



NOTICE OF SPECIAL MEETING

July 2, 2015

NOTICE IS HEREBY GIVEN that on **MONDAY, July 6, 2015**, the City Council will hold a **SPECIAL MEETING** immediately following the City Council Workshop for the following agenda items:

- A. Ordinance No. 2015-1901: Authorizing the execution of the fourth amendment to the franchise agreement with Waste Management for July 1, 2015 through July 31, 2015.
- B. Ordinance No. 2015-1902: Authorizing the execution of the third amendment to the franchise agreement with Murrey's Disposal for July 1, 2015 through July 31, 2015.

This meeting will take place in the City Council Chambers at Pacific City Hall, 100 3rd Avenue SE, Pacific, Washington. Per RCW 42.30.080(3), Council may take final action only concerning matters identified in the notice of this meeting.

Amy Stevenson-Ness
City Clerk
City of Pacific



PACIFIC CITY COUNCIL AGENDA
Council Chambers - City Hall. 100 3rd Ave. SE

July 6, 2015
Monday

SPECIAL MEETING

- 1. CALL TO ORDER**
- 2. ROLL CALL OF COUNCIL MEMBERS**
- 3. ADDITIONS TO/APPROVAL OF AGENDA**
- 4. DISCUSSION ITEMS**

- (2)** A. Ordinance No. 2015-1901: Authorizing the execution of the fourth amendment to the franchise agreement with Waste Management for July 1, 2015 through July 31, 2015.
- (6)** B. Ordinance No. 2015-1902: Authorizing the execution of the third amendment to the franchise agreement with Murrey's Disposal for July 1, 2015 through July 31, 2015.

- 5. ADJOURN**



Agenda Bill No. 15-093

TO: Mayor Guier and City Council Members
FROM: Richard Gould, City Administrator
MEETING DATE: July 6, 2015
SUBJECT: Waste Management Contract Extension

ATTACHMENTS: **Franchise Agreement Extension Ordinance No. 2015-1901**
Waste Management Letter Contract Extension

Previous Council Review Date:

Summary: The current agreement with Waste Management expires on June 30, 2015. The city has negotiated a new franchise agreement with Waste Management that will tentatively start on August 1, 2015. In order to allow time for the City to complete the RFP process, an extension to the franchise agreement for solid waste collection in the King County portion of the city is suggested for July 1, 2015 through July 31, 2015.

Recommendation/Action: Enter into the amendment to the franchise agreement with Waste Management to ensure uninterrupted service.

Motion for Consideration: "I move to adopt Ordinance 2015-1901 authorizing the mayor to enter into an amendment of the franchise agreement with Waste Management for solid waste collection services."

Budget Impact:

Alternatives:

**CITY OF PACIFIC
WASHINGTON**

ORDINANCE NO. 2015-1901

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,
AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT OF
THE FRANCHISE AGREEMENT WITH WASTE MANAGEMENT OF
WASHINGTON, INC. FOR SOLID WASTE COLLECTION SERVICES.**

WHEREAS, the current agreement with Waste Management for collection and disposal of solid wastes, collected within the King County portion of the City of Pacific, as extended, expired on June 30, 2015; and

WHEREAS, the City has negotiated a new Franchise Agreement with Waste Management of Washington, Inc. to commence on August 1, 2015; and

WHEREAS, to allow sufficient time for the City to complete the RFP process, it is in the best interests of the citizens of Pacific to amend and extend the current Franchise Agreement to ensure uninterrupted solid waste collection services for the period from July 1, 2015 through July 31, 2015;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. The Pacific City Council hereby authorizes the Mayor to enter into the Contract Extension with Waste Management of Washington, Inc. (attached as Exhibit A) for collection and disposal services of solid wastes for the King County portion of the City of Pacific.

Section 2. This Ordinance shall be published and shall take effect five days after the date of its publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF JULY, 2015.

CITY OF PACIFIC

By: _____

Name: Leanne Guier, Mayor

ATTEST/AUTHENTICATED:

Amy Stevenson-Ness, City Clerk

Approved as to form:

James Kelly, Assistant City Attorney



WASTE MANAGEMENT

720 4th Ave, Ste 400
Kirkland WA 98033

June 23, 2015

Mayor Leanne Guier
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

Re: Contract Extension

Dear Mayor Guier,

The purpose of this Letter of Understanding (“LOU”) is to extend the term of the Franchise Agreement (“Agreement”) between the City of Pacific and Waste Management of Washington, Inc. The Parties agree to extend the Agreement for an additional thirty-one (31) days, through July 31, 2015.

By signing below, each of the City and Waste Management acknowledges its approval and acceptance of the terms of this LOU and acknowledges that this LOU: (a) creates a legally binding obligation upon the parties, (b) shall be governed and constructed in accordance with the laws of the State of Washington regardless of any conflict of law provisions, (c) sets forth the entire agreement between the City and WM with respect to the subject matter hereof and supersedes all prior negotiations, representations, understandings and agreements with respect to the subject matter hereof, and (d) may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Rostami'.

Mindy Rostami
Senior Manager, Contract Compliance
Waste Management of Washington, Inc.

[signatures on following page]

Acknowledged and agreed upon by:

