



AGENCY:	City Council
MEETING DATE:	January 28, 2019
DEPARTMENT:	City Manager
PRESENTED BY:	Tabatha Miller
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## AGENDA ITEM SUMMARY

### **TITLE:**

**Receive Report and Consider Adoption of City Council Resolution Approving Amendment No. 6 to the Franchise Agreement with Waste Management**

### **ISSUE:**

The City's Franchise Agreement (Agreement) with USA Waste of California, Inc., DBA Empire Waste Management (Waste Management) dated January 8, 2007, sets forth the services provided to customers within City limits and the original pricing in 2007 in Exhibit A.

An ongoing issue is mixing trash, recyclables and green waste in the same bins. This creates contamination which makes the recyclables and green waste unmarketable, which means that the cart's contents end up in the landfill. A related issue is overfilling carts. This creates a safety issue for Waste Management staff, in that the equipment is not set up to handle the larger and heavier loads.

The other issue that has impacted the response of Waste Management locally is customers requesting roll off containers but allowing those to sit and fill over weeks, instead of days. Last summer, during the fires many of these bins were sent over to the Ukiah area to be used for disposal of fire debris. This ended up creating a shortage of available bins here on the Coast, causing delays in construction, demolition and other work. This had a direct impact on the clean-up project at 119 Pine Street.

Amendment No. 6 to the Franchise Agreement adds proposed charges to Exhibit A of the Franchise Agreement to encourage compliance.

### **ANALYSIS:**

Waste Management has used charges in the County and other jurisdictions to encourage compliance with these matters. The attached Requested Rates Sheet proposes a \$10.00 overage or contamination charge after two warnings have been issued to a residential customer. There is a \$100 charge for commercial customers after two warnings and a proposed \$10 inactivity fee for roll off bins after seven days.

Amendment No. 6 to the Franchise Agreement adds these proposed charges to Exhibit A of the Franchise Agreement.

### **RECOMMENDED ACTION:**

Staff recommends that the Council adopt a Resolution to approve Amendment No. 6 to the Franchise Agreement with Waste Management.

**ALTERNATIVE ACTION(S):**

Do not approve the Resolution.

**FISCAL IMPACT:**

The fiscal impact to the City is minimal. When the new charges are billed to customers, the City will collect its franchise fee, however, the charges are for educational and corrective reasons and not expected to generate any significant revenue.

**ATTACHMENTS:**

1. Resolution
2. Amendment No. 6 to Franchise Agreement
3. Requested Rates Sheet
4. Smart Truck FAQs

**NOTIFICATION:**

1. Kayla Rodriguez, Public Sector Manager, Waste Management
2. Steve Shamblin, District Manager 1, Empire Waste Management