and the far ends of the distribution system.

Our scope will include:

- On site meeting with staff to gather input on sampling methods, locations, and frequencies.
- Determination of approved methods of analyses.
- Determination of what sampling is done by City staff and what is done by outside laboratory.
- Determination of sampling frequency and locations.
- Preparation of a technical memo with baseline sampling program.

Our scope does not include the cost of any sampling collection or analyses.

Item 2 – Interpretation of Baseline Data and Development of Action Plan

HDR will prepare the Nitrification Action Plan for the City's public water system. It will contain all of the information required by TCEQ. Our scope will include:

- Review of all baseline sampling results.
- Development of Normal Baseline Operating Levels and Action Levels
- Development of recommendations on actions to be taken when Action Levels are hit.
- Development of recommended on-going sampling for the Nitrification Action Plan.
- Preparation of the draft Nitrification Action Plan document.
- On-site meeting with the City to review the draft document.
- Prepare Final Nitrification Action Plan document. We will prepare 3 copies and one electronic copy.
- Update the City's Monitoring Plan as needed.

Item 3 – Presentation of Action Plan and Staff Training

HDR will hold an on-site training session for water system operations staff to explain the Nitrification Action Plan and the actions required if Action Levels are hit. The scope includes preparation time for the training, as well as the training session.

BUDGET

We propose a lump sum budget of \$10,500 for Items 1, 2 and 3.

TERMS AND CONDITIONS

This project will be performed under the current on-going services contract with the City of Angleton, and its terms and conditions will apply.

PROJECT SCHEDULE

It is anticipated that this project will take approximately 12 weeks to complete.

HDR is flexible to work with the City on the scope, schedule and cost to meet your needs. Please call if you have any questions or comments. HDR Engineering Inc. appreciates the opportunity to submit this proposal and we look forward to working with the City of Angleton on this very important project.

Sincerely,

HDR ENGINEERING, INC



David Weston

Vice President/Department Manager
Angleton:

Approved:

Authorized signature on behalf of the City of

Printed Name:

Title:

Date:



CITY COUNCIL AGENDA ITEM
Meeting Date: May 17, 2016

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION BY THE CITY OF ANGLETON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., TEXAS COAST DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION" OF CITIES; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Consent item Discussion item
 Discussion and possible action Public Hearing

REQUESTED BY: TCUC's Special Counsel, Alfred R. Herrera through Mary Kay Fischer, City Attorney

Budgeted amount: _____ **Funds requested:** _____ **Fund:** _____
Attachment: Ordinance No. 2016-R-5A

Executive Summary:
ALLIANCE OF CENTERPOINT MUNICIPALITIES

The City is a member of the Texas Coast Utilities Coalition ("TCUC") of cities. TCUC was organized by a number of municipalities served by CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

"GRIP" RATE APPLICATION

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the "GRIP" statute, that is, the "Gas Reliability Infrastructure Program."

Under a recent decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a ministerial review of the utility's filings to ensure compliance with the GRIP statute and the Railroad

Commission's rules, and that it is within the Railroad Commission's authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

CENTERPOINT'S "GRIP" APPLICATION

On or about March 31, 2016 CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). CenterPoint's application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedules	Current Base Charge	2016 Interim Adjustment	Adjusted Charge
R-2093-GRIP 2016 Residential	\$15.00 per customer per month	\$1.17 per customer per month	\$16.17 per customer per month
GSS-2093-GRIP 2016 General Service Small	\$15.50 per customer per month	\$1.70 per customer per month	\$17.20 per customer per month
GSLV-624-GRIP 2016 General Service Large Volume	\$45.00 per customer per month	\$11.45 per customer per month	\$56.45 per customer per month

CenterPoint's proposed increases represent an increase in annual revenue of about \$4.21 million and represents an increase in annual base-rate revenue of about 6.20%. Also, CenterPoint's proposed increase in revenue results in the following percentage increases in a customer's base rate bills. Base rates recover CenterPoint's costs excluding the cost of gas and are the costs that are directly within CenterPoint's control:

- Residential Customer: 6.67% increase in average customer's bill
- Commercial Customer: 6.72% increase in average customer's bill
- General Service – Large Volume: 7.45% increase in average customer's bill

REVIEW AND ACTION RECOMMENDED

Although the City's ability to review and effectuate a change in CenterPoint's requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law. This includes whether CenterPoint's current rates produce a rate of return in excess of its authorized rate of return.

To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of May 30, 2016 for forty-five days, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Recommendation:

Therefore, TCUC's Special Counsel, the law firm of Herrera & Boyle, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of May 30, 2016, CenterPoint's proposed effective date is suspended until July 14, 2016.

Mary Kay Fischer
Name

April 25, 2016
Date

RESOLUTION NO. 2016-R-5A

A RESOLUTION BY THE CITY OF ANGLETON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., TEXAS COAST DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION" OF CITIES; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about March 31, 2016 CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly customer charge for a residential customer from \$15.00 to \$16.17, an increase of approximately 8% in the monthly fixed customer charge; and

WHEREAS: the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by CenterPoint is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done; and

WHEREAS: the effective date proposed by CenterPoint is May 30, 2016 but a suspension by the City will mean that the rate increase cannot go into effect prior to July 14, 2016.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas

Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. That the City shall continue to act jointly with other cities that are part of a coalition of cities known as the Texas Coast Utilities Coalition (“TCUC”) of cities.

Section 4. That the City authorizes the law firm of Herrera & Boyle, PLLC, to act on its behalf in connection with CenterPoint’s application to increase rates.

Section 5. That to the extent allowed by law, CenterPoint is ordered to pay the City's reasonable rate case expenses incurred in response to CenterPoint’s rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. That the meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. That this resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 17th day of May, 2016.

RANDY RHYNE, MAYOR

ATTEST:

SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:

MARY KAY FISCHER, CITY ATTORNEY

ORDINANCE NO. 2016-O-5D

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, TRANSFERRING THE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING AND DISPOSAL OF MUNICIPAL SOLID WASTE IN THE CITY OF ANGLETON, TEXAS, FROM WASTE CONNECTIONS, INC. TO WASTE CONNECTIONS OF TEXAS, LLC.; MUTUALLY AGREEING TO A ONE (1) YEAR EXTENSION THROUGH MAY 31, 2017, AS PREVIOUSLY AUTHORIZED IN THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Charter Sec. 9.05, no public utility franchise shall be transferable except with the approval of the council expressed by ordinance; and

WHEREAS, the parties desire to transfer the Franchise Agreement for the Collection, Hauling and Disposal of Municipal Solid Waste in the City of Angleton, Texas, to correct Service Provider's name from Waste Connections, Inc. to Waste Connections of Texas, LLC; and

WHEREAS, pursuant to the provisions of Section 12(a) of the Second Amendment to the Franchise Agreement, the City and Service Provider are in the initial term of the Franchise Agreement, which ends on May 31, 2016 (hereinafter referred to as the "Expiration Date"); and

WHEREAS, Section 12(a) provides that the City and Service Provider may mutually agree to extend the term of the Franchise Agreement for five (5) one (1)-year periods; and

WHEREAS, the parties desire to extend the term of the Franchise Agreement by exercising the first of such one (1)-year extension options, and it is the intent of this Extension to exercise such extension and extend the term of the Franchise Agreement through May 31, 2017.

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

SECTION 1. That the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct and are hereby incorporated into the body of this Ordinance.

SECTION 2. That the City Council of the City of Angleton, Texas consents to the assignment or transfer of this Franchise Agreement from Waste Connections, Inc. to Waste Connections of Texas, LLC and all references to Service Provider in the Franchise Agreement shall mean "Waste Connections of Texas, LLC".

SECTION 3. That the Franchise Agreement is hereby extended to May 31, 2017, in accordance with Section 12(a) of the Franchise Agreement and all other terms and conditions of the Franchise Agreement, including any amendments previously mutually and duly approved thereto shall remain in full force and effect.

SECTION 4. That in the event of any conflict between the terms of the Franchise Agreement and this Ordinance, the terms of this Ordinance shall prevail.

SECTION 5. That the City Council has found and determined that the meeting at which this Ordinance is considered is open to the public and that notice thereof was given in accordance

with the provisions of the Texas Open Meetings Act, Texas Government Code, Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 6. That this Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED this the 17th day of May, 2016.

RANDY RHYNE, MAYOR

ATTEST:

SHELLY DEISHER, CITY SECRETARY

APPROVED AS TO FORM:

MARY KAY FISCHER, CITY ATTORNEY