

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director
Prepared by: Shaun Kroes, Senior Management Analyst 

DATE: October 17, 2014 (CC Meeting of 11/05/14)

SUBJECT: Consider Amendment to the Local Street Access Agreement between the City of Moorpark and Waste Management of California Doing Business As the Simi Valley Landfill and Recycling Center

BACKGROUND

In 1998, the City of Moorpark (City) entered into an agreement with Waste Management (WM) of California, doing business as the Simi Valley Landfill and Recycling Center (Landfill), with the understanding that the Landfill would accept all discarded material from the City and in consideration of increased vehicle usage of City streets due to the transport of Moorpark discards to the Landfill, WM would, in turn, compensate the City by paying a monthly local street access fee. This original 1998 Agreement was amended in 1999, extending the term to June 27, 2004. In 2003, Amendment No. 2 extended the Agreement an additional five (5) years, to June 30, 2009.

In 2009, the City Council approved Amendment No. 3, which extended the Agreement from June 30, 2009 to June 30, 2014. In addition, Amendment No. 3 revised the fee calculation method and amount of the Local Street Access Fees levied upon the Landfill. Amendment No. 3 adjusted the Local Street Access Fee such that, beginning January 1, 2010, the base rate of \$2.50 per ton would be used to calculate the Fiscal Year Local Streets Access Fee for calendar year 2010. To this base rate was added the September to September Consumer Price Index (CPI) adjustment (All Urban Consumers, Los Angeles County, less shelter) percentage calculated at 86.00% (this is the same CPI formula used during the annual solid waste rate adjustment) up to a maximum increase of 3.00% annually. In the event that the September to September calculated CPI decreased, the Local Street Access Fee would remain at the current calculated rate until such time as the next annual indexing results in a CPI increase. The new calculated 2010 fee was then used in January 2011 to calculate the calendar year rate for 2011 and so on. In summary, each time the CPI factor

increases so does the Local Streets Access Fee and if the CPI decreases the fee remains at the highest calculated rate to date until the CPI factor increases again (the 2014 Local Street Access Fee is \$2.65 per ton).

On May 21, 2014, the City Council approved Amendment No. 4, which extended the Agreement from July 1, 2014 until December 31, 2014. The six month extension was intended to match the Agreement with the current solid waste franchise agreements.

DISCUSSION

The City Council is being requested to approve an amendment to the Agreement with WM, extending the Agreement for an additional six (6) months (from December 31, 2014 until June 30, 2015). The six (6) month extension matches the extension of the current solid waste franchise agreements being considered by a separate item at this same City Council meeting. It is anticipated that future adjustments to the franchise agreements may create the need for future adjustments to the WM Agreement.

FISCAL IMPACT

The Local Street Access Fee currently generates approximately \$50,000 in general fund revenue annually. Approving the renewal of the Agreement will ensure the continuation of this revenue.

STAFF RECOMMENDATION

1. Approve Amendment No. 5 to the Waste Management Agreement for Local Access Fees subject to final language approval by the City Manager and City Attorney.

Attachment: Amendment No. 5

AMENDMENT NO. 5
LOCAL STREET ACCESS AGREEMENT
WASTE MANAGEMENT OF CALIFORNIA

THIS AMENDMENT NO. 5 TO LOCAL STREET ACCESS AGREEMENT, made and entered into this _____ day of _____, 2014, by and between the City of Moorpark, a municipal corporation located in the County of Ventura, State of California, hereinafter referred to as "City" and Waste Management of California, DBA the Simi Valley Landfill and Recycling Center hereinafter referred to as "WM", as an amendment to the Local Street Access Agreement between the City and WM dated April 1, 1998.

W I T N E S S E T H

WHEREAS, on April 1, 1998, the City and WM entered into a one (1) year Agreement for Local Street Access; and

WHEREAS, on March 3, 1999, the City and WM entered into Amendment No. 1 to the Agreement extending the term until June 27, 2004; and

WHEREAS, on October 15, 2003, the City and WM entered into Amendment No. 2 to the Local Access Agreement for an additional five (5) year period extending the Agreement until June 30, 2009; and

WHEREAS, on July 21, 2009, the City and WM entered into Amendment No. 3 to the Local Access Agreement for an additional five (5) year period extending the Agreement until June 30, 2014; and

WHEREAS, on June 6, 2014, the City and WM entered into Amendment No. 4 to the Local Access Agreement for an additional six (6) month period extending the Agreement until December 31, 2014; and

WHEREAS, the City and WM mutually agree, with Amendment No. 5, to further extend the term of the Local Street Access Agreement to June 30, 2015.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto agree to amend the aforesaid Agreement as follows:

I. Section 3, Term, shall be amended, to read, in its entirety, as follows:

"3. Term. The term of this AGREEMENT commences on March 2, 1998, and ends on June 30, 2015, unless sooner terminated."

II. Other Provisions:

All other provisions of the Agreement shall remain in full force and effect.

In WITNESS WHEREOF, the parties hereto have caused this Amendment No. 5 to be executed by their duly authorized officers the day and year first above written.

CITY OF MOORPARK:

WASTE MANAGEMENT:

Steven Kueny, City Manager

Scott Tignac, District Manager

Date _____

Date _____

ATTEST:

Maureen Benson, City Clerk