

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

AN ORDINANCE GRANTING TO ICM MARTINEZ INTERPRISES, INC., DBA BIN THERE DUMP THAT – HUMBLE, A TEXAS CORPORATION, THE RIGHT, PRIVILEGE, AND FRANCHISE TO COLLECT, HAUL, AND TRANSPORT SOLID WASTE AND INDUSTRIAL WASTE FROM COMMERCIAL PROPERTIES LOCATED WITHIN THE CITY OF HOUSTON, TEXAS, PURSUANT TO CHAPTER 39, CODE OF ORDINANCES, HOUSTON, TEXAS; PROVIDING FOR RELATED TERMS AND CONDITIONS; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Category #

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Agenda Item#

FROM: (Department or other point of origin):

Tina Paez, Director
Administration & Regulatory Affairs

Origination Date
9/30/2015

Agenda Date

DIRECTOR'S SIGNATURE:


30 Sep 2015

Council Districts affected:
ALL**For additional information contact:**

Lara Cottingham Phone: (832) 393- 8503
Naelah Yahya Phone: (832) 393- 8530

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance granting commercial solid waste operator franchise to ICM Martinez Interprises, Inc., DBA Bin There Dump That – Humble

Amount of Funding:

N/A

FIN Budget:**SOURCE OF FUNDING:**

General Fund Grant Fund Enterprise Fund Other

(Specify) N/A

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance granting a commercial solid waste operator franchise to ICM Martinez Interprises, Inc., DBA Bin There Dump That – Humble. Article VII of Chapter 39 of the City Code of Ordinances makes it unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the City without first having obtained a franchise for that purpose upon the consent of the City Council.

ARA's Franchise Administration Division collects franchise fees from commercial solid waste transporters, coordinates audits and compliance reviews and actively monitors state/federal legislation and administrative proceedings that impact these fees. The City currently has 185 solid waste operator franchises. For FY 2015, the total solid waste franchise revenue to the City is projected to be \$7,188,167.37.

The proposed ordinance grants the franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each franchisee agrees to pay to the City an annual franchise fee equal to four percent of their annual gross revenue, payable quarterly. To verify franchisee compliance with the franchise, the franchisee company has the duty to maintain required customer records, which the City has the right to inspect during regular business hours. The franchise agreement contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term is 10 years from the effective date.

REQUIRED AUTHORIZATION

Finance Director: