

RESOLUTION NO. 2003- 133 R

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE TENTH AMENDMENT TO THE CONTAINERIZED COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES CONTRACT BETWEEN THE CITY OF VICTORIA AND WASTE MANAGEMENT OF TEXAS, INC., WHICH AMENDMENT PROVIDES FOR REVISED FEES FOR COMMERCIAL COLLECTION SERVICES; AND DECLARING AN EFFECTIVE DATE.

By Resolution No. 93-69R, approved June 1, 1993, the City Council authorized the city administration to enter into a Containerized Commercial Solid Waste Collection and Disposal Services Contract ("Contract") with Waste Management of Texas, Inc., ("Waste Management") effective July 1, 1993; by Resolution No. 94-79R, approved July 5, 1994, the City Council authorized the City Manager to execute the Second Amendment to the Contract with Waste Management, which provided for adjustment of collection and disposal rates; by Resolution No. 95-9R, approved February 7, 1995, the City Council authorized the City Manager to execute the Third Amendment to the Contract with Waste Management, which provided for a price matrix for compacted trash to be added for a six month trial period; by Resolution No. 95-122R, approved September 19, 1995, the City Council authorized the City Manager to execute the Fourth Amendment to the Contract with Waste Management, which provided for the adjustment of collection and disposal rates; by Resolution No. 96-104R, approved July 9, 1996, the City Council authorized the City Manager to execute the Fifth Amendment to the Contract with Waste Management, which provided for adjustment of collection and disposal rates; by Resolution No. 97-76R, approved July 1, 1997, the City Council authorized the City Manager to execute the Sixth Amendment to the Contract with Waste Management, which provided for adjustment of collection and disposal rates; by Resolution No. 99-103R, approved July 6, 1999, the City Council authorized the City Manager to execute the Seventh Amendment to the Contract with Waste Management, which provided for adjustment of collection and disposal rates; by Resolution No. 2000-132R, approved September 5, 2000, the City Council authorized the City Manager to execute the Eighth Amendment to the Contract with Waste Management, which provided for adjustment of collection and disposal rates; and by Resolution No. 2001-151R, approved September 18, 2001, the City Council authorized the City Manager to execute the Ninth Amendment to the Contract with Waste Management, which provided for adjustment of collection and disposal rates.

Section 15.02(a) of said Contract authorizes Waste Management to annually request that the City adjust the fees it may charge pursuant to said Contract to reflect changes in the cost of operations, as reflected by fluctuations in the Consumer Price Index for Urban Wage Earners for the Southwest Statistical Summary ("All Items Index") and the Consumer Price Index for Urban Wage Earners for the Southwest Statistical Summary, Expenditures Category, "Gasoline Index," both as published by the U.S. Department of Labor, Bureau of Labor Statistics, in a percentage amount equal to 90% of the net percentage change of the All Items Index plus 10% of the net percentage change of the Gasoline Index; and

On August 27, 2003, to account for increased disposal costs due to a 3.18% CPI-related landfill disposal rate increase, Waste Management requested the City to amend the Contract to increase commercial container rates by approximately 1.43%, with said increases to be effective October 1, 2003.

THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The Tenth Amendment to the contract between the City of Victoria and Waste Management of Texas, Inc., for containerized commercial solid waste collection and disposal services, is approved, and the City Manager, Denny L. Arnold, is authorized to execute said amendment, which is attached hereto as Exhibit "A" and incorporated herein, with such minor changes to form as are approved by the City Attorney.

2.

This resolution shall become effective immediately upon adoption.

PASSED, this the 2nd day of September, 2003.

AYES: 6

NAYS: 0

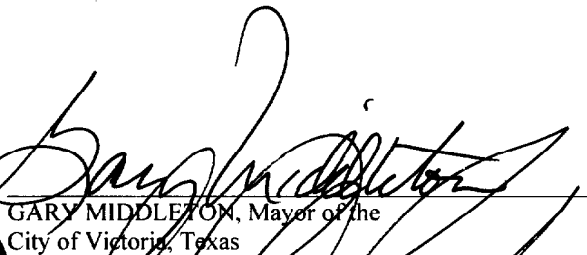
ABSTENTIONS: 0

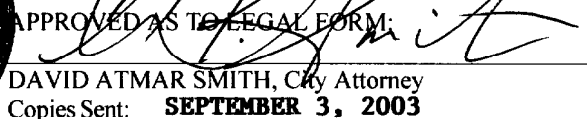
APPROVED AND ADOPTED, this the 2nd day of September, 2003.

ATTEST: 
SCARLET SWOBODA, City Secretary

Distribution: Legal Department
Public Works Department
Finance Department




GARY MIDDLETON, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

DAVID ATMAR SMITH, City Attorney
Copies Sent: **SEPTEMBER 3, 2003**

**TENTH AMENDMENT TO CONTAINERIZED
COMMERCIAL SOLID WASTE COLLECTION
AND DISPOSAL SERVICES CONTRACT**

This is a tenth amendment to the Contract dated July 1, 1993, between the City of Victoria, a Texas municipal corporation ("City"), and Waste Management of Texas, Inc., a Texas Corporation ("Contractor"), for providing containerized commercial solid waste collection and disposal services within the City of Victoria.

1.

**PROPOSAL ITEM #4
1.00 COMMERCIAL SOLID WASTE
COLLECTION AND DISPOSAL SERVICE**

Subsection 1.03 (a) - "Commercial Containers" is amended to read as follows:

(a) Commercial Containers - Rate per Commercial Unit

Size of Commercial Container

Non-Compacted Trash	1 X/WK	2 X/WK	3 X/WK	4 X/WK	5 X/WK	6 X/WK
2 CY	\$51.13	\$92.28	\$133.40	\$174.56	\$215.71	\$256.85
3 CY	\$64.43	\$108.47	\$158.35	\$206.99	\$256.85	\$306.74
4 CY	\$69.81	\$127.18	\$184.52	\$241.89	\$300.50	\$357.86
6 CY	\$89.77	\$163.32	\$238.15	\$311.71	\$386.52	\$460.09
8 CY	\$108.47	\$199.50	\$289.26	\$380.30	\$471.31	\$562.33

EXTRA PICKUP RATES:

2 Cu. Yd.	\$16.63
3 Cu. Yd.	\$19.19
4 Cu. Yd.	\$21.75
6 Cu. Yd.	\$24.30
8 Cu. Yd.	\$31.99

Compacted Trash	1 X/WK	2 X/WK	3 X/WK	4 X/WK	5 X/WK	6 X/WK
2 CY	\$204.52	\$369.10	\$533.61	\$698.26	\$862.84	\$1,027.44
3 CY	\$239.41	\$433.88	\$633.37	\$827.94	\$1,027.44	\$1,226.92
4 CY	\$279.28	\$508.75	\$738.12	\$967.59	\$1,201.98	\$1,431.41
6 CY	\$359.11	\$653.33	\$952.65	\$1,246.88	\$1,546.10	\$1,840.36
8 CY	\$433.88	\$798.00	\$1,157.04	\$1,521.18	\$1,885.25	\$2,249.39

EXTRA PICKUP RATES:

2 Cu. Yd.	\$66.54
3 Cu. Yd.	\$76.76
4 Cu. Yd.	\$87.01
6 Cu. Yd.	\$97.23
8 Cu. Yd.	\$127.93

Exhibit "A"

Subsections 1.03 (c) through (e) are amended to read as follows:

(c) Open Top Roll-Off Container - Rate per Container:

- (1) Delivery charge: \$42.94
- (2) Daily Rental after First Day \$2.46 per day
- (3) 20 Cubic Yard Container \$136.18 plus disposal & 15%
- (4) 30 Cubic Yard Container \$136.18 plus disposal & 15%
- (5) 40 Cubic Yard Container \$136.18 plus disposal & 15%

(d) Portable Packing Unit and Detachable Container

- (1) Delivery charge: \$42.94
- (2) Daily Rental after First Day \$2.46 per day
- (3) 42 Cubic Yard Container \$147.23 plus disposal & 15%

(e) Residential Containers Used at a Commercial or Industrial Unit (no more than five standard residential containers with a capacity greater than 20 gallons but no greater than 30 gallons)

- (1) Once per week \$24.06 per month
- (2) Twice per week \$37.03 per month

All other Sections and terms are to remain the same.

This amendment shall be effective on October 1, 2003.

In witness whereof, City and Contractor have executed this amendment in duplicate originals through their duly authorized representatives this _____ day of _____, 2003, at Victoria, Texas.

CITY OF VICTORIA, TEXAS
City

WASTE MANAGEMENT OF TEXAS, INC.
Contractor

DENNY L. ARNOLD
City Manager

Division President and General Manager
of Waste Management of Texas, Inc.

(seal)

(seal)

ATTEST:

ATTEST:

SCARLET SWOBODA
City Secretary

Secretary

APPROVED AS TO LEGAL FORM:

DAVID ATMAR SMITH
City Attorney