

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jennifer Mellon, Administrative Services Manager 

DATE: April 25, 2011 (CC Meeting of May 4, 2011)

SUBJECT: Consider Resolution Amending the City of Moorpark Franchise Agreements with G.I. Industries and Moorpark Rubbish, for both Residential and Commercial Solid Waste Services, and Authorize the City Manager to Execute the Amendments to the Agreements

BACKGROUND

In December, 2010, the City Council approved by resolution the extension of the Franchise Agreements with both G.I. Industries and Moorpark Rubbish for six (6) months from their expiration date of December 30, 2010 to June 30, 2011.

DISCUSSION

Council is being asked to consider amendments to the Franchise Agreements, to once again extend the Agreements for six months so that Staff can continue to negotiate terms of the Agreements including options for future adjustments, fees, adding street sweeping scope of work, and additional service enhancements.

FISCAL IMPACT

No Fiscal Impact.

STAFF RECOMMENDATION

1. Adopt Resolution No. 2011- _____ , Amendment to City of Moorpark Franchise Agreements between the City of Moorpark and G.I. Industries and the City of Moorpark and Moorpark Rubbish Disposal for Providing Commercial Solid Waste and Recycling Services and Residential Solid Waste and Recycling Services.
2. Authorize the City Manager to execute the amendments to the Agreements subject to final language approval of the City Manager and City Attorney.

Attachment – Draft Resolution

RESOLUTION NO. 2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FRANCHISE AGREEMENT BETWEEN THE CITY OF MOORPARK AND G.I. INDUSTRIES AND THE CITY OF MOORPARK AND MOORPARK RUBBISH DISPOSAL FOR PROVIDING RESIDENTIAL SOLID WASTE SERVICES AND COMMERCIAL SOLID WASTE SERVICES

WHEREAS, the City provides residential solid waste and recycling collection services; and

WHEREAS, on September 18, 2002, the City Council granted two exclusive Franchise Agreements with G.I. Industries and two exclusive Franchise Agreements with Moorpark Rubbish Disposal for the collection, transportation, recycling, and disposal of residential solid waste and commercial solid waste in designated areas within City limits; and

WHEREAS, the Franchise Agreements included an expiration date of December 31, 2010, with an option to extend the term for up to an additional two (2) years, and said Agreements were extended for six (6) months to June 30, 2011 with the adoption of Resolution Numbers 2010-2977, 2010-2978, 2010-2979, and 2010-2980; and

WHEREAS, the City Council declares its intention to further extend the term of the Franchise Agreements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES HEREBY RESOLVE TO AMEND THE FRANCHISE AGREEMENTS AS FOLLOWS:

SECTION 1. The Franchise Agreements for Residential Solid Waste Services and for Commercial Solid Waste Services, Section 2, shall be amended in its entirety, replacing the current language with the following language: "Section 2. TERM The collection services to be provided pursuant to this Agreement shall begin on October 1, 2002, and end on December 30, 2011, unless sooner terminated. Grantee's duty to provide indemnification shall survive the end of the period during which collection services are to be provided." With the exception of the change to the above noted document, all other provisions contained in the Franchise Agreements for Residential Solid Waste Services and the Franchise Agreements for Commercial Solid Waste Services shall remain in full force and effect.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 4th day of May, 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk