



City of Farmers Branch

Farmers Branch City Hall
13000 Wm Dodson Pkwy
Farmers Branch, Texas
75234

Meeting Agenda - Final

City Council

Tuesday, March 8, 2016

4:00 PM

Study Session Room

Work Session Meeting to be held at 4:00 PM in the Study Session Room

A. CALL TO ORDER

- A.1 [16-072](#) Receive an update and review a request from Oakbrook Homeowner's Board of Directors.
- A.2 [ORD-3360](#) Discuss adopting Ordinance No. 3360 Amending Chapter 66 of the City of Farmers Branch Code of Ordinances related to solid waste and recycling.
- A.3 [16-064](#) Discuss the creation of a standing committee that will evaluate and promote city-wide sustainability initiatives and make recommendations to City Council.

The City Council may convene into executive session at anytime during the Work Session pursuant to Texas Government Code Section 551.071(2) for the purpose of seeking confidential legal advice from the City Attorney on any regular or study session agenda item.

B. EXECUTIVE SESSION

- B.1 **16-077** Council may convene into closed Executive Session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, and evaluation of the City Manager.

C. RECONVENE INTO REGULAR SESSION AND TAKE ANY ACTION NECESSARY AS A RESULT OF THE CLOSED SESSION

D. ADJOURNMENT

Farmers Branch City Hall is wheelchair accessible. Access to the building and special parking are available at the main entrance facing William Dodson Parkway. Persons with disabilities planning to attend this meeting who are deaf, hearing impaired or who may need auxiliary aids such as sign interpreters or large print, are requested to contact the City Secretary at (972) 919-2503 at least 72 hours prior to the meeting.

Certification

I certify that the above notice of this meeting was posted on the bulletin board at City Hall on Thursday, March 3, 2016 by Amy Piukana.

City Secretary



City of Farmers Branch

Farmers Branch City Hall
13000 Wm Dodson Pkwy
Farmers Branch, Texas
75234

Staff Report

File Number: 16-072

Agenda Date: 3/8/2016

Version: 1

Status: Regular Agenda

In Control: City Council

File Type: Report

Agenda Number: A.1

Receive an update and review a request from Oakbrook Homeowner's Board of Directors.

BACKGROUND

In order to maximize the number of housing units, the original developer of the Oakbrook Community petitioned the City to allow privately installed streets and infrastructure which did not meet City subdivision regulations. This request was allowed and the original Declaration of Covenants and Restrictions for the development of the Oakbrook subdivision was recorded on December 26, 1973 setting forth the responsibility of the Developer (and ultimately the Home Owner's Association) for the maintenance and repair of the privately owned streets, open space, utilities and amenities that lie within the boundaries of the two large tracts of land that comprise the community. By 1991 (see attached timeline) the Oakbrook HOA requested the City to begin taking over ownership of and responsibility for certain elements of the development, and the requests and debates have continued through various iterations since that time.

Oakbrook is an attractively located neighborhood that has a rich history, high curb appeal and visibility. Various Councils have attempted to assist this development to the degree allowable, but there are two issues complicating a satisfactory remedy: the HOA does not have the money needed to complete the necessary maintenance and repairs and the City cannot legally participate financially on privately owned property.

The two most discussed solutions to funding include:

An assessment by the HOA on property owners. The advantage is the approved assessment can be used as collateral for a loan so funds can be fronted allowing the maintenance and repair work to commence immediately. Additionally, the HOA has the authority to foreclose on property if the assessments aren't paid, so there is little risk. The drawback is an assessment requires a 2/3rds vote of the HOA and up to this point that has not been able to be achieved

A City initiated Public Improvement District (PID). Similar to the assessment, the advantage of the PID is the funding would be fronted allowing a more expedient commencement of repairs and improvements and the repayment burden would be on each individual property owner. Drawbacks include the City issuing bonds without the authority to foreclose on private property, a requirement that 100% of the property needed for the repairs and maintenance be dedicated to the City as easements (which could be very time consuming), and the need to amend the subdivision regulations to allow for the smaller street configuration in Oakbrook, setting a precedent for other such requests.

This information provides background for the follow discussion.

DISCUSSION:

The Oakbrook Homeowner's Board of Director's has requested a meeting with City Council and staff to discuss the following list of items:

- 1) The Board has had conversations with engineers and the engineers have submitted a document with their scope of service to produce a report for the Oakbrook Community. The fee to produce the report is \$14,200.

Before moving forward with this expense, the Board wishes to ensure a couple of things related to the report: (a) insure this is not a waste of the Community's funds; (b) at what time in the process should the Board request an engineering report, (c) does the proposed engineering report cover all Community needs (current and future); (d) what next actions/steps will result from the engineer report?

- 2) Assistance with identifying Best Case/Worst Case outcomes and all related talking points in discussion with the homeowners.
- 3) How do we move from problem identification through knowledge gathering and into a viable solution partnership with the City, short and long term.
- 4) How can this pursuit for neighbor revitalization excellence and improvement create a win/win situation between the City and the Oakbrook Community.
- 5) What process including timelines is required to finance and fund the projects to improve the Oakbrook Community? Include critical paths with approvals
- 6) Identify all possible funding methods, sources and resources available for projects.
- 7) Achieve an "endgame strategy" for streets water and sewer ownership and/or maintenance.

ATTACHMENTS:

1. Email Request from Board
2. Oakbrook Chronology

Subject: Meeting request by the Oakbrook Community Board of Directors

John,

First, I want to thank you and others with the City of Farmers Branch for the meeting with specific members of the Oakbrook Community Board. We appreciate everyone's time and assistance.

Second, I am writing to request a meeting between the entire Board of Directors and you; plus, any other members of the City staff, whom you deem should be involved. All five members of the Board of Directors needs to meet with you and any other appropriate City staff; therefore, please submit a couple of dates and times for a meeting after 03/05/2016.

Third, you may be asking, why the request for the meeting. There are several reasons and questions which the entire Board of Directors have. Here is the list, please be aware it is not rated in any order.

- 1) The Board has had conversation with engineers and the engineers have submitted a document with their scope of service to produce a report for the Oakbrook Community. The fee to produce the report is \$14200. Before moving forward with this expense, the Board wishes to ensure couple of things related to the report: a) ensure this is not a waste of the Community's funds; b) at what time in the process should the Board request an engineering report, c) does the proposed engineering report cover all Community needs (current and future); d) what next actions/steps will result from the engineer report.
- 2) Assistance with identifying Best Case/Worst Case outcomes and all related talking points in discussion with the homeowners.
- 3) How do we move from problem identification through knowledge gathering and into a viable solution partnership with the City, short and long term.
- 4) How can this pursuit for neighbor revitalization excellence and improvement create a win/win situation between the City and the Oakbrook Community?
- 5) What the process including timelines is required to finance and fund the projects to improve the Oakbrook Community? Include critical paths with approvals.
- 6) Identify all possible funding methods, sources and resources available for projects.
- 7) Achieve an "endgame strategy" for streets water and sewer ownership and/or maintenance.

Again, thanks for your time and assistance with the Oakbrook Communities needs and concerns. Please let me know if there are any questions.

Phyllis
Phyllis Holloway
President

Sent from [Mail](#) for Windows 10

Chronology of City Interaction with Oakbrook HOA Regarding Maintenance of Common Areas based on Public Works Department Records

May 22, 1973 – Letter to Paul West from James B. Biddle, President of Oakbrook, Inc. stating the Home Owners' Association is responsible for maintaining all common green areas and median strips within this (the Oakbrook) development.

May 25, 1973 – Paul West letter requests Biddle to provide a legal agreement to assure the City of the association's maintenance of medians and common areas in Oakbrook.

December 26, 1973 – Southeastern Builders, Inc. records Declaration of Covenants and Restrictions dated December 17, 1973 covering two large tracts of land (60.87 acres and 33.04 acres) for development of Oakbrook Community. This declaration outlines the responsibilities of the Developer, Southeastern Builders, Inc. relative to common areas that lie within the boundaries of the two large tracts of land that will comprise the Oakbrook community.

February 25, 1991 – Mayor Blair receives a letter from Dan Griffith, President of Oakbrook HOA requesting the City to take over "ownership" of the center median from Webb Chapel to Gatwick Place and to replace portions of sidewalks, to assist in landscaping, to discuss replacement of wooden fence along north side of Oakbrook Parkway, south of Gardenbrook Drive, and requesting a meeting.

March 25, 1991 – Interoffice Memorandum from Jeff Fuller, PARD to Mark Pavageaux, Public Works, outlining options for Oakbrook HOA to maintain landscaping in the Oakbrook Parkway medians.

April 23, 1991 – Interoffice Memorandum from Jeff Fuller, to City Manager regarding Oakbrook HOA responsibilities for maintaining medians.

May 20, 1991 – City Council discusses a February 25, 1991 letter from the Oakbrook HOA requesting the City to take over maintenance of the street lights and medians along Oakbrook Parkway from Webb Chapel Road to Gatwick Place.

October 28, 1991 – City Manager, Richard Escalante, receives a certified letter from Dan Griffith, President of Oakbrook HOA, notifying the City that the Oakbrook Community Services Association, Inc. will immediately cease to maintain the medians located on Oakbrook Parkway between Webb Chapel and Whispering Oak (Gatwick?). Their reasoning was that the City maintains the other medians along Oakbrook between Webb Chapel and Garden Brook (?) and that the City should maintain medians on Oakbrook from Webb Chapel to Whispering Oak. City Attorney recommends continued enforcement of 1973 Oakbrook Restrictions and Covenants.

November 13, 1991 – Letter from John Boyle, then City Attorney, to City Manager, Richard Escalante, referencing an October 28, 1991 letter from Dan Griffith, President of Oakbrook Community Services Association, Inc. declaring that the Association will cease maintenance of the medians in their addition as required by the Declaration of Covenants and Restrictions recorded in 1973. December 17, 1991 – City Manager, Escalante letter to Dan Griffith, of Oakbrook HOA stating that "the Association has the continuing ongoing responsibility to maintain the median strips.

October 19, 1998 – City Council meets during study session with two members of the Oakbrook Community Association and discusses the impact of sewer charges on their multi-unit dwelling and how those charges affected the Association.

October 22, 1998 - Meeting between Staff and the Association, water and sewer charges were discussed as well as maintenance of certain fire lanes and median strips. City staff recommended that the City not take over maintenance responsibility of the medians. November 5, 1998 – Interoffice Memorandum from Stephen Quirk of Public Works to City Attorney and the City Manager outlining costs associated with water meters, sewer charges, street maintenance, and maintenance of median strips, and requesting City Attorney recommendations on City taking over maintenance of private streets Golden Oak, Whispering Oak, Pin Oak, Silent Oak, Water Oak, and Scarlet Oak.

November 9, 1998 – Interoffice Memorandum from Stephen Quirk of Public Works to the City Manager (with ACM notations) providing some history of the original development of Oakbrook and the later phasing of that development. In addition to the discussion of utility concerns with water meters and sewer charges and billing of those charges, the memo discusses streets, cost of maintenance of streets, and the obligations of the Developer under the 1973 covenants affecting Oakbrook.

November 10, 1998 – Interoffice Memorandum from Stephen Quirk of Public Works to the City Manager referencing October 19, 1998 study session and October 22, 1998 meeting between Staff and the Association and posing questions and comments related to utility issues and issues regarding maintenance of fire lanes, median strips (common areas).

