



20-004DA

TITLE: Consider/Discuss/Act on the First Amendment to the Final Settlement Agreement for the Type IV Landfill Generally Located South of U.S. Highway 380 (University Drive) and Approximately 8,000 feet East of Airport Road

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

MEETING DATE: February 4, 2020

DEPARTMENT: Development Services

CONTACT: Michael Quint, Executive Director of Development Services

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the first amendment to the final settlement agreement.

ITEM SUMMARY:

- In the fall of 2019, City Staff was approached by the owner of the Type IV landfill generally located on the south side of U.S. Highway 380 and approximately 8,000 feet east of Airport Road regarding some proposed amendments to the final settlement agreement which has governed the property since 2001.
- The proposed amendment to the final settlement agreement includes the following changes:
 - The host fee will be set at a rate of \$3 per truck rather than a variable rate (\$2 - \$3) established by the size of the truck.
 - The "Inspector Fee" will be increased from \$30,000 annually to \$45,000 annually.
 - Hours during which waste can be accepted will change from 8 a.m. to 6 p.m. (Monday through Friday) and 10:30 a.m. to 3:30 p.m. (Saturday) to 7 a.m. to 6 p.m. (Monday through Friday) and 7 a.m. to 3:30 p.m.

(Saturday).

- Hours during which the facility can operate will change from 8 a.m. to 7 p.m. (Monday through Friday) and 10:30 a.m. to 4:30 p.m. (Saturday) to 7 a.m. to 7 p.m. (Monday through Friday) and 7 a.m. to 4:30 p.m. (Saturday).
- The proposed amendments to the hours of waste acceptance and operation will allow the landfill to begin accepting waste earlier in the day which is largely aimed at relieving traffic congestion on U.S. Highway 380 (University Drive) during the a.m. peak traffic time. This proposed amendment will also provide the facility with more time each day during which waste can be accepted which will increase the amount of host fees due to the city each year.
- The proposed amendments should generally benefit the City and its residents thus staff is recommending approval of the first amendment to the final settlement agreement.

BACKGROUND INFORMATION:

- The subject property and the associated landfill facility are subject to an agreement that was executed after some litigation in 2001. This final settlement agreement ensure the allowance of a Type IV landfill on the property but governs aspects of its development and operation.
- Landfills in the State of Texas are heavily regulated by the Texas Commission on Environmental Quality (TCEQ). Per TCEQ's regulations, Type IV landfills may only accept construction materials and debris. This is a much different type of operation than Type I landfills which accept general household waste.
- This landfill began operating in August of 2019.

FINANCIAL SUMMARY:

- While the exact financial impacts to the City are unknown at this time, the proposed first amendment to the final settlement agreement should result in increased revenues for the City. Some of these revenue increases are intended to cover the majority of the salary for one city inspector who will regularly monitor the landfill facility.

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Location Map and Aerial Exhibit Form 1295](#)

Final Settlement Agreement
Proposed First Amendment