

AGENDA ITEM SUMMARY

Meeting: 3/20/2025

Recommending Department: Solid Waste Services

DOC ID: 15269

LSR No: A25-0199

Ordinance -- Granting a Franchise to Greenmark Waste Solutions, for Solid Waste Collection Services Beginning on March 20, 2025 and Ending on March 19, 2028 Pursuant to Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas

Administrative Comments

1. This item has been recommended by Solid Waste Services.
2. **Impact:** The franchise will authorize Greenmark Waste Solutions. to provide waste hauling services to various businesses throughout the City of Irving.
3. This franchise agreement establishes operational guidelines for dumpster cleanliness, litter control, limits service times near residential areas, requests coordination of collection times in school zones and, in general, sets in place some common industry practices.
4. The Franchise Agreement is for three (3) years beginning on March 20, 2025 and ending on March 19, 2028. The franchise fee to be assessed is 5% of gross revenues for business generated in servicing dumpsters, roll-off containers, compactor containers, or collecting and hauling in open top trucks on waste collected within the City of Irving.

Recommendation

The ordinance be adopted.

ADDITIONAL COMMENTS:

Contract Required:

Review Completed By:

Previous Action:

Council Action:

Discretionary Contract Disclosure Form Required:

Certificate of Interested Parties (Form 1295) Required: No

TGC 2271 Verification Form Required: Yes

TGC 2274 Verification Form Required: Yes

ATTACHMENTS:

- FY25 Application (PDF)
- Franchise Agreement (PDF)

CURRENT YEAR FINANCIAL IMPACT:

NONE

REVISION INFORMATION:

Prepared: 2/5/2025 10:55 AM by Ebony Roundtree

Last Updated: 3/14/2025 08:21 AM by Christina Weber

ORDINANCE NO. ORD-2025-11078

AN ORDINANCE GRANTING GREENMARK WASTE SOLUTIONS A FRANCHISE TO OPERATE A SOLID WASTE COLLECTION SERVICE IN THE CITY OF IRVING BEGINNING ON MARCH 20, 2025 , AND ENDING ON MARCH 19, 2028; AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, Greenmark Waste Solutions, seeks a solid waste collection franchise to operate a waste hauler service within the corporate limits of the City of Irving;

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

SECTION 1. There is hereby granted to Greenmark Waste Solutions, hereinafter referred to as “Franchisee,” the right and franchise to operate a solid waste collection service or business in the City of Irving, Texas, and to operate such service or business on the streets, alleys, and public ways in the City of Irving beginning on March 20, 2025 and ending on March 19, 2028 and that the agreement between City and Franchisee, attached hereto, is incorporated herein, and the City Manager of their designee is hereby authorized to execute said agreement.

SECTION 2. This franchise shall be in force and effect until March 19, 2028 from and after the effective date and reading of this ordinance, unless sooner terminated by reason of default of Franchisee under the terms of this franchise and/or Chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, including but not limited to the requirements in the attached agreement.

SECTION 3. Franchisee shall pay fees pursuant to Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, as amended.

SECTION 4. Franchisee shall keep in effect at all times public liability and property damage insurance policies in accordance with the terms and provisions of Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, as now enacted or hereafter amended, and as further set out in the agreement attached hereto, and a cancellation of such insurance policies shall automatically suspend this franchise until said insurance policies have been reinstated.

SECTION 5. Franchisee shall own, lease, contract for, or otherwise legally control every vehicle used in the service for which this franchise is granted whether or not the vehicle is owned by the Franchisee.

SECTION 6. No grant, right, or privilege afforded to the Franchisee under the terms of this franchise shall be transferred to any other person without application to the City of Irving for such transfer and approval thereof by action of the City Council.

SECTION 7. Franchisee shall immediately upon the effective date of this franchise, have installed a local telephone number to be called by the general public requesting service.

SECTION 8. Franchisee hereof shall comply with all the applicable terms and provisions of the ordinances of the City of Irving, Texas.

SECTION 9. This franchise shall be subject to revocation upon:

A. Violation of the ordinances of the City of Irving, any state or federal law applicable to the collection and disposition of solid waste material, this franchise, or the attached agreement, or

B. Franchisee failing to make payment of any and all fees due pursuant to this franchise and/or Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, as amended.

SECTION 10. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on March 20, 2025.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on March 20, 2025.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney