

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE SECOND AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY OF LIVERMORE AND LIVERMORE SANITATION, INC. FOR SOLID WASTE, RECYCLABLE MATERIALS, AND COMPOSTABLE MATERIALS SERVICES

On September 28, 2009, the Livermore City Council entered into a franchise agreement for solid waste collection services: *Agreement Between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services*. (City Council Resolution No. 2009-189)

On May 9, 2011, the City Council adopted a resolution approving the *Amended and Restated Agreement Between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services* (City Council Resolution No. 2011-069).

On September 8, 2014, the City Council adopted a resolution approving the *Second Amended and Restated Agreement Between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services* (the "Franchise Agreement") (City Council Resolution No. 2014-141).

On June 8, 2015, the City Council adopted a resolution approving the Special Rate Review Amendment to the Franchise Agreement (City Council Resolution No. 2015-075.)

Staff reviewed and recommended for approval changes to update the Franchise Agreement to specify that clear plastic bags must be used for the Commercial Organics Collection program and to revise:

- The definitions of "Multi-Family" and "Residential";
- The hours and distances from residential property for commercial collection to be consistent with an amendment to the Livermore Municipal Code sections 8.08.210 and 8.08.300; and
- The name of, and make minor changes to, the Income-Based Discount Rates Section to better reflect the nature of the program

The City Council considered staff's recommendations, together with the proposed amendments to the Franchise Agreement, and testimony at the City Council meeting held on November 9, 2015.

Following the review, the City Council agreed to the recommended amendments to the Franchise Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore authorizes the City Manager to execute a second amendment to the *Second Amended and Restated Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials, and Compostable Materials Services*, attached hereto as Exhibit A.

This resolution shall be effective on the same date that Ordinance No. 2030, amending the hours of collection, takes effect. Otherwise, the resolution shall have no effect.

On motion of Council Member Woerner, seconded by Council Member Gary, the foregoing resolution was passed and adopted on November 9, 2015, by the following vote:

AYES: Council Members Gary, Spedowski, Woerner, Vice Mayor Turner, Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Sarah Bunting
Deputy City Clerk

APPROVED AS TO FORM:



Jason Alcala
City Attorney

Dated: November 10, 2015