

CITY OF BURTON

A **PUBLIC HEARING & SPECIAL MEETING** of the Burton City Council at 5:30 p.m. was held on Tuesday, February 27, 2024 in the Burton City Hall at 12200 E. Mulberry Street Spur 125, Burton, Texas.

Members Present:

Mayor Karen Buck

Councilmember Paul McLaughlin

Councilmember Macey Tidwell

Councilmember Nathan Kalkhake

Councilmember Jeff Eckhardt

Councilmember Tommie Gilmon

Members Absent: None

Others Present: City Secretary, Angela Harrington; Utility Clerk, Rachel Belvin; and, City Attorney, Bridgette Begle.

Citizens Present: Lindsay Bubert, Tiffany Eckhardt, Cathy Liles (Burton Short Stop), Joshua Blaschke (KWHI), Lizveth Galvan (Los Patrones), Mr. & Mrs. Johnson, and Ron Schmidt & Jeff Boeker of Texas Commercial Waste (TCW).

A. Mayor Karen Buck called the meeting to order at 5:30 pm, established a quorum and lead all in the Pledge of Allegiance.

B. Citizen Presentations

Resident Lindsay Bubert reported on the issues that she observes while walking the town. She presented photos to Council of trash truck juice on roads and told Council that there tends to be “trails of trash” in town after the residential garbage is collected on Tuesdays.

Kathy Liles of Burton Short Stop spoke to Council regarding her trash concerns. She currently has a 6yd dumpster and a 3yd dumpster that are being serviced on Tuesday and Thursday. She stated that, as a food service establishment, the service of the dumpsters on these days does not meet her businesses needs. She originally had a 6yd dumpster and had to order the placement of the 3yd because the days of collection are not spaced apart enough to allow the 6yd to adequately handle her establishments needs. In her presentation, Kathy asked that TCW either provide larger dumpsters or have a greater span between days that the dumpsters are serviced. She briefly addressed the recent buzzard problem and how the condition of the dumpsters encouraged the birds and the nastiness that their presence conveyed.

C. Discussion, Consideration and Action to:

- 1. Conduct a hearing on the Solid Waste Collection and Disposal Services Agreement (“Agreement”) between Texas Commercial Waste and the City dated March 1, 1998, pursuant to the “NON-PERFORMANCE” section of the Agreement.**

Ron Schmidt, owner of TCW, addressed Council. Jeff Boeker, Director of Operations, was also present. Mr. Schmidt began with a historical synopsis of the relationship that began in 1998 between his company and the city. He outlined the equipment and services that TCW offers and the importance Burton holds for him personally. It was pointed out that though the contract is from 1998, it has renewed every 3 years since then. It was mentioned that he had attended the meeting in January of 2023 because there was an agenda item for Council to decide whether to solicit bids for trash service despite the existence of the contract. Jeff Boeker came down and met with Mayor Buck in December of 2023 to discuss how to remedy issues with illegal dumpster usage and the buzzard problem. He returned to Bryan with the intent to fix all problems. As Mr. Schmidt continued, he handed out a sheet outlining the response to emailed complaints received by City Hall

in 2023. Council was told that Mr. Boeker addresses each complaint immediately and tries to send a reply email on how it was handled. Mr. Schmidt pointed out that different drivers run the routes different and commented that part of Burton's route (FM 1697) gets postponed until afternoon due to the convenience of also servicing Carmine on the same day. He asked for an updated number of residential hand pick-up customers and said that his team attempts to do residential hand pick-ups first so homes don't have trash sitting out front longer than necessary with dumpsters being serviced last; depending on whether the truck has room to handle the load.

2. Discussion and consideration of the Solid Waste Collection and Disposal Services Agreement ("Agreement") between Texas Commercial Waste and the City dated March 1, 1998.

To move discussion forward in a more formalized way, legal counsel advised that a motion be made. Councilmember Eckhardt stated that he personally had not had any issues with TCW service but felt he should say something to affirm the fact that others have had recurring issues that were great enough to warrant photographing and presenting those photos to Council. Therefore, a motion was made by Councilmember Eckhardt and seconded by Councilmember Paul McLaughlin to AFFIRM the facts presented at the hearing that Texas Commercial Waste, the contractor, has failed to perform, thereby invoking the Non-Compliance clause of the contract.

More discussion took place, including discussion on the impact of sporadic routes, how a set route would be beneficial for Burton's residential and commercial customers, and how increasing the number of days between dumpster service for those who are serviced twice a week would greatly help Burton food establishments. Councilmember Kalkhake asked that TCW dedicate Tuesdays to servicing Burton as a priority. He asked that, if there was not adequate room in their trucks, Carmine would be handled another day. Mr. Schmidt pointed out that the school districts in Bryan/College Station have compacting dumpsters and suggested this as a solution to Burton ISD's issues. There was more discussion on how to stop the compacted fluid and trash trail that had previously been mentioned. Council was told that seals are replaced as needed but it is likely that a different truck is used every week. Mayor Buck spoke on the specific needs of the commercial customers being lockable dumpsters, lids that stay closed, not allowing the dumpsters to become open bird feeders, and more frequent service of dumpsters.

Mayor Buck called for a vote on the motion as discussion waned. The vote was:

FOR: McLaughlin
AGAINST: Eckhardt, Kalkhake, Tidwell,
ABSTAIN: Gilmon

(After further discussion, Councilmember Eckhardt decided to vote against.)

The current Texas Commercial Waste contract ends on March 2, 2025 unless a ninety (90) day notice is given.

D. Adjournment @ 6:45 p.m.

Attest:

Angela Hamington
City Secretary

Karen Buck
Mayor Karen Buck