November 10, 1998 – Letter from L. Stanton Lowry, City Attorney, to Stephen Quirk, Assistant to the Director of Public Works, issuing a legal opinion regarding the maintenance of private streets in Oakbrook Condominiums. Opinion was that state law prohibits the City from expending public funds to maintain private streets and that in order to do so the streets would have to be dedicated to the City by warranty deed. Such a conveyance, in the attorney's opinion, would be extremely difficult. Finally, the attorney indicated the City would not accept private streets as public streets unless those streets were designed and constructed according to City standards, which is not the case.

November 13, 1998 – Interoffice Memorandum from Engineering Dept to Public Works regarding street lighting on Oakbrook.

November 30, 1998 – Interoffice Memorandum from Stephen Quirk through Mark Pavageaux to City Manager referencing October 19, 1998 study session and October 22, 1998 meeting between Staff and the Association and discussing water meters and sewer charges and billing of those charges, the memo discusses streets, cost of maintenance of streets and medians and developer's responsibility of maintenance.

December 7, 1998 – City Council Agenda Item A.04 to discuss of Oakbrook Community Association Issues.

2011-2012 – Assistant City Manager, Matt Benoit, is contacted by Oakbrook HOA (?) regarding maintenance of certain private streets in Oakbrook area. No narrative documentation related to this interaction available in Public Works. Attached map shows subdivisions with privately-owned and maintained fire lanes or street easement with name designations on existing street signs.

July 24, 2014- Andy Gillies, Director of Community Services and Randy Walhood, Director of Public Works met with Oakbrook board and discussed water, sewer, street conditions. Talked about some private alternatives. Common water meter is big problem. Need to install individual water meters. Randy offered to help cleanout main sewer lines in area.

August 27, 2014- Randy Walhood, Director of Public Works, reported on sewer condition and repairs made.

December 3, 2014- Andy Gillies, Director of Community Services and Randy Walhood, Director of Public Works met with the Oakbrook Board and talked about possibly creating a 10 year plan for infrastructure repair. City gave HOA suggestion to hire an engineer to create 10 year comprehensive utility repair plan. City may help organize but not able to fund.

Update: The City has not received any further information from the HOA since the December 3, 2014 meeting.



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Farmers Branch City Hall
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Staff Report

File Number: ORD-3360

Agenda Date: 3/8/2016

Version: 1

Status: Regular Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: A.2

Discuss adopting Ordinance No. 3360 Amending Chapter 66 of the City of Farmers Branch Code of Ordinances related to solid waste and recycling.

BACKGROUND:

On December 7, 2015, City Council authorized the City Manager to negotiate and execute a contract with Community Waste Disposal for residential and municipal operations solid waste and recycling collection services. The solid waste and recycling service level chosen by City Council was twice per week garbage collection in resident supplied bags and once per week recyclable material collection in rollout carts. Due to the change in service, the Code of Ordinances are amended to reflect necessary operational changes.

DISCUSSION:

City Administration is seeking City Council feedback regarding the proposed Ordinance No. 3360. The proposed Ordinance includes, but is not limited to, the following changes:

- Adding or updating definitions
- Stipulating proper locations to place trash and garbage for collection
- Establishing rules regarding the size and type of bags that may be used by residents for garbage storage and collection
- Establishing storage location for recycling containers
- Stipulating that cart ownership is not conveyed to resident or home owner and that damaging or destroying a cart is prohibited, and
- Establishing fine for violations.

ATTACHMENTS:

1. Proposed Ordinance No. 3360
2. Presentation



ORDINANCE NO. 3360

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, CHAPTER 66 “SOLID WASTE,” BY AMENDING SECTION 66-1 “DEFINITIONS” TO AMEND THE DEFINITIONS OF “GARBAGE” AND “TRASH” AND ADD DEFINITIONS FOR THE PHRASES “DISPOSABLE REFUSE CONTAINER,” “RECYCLABLE MATERIALS,” AND “RECYCLING CONTAINER;” SECTION 66-3 “DEPOSITING GARBAGE, TRASH AND OTHER MATTER ON STREETS, VACANT LOTS AND OTHER PUBLIC OR PRIVATE PREMISES” TO INCLUDE PLACEMENT OF MATERIALS IN A DISPOSABLE CONTAINER AS A DEFENSE; SECTION 66-4 “DEPOSITING TRASH, GARBAGE, OTHER WASTE MATERIALS OR RECYCLABLE MATERIALS ON OR IN A COMMERCIAL OR BUSINESS CONTAINER” AND SUBSECTION (a) OF SECTION 66-6 “APPLICATION FOR PERMIT” TO INCLUDE RECYCLABLE MATERIALS; SUBSECTION (B) OF SECTION 66-7 “ANNUAL FEE” TO DELETE OUTDATED LANGUAGE; AMENDING IN ITS ENTIRETY ARTICLE II “COLLECTION AND DISPOSAL” RELATING TO THE REGULATIONS FOR COLLECTION AND DISPOSAL OF GARBAGE AND TRASH; AND AMENDING SAID CHAPTER 66 BY ADDING A NEW ARTICLE III TITLED “COLLECTION OF RECYCLABLE MATERIALS” PROVIDING REGULATIONS FOR THE COLLECTION OF RECYCLABLE MATERIALS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PENALTY OF FINE UP TO \$500.00; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined it to be in the public interest to provide for the collection of recyclable materials and to establish specific requirements for the use of disposable refuse containers with respect to the collection and disposal of garbage and trash for residences within the City; and

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest and necessary for the preservation of public health and safety within the City of Farmers Branch to amend the Code of Ordinances to provide for regulations of the above referenced activities.

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

SECTION 1. Chapter 66 “Solid Waste”, Article I “In General” of the Code of Ordinances of the City of Farmers Branch is amended as follows:

- A. Section 66-1 “Definitions” is amended by amending the definition of the words “Garbage” and “Trash” to read as follows:

Garbage means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

Trash means rubbish such as paper, boxes, grass, shrubs, yard cleanings, yard clippings, leaves, tree trimmings, weeds, hedge trimmings, and tree trunks and tree limbs cut in lengths not exceeding ten feet, and any other nonputrescible material or object which is discarded or thrown away.

- B. Section 66-1 “Definitions” is amended by adding definitions for the phrases “disposable refuse container,” “recyclable materials,” and “recycling container” to read as follows:

Disposable refuse container means plastic or paper bags with a volumetric capacity of not less than 13 gallons nor greater than 39 gallons or cardboard boxes with closed lids which are intended to be removed from the right of way and placed into the collection vehicle and not returned to the location where collected.

Recyclable materials means materials that have been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation. Recyclable materials are not solid waste; however, a recyclable material may become solid waste if abandoned or disposed of rather than recycled, at which time the material will become solid waste only with respect to the party actually abandoning or disposing of the material.

Recycling container means a 65 gallon or 95 gallon rollout cart with functional wheels and closable lid provided by the City or its franchisee.

- C. Section 66-3 “Depositing Garbage, Trash and Other Matter on Streets, Vacant Lots and Other Public or Private Premises” to read as follows:

Section 66-3 Depositing garbage, trash, recyclable materials and other matter on streets, vacant lots and other public or private premises

It is unlawful for any person to sweep, throw or deposit any garbage, trash, dirt, concrete, rocks, stagnant water or dead animals into, upon or along any drain, gutter, alley, sidewalk, street or vacant lot, or upon any public or private premises within the corporate limits of the city. It shall be a defense to a violation of this section if the described materials are deposited into a recycling container or disposable refuse container or in a manner as authorized by Section 66-41.

- D. Section 66-4 “Depositing Trash, Garbage, and Other Waste Materials on or in a Commercial or Business Container” is recaptioned and amended to read as follows:

Sec. 66-4. Depositing recyclable material, trash, garbage, or other waste materials on or in a commercial or business container.

It is unlawful for any recyclable material, garbage, trash, other waste material, or any injured or dead animal to be deposited, thrown or swept into, on, in or alongside a trash container which is provided for a business or establishment, by any person who is not the owner, operator, occupier, person in control, agent or employee of such business or establishment for which the container is provided.

- E. Subsection (a) of Section 66-6 “Application for Permit; Expiration” is amended to read as follows:

- (a) To obtain a solid waste and/or recyclable materials collection permit, a person must submit an application on a form provided by the director of finance or designee. The applicant must be the person who will own, control, or operate the proposed collection service.

- F. Subsection (b) of Section 66-7 “Annual Fee” is amended to read as follows:

- (b) The permit holder shall remit the annual fee quarterly to the city's finance department, on or before the 30th day of April, July, October, and January, based upon the revenues collected during the previous calendar quarter.

SECTION 2. Chapter 66 “Solid Waste”, Article II “Collection and Disposal” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended in its entirety to read as follows:

Article II. Collection and Disposal

Sec. 66-36. - Duty of owner or occupant to provide containers.

Each owner, occupant, tenant or lessee using or occupying any building, house or structure within the corporate limits of the city, for residences, churches, schools, colleges, lodges, commercial businesses and other purposes shall provide and maintain containers of sufficient number and type, as specified in this article, to hold the garbage and trash that will normally accumulate on the premises.

Sec. 66-37. - Use of Disposable Containers for Garbage and Trash Collection; exception.

Each owner, occupant, tenant and lessee of each dwelling designed for occupancy by either one or two families shall provide or cause to be provided for each dwelling unit or residence disposable refuse containers. Only disposable refuse

containers may be used for the disposal and collection of garbage and trash, except in those cases where commercial containers are designated by the Director of Public Works or designee for use in apartment, commercial and other areas.

Sec. 66-38. - Use of Disposable Containers for Garbage and Trash Collection; exception.

Each owner, occupant, tenant and lessee of each dwelling designed for occupancy by either one or two families shall provide or cause to be provided for each dwelling unit or residence disposable refuse containers. Only disposable containers as defined by Sec. 66-1 may be used as garbage containers, except in those cases where commercial containers are designated by the Director of Public Works or his or her designee for use in apartment, commercial and other areas.

Sec. 66-39. - Residences to use approved disposable containers

The City will not collect garbage from any dwelling unit designed for use of either one or two families unless garbage is contained in disposable containers.

Sec. 66-40. - Use of disposable containers by churches, schools, offices or other establishments.

Disposable containers may be used by churches, schools, offices or any other establishment if the City Manager and/or the Director of Public Works or his or her designee shall find such use to be practicable, sanitary and not detrimental to the collection of such waste by the city.

Sec. 66-41. - Trash containers; weight; size of piles.

- (a) If trash is of such nature that it cannot be placed in disposable containers, it shall be placed in bundles or piles. The combined weight of the trash and bundle or container shall not be more than 50 pounds, and, on the day of trash collection, it shall be placed on the curb if pickup is made from the front of the building, or alongside the alley, or easement, wherever the garbage pickup is regularly made from the alley or alley easement. Tree limbs, tree trunks and hedge cuttings shall not exceed ten (10) feet in length and must be placed at the curb. If the weight of the tree limb(s) or tree stumps are greater than the operational capacity of the collection vehicle or the weight, size, or nature of the material creates an unsafe working condition, the Director of Public Works or his or her designee will request the material be reduced in size, weight, or reconfigured before collection of such materials occurs. Trash, garbage, or other waste materials which exceed the weight and/or size authorized by this section must be transported by the owner or resident to an appropriate facility for recycling or disposal.

- (b) It shall be unlawful to place out for collection by the City or any party authorized to collect trash or garbage for the City any trash or garbage which is not in compliance with this article.
- (c) If wastes or trash is collected by someone other than the City or a person or entity with whom the City has granted a franchise to provide solid waste or recycling collection, such collection shall occur using only containers approved by the Director of Public Works or his or her designee which are designed to prevent water from entering, wind from dispersing the wastes inside, any leakage, the escape of odors, and the entry of rodents and other animals.

Sec. 66-42. - Placing containers for collection

- (a) If the house, building or premises from which garbage is to be collected and removed is adjacent to an alley or easement designated for garbage collection, the owner, occupant, tenant or lessee of such premises shall place the disposable containers containing garbage or trash adjacent to the alley or easement so designated in a manner that provides easy accessibility to the collector from the outside of any fence or hedge that may surround the premises. If it is not practicable to collect and remove the garbage from an alley or easement, or if there is no alley or easement adjacent to the premises, the owner, occupant, tenant or lessee of the premises shall place the disposable container at the curblin, at the houselin so as to be visible from the street, or at such point on the premises that the Director of Public Works or his or her designee shall find and designate as being the most accessible for collecting and removing.
- (b) Disposable containers of garbage shall not be placed for pickup, excluding alley pickup, earlier than 6:00 p.m. on the day immediately preceding the day of collection. Residents with special considerations or physical limitations may be allowed individual exceptions to the time or location garbage is placed for pickup by the City, with prior written approval obtained from the Director of Public Works.

Sec. 66-43. - Waste from building operations.

Rock, waste, building materials and other trash resulting from building and remodeling operations will not be removed from a dwelling by the City's authorized solid waste collector, unless the material is placed in a container of sufficient size and strength to allow for bulky vehicle pickup. Otherwise, such waste shall be removed by the builder, owner or occupant of the building at his own expense.

Sec. 66-44. - Disposal of dead animals.

Dogs, cats or other dead animals shall not be placed in disposable containers.

Sec. 66-47. - Denial or delay of service.

The collection of a disposable container or other container the contents of which includes any corrosive, flammable, explosive, medical or other toxic or hazardous wastes may be delayed or denied until such items or materials are removed.

SECTION 3. Chapter 66 “Solid Waste” of the Code of Ordinances of the City of Farmers Branch, Texas shall be amended by adding a new Article III titled “Collection of Recyclable Materials” to read as follows:

Article III. - Collection of Recyclable Materials

Sec. 66-50. - Duty of owner or occupant to maintain recycling containers.

Each owner, occupant, tenant or lessee using or occupying any building, house or structure within the corporate limits of the city, who elects to place for collection recyclable materials shall maintain recycling container(s) of sufficient number to contain all recyclable materials (other than materials that are bundled and set out for collection pursuant to Section 66-53) that are placed for collection in accordance with this article.

Sec. 66-51. - Use of Recycling Containers for Garbage; exception.

Except as allowed pursuant to Section 66-53, each owner, occupant, tenant and lessee of each dwelling designed for occupancy by either one or two families who elects to use curbside or alley collection of recyclable materials shall place all recyclable materials in recycling containers. Only recycling containers as defined by Sec. 66-1 may be used, except in those cases where commercial containers are designated by the Director of Public Works or his or her designee for use in apartment, commercial and other areas.

Sec. 66-52. - Residences to use approved recycling containers.

No collection of recyclable materials by the City or anyone authorized by the City to collect recyclable materials from any dwelling unit designed for use of either one or two families shall occur unless such recyclable materials are contained in recycling containers as defined by Sec. 66-1.

Sec. 66-53. - Recycling containers; weight; size of piles.

Recyclable materials that are of such volume they cannot be placed in recycling containers shall be placed in bundles. On the day of recyclable material collection,

the bundled recyclable material(s) shall be placed next to the recycling container on the curb if pickup is made from the front of the building, or alongside the alley, or easement, wherever the recyclable material collection is regularly made from the alley or alley easement. Recyclable materials such as large cardboard boxes shall be broken down and/or cut up to a size where such materials are capable of being placed in a recycling container.

Sec. 66-54. - Placing recycling containers for collection.

- (a) If the house, building or premises from which the recyclable materials are to be collected and removed is adjacent to an alley or easement designated for garbage collection, the owner, occupant, tenant or lessee of such premises shall place the recycling container(s) containing recyclable materials adjacent to the alley or easement so designated in a manner that provides easy accessibility to the collector from the outside of any fence or hedge that may surround the premises. If it is not practicable to collect and remove the recycling container(s) from an alley or easement, or if there is no alley or easement adjacent to the premises, the owner, occupant, tenant or lessee of the premises shall place the recycling container(s) at the curblineline, at the houseline so as to be visible from the street or at such point on the premises that the director of public works or his or her designee shall find and designate as being the most accessible for collecting and removing.
- (b) Recycling containers shall not be placed for pickup earlier than 6:00 p.m. on the day immediately preceding the day of collection. Recycling containers shall be promptly removed from the point of collection, but no later than 9:00 a.m. on the day after service. Residents with special considerations or physical limitations may be allowed individual exceptions to the time or location recyclable materials are placed for pickup with prior written approval obtained from the Director of Public Works.
- (c) Except when placed for collection during the days and times authorized by subsection (b) of this section, for residences with curb side collection, recycling containers shall be stored behind the façade, immediately adjacent to the residence. For residences with alley collection, recycling containers shall be removed to a location that is closer to the house than the alley line.

Sec. 66-55. – Ownership of Recycling Containers

Title to and ownership of recycling containers provided to Residential Customers by the City or City's authorized contractor shall not pass to any Residential Customer.

Sec. 66-56. - Damage or destruction of recycling container.

It shall be unlawful for a person to damage or destroy a recycling container.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. All provisions of the ordinances of the City of Farmers Branch reconcilably in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE ___ OF MARCH, 2016.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:3/2/16:75160)



Code of Ordinance Update: Solid Waste

CITY COUNCIL STUDY SESSION

MARCH 8, 2016



Timeline

- December 7, 2015 – City Council selected garbage and recycling services
- February 2016 – Focus on informing residents of new service and providing a means to opt out of the program
- March 2016 – Implement Ordinance, continued Public Education, and Cart Delivery
- April 4, 2016 – First day of service by CWD



Solid Waste Ordinance

New Definitions

- Disposable Refuse Containers
- Recyclable Materials
- Recycling Container

Garbage Regulation Changes

- Disposal containers to be supplied by resident or home owner
- Garbage placed in non disposable containers will not be serviced
- Placing containers for garbage at curblines
- Early set out: 6pm the night before service
- C&D material collection – in containers



Solid Waste Ordinance

- New Section: Article III – Collection of Recyclable Materials
 - Maintenance Requirements
 - Prohibition of Using Recycling Containers for Garbage
 - Must use approved recycling containers
 - Placement of containers for service
 - Containers set out no earlier than 6pm night before and retrieved by 9am the day after service
 - Containers storage: behind façade and directly adjacent to house
 - Ownership of recycling containers: ownership is not passed on to the resident
 - Unlawful to damage or destroy a container
- Fine: Up to \$500 per day per offense



Questions?





City of Farmers Branch

Farmers Branch City Hall
13000 Wm Dodson Pkwy
Farmers Branch, Texas
75234

Staff Report

File Number: 16-064

Agenda Date: 3/8/2016

Version: 2

Status: Regular Agenda

In Control: City Council

File Type: Report

Agenda Number: A.3

Discuss the creation of a standing committee that will evaluate and promote city-wide sustainability initiatives and make recommendations to City Council.

BACKGROUND:

This agenda item was requested by Council Member Reyes. City Administration will provide information outlining possible options at the meeting.



City of Farmers Branch

Farmers Branch City Hall
13000 Wm Dodson Pkwy
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75234

Staff Report

File Number: 16-077

Agenda Date: 3/8/2016

Version: 1

Status: Draft

In Control: City Council

File Type: Report

Agenda Number: B.1

Council may convene into closed Executive Session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, and evaluation of the City Manager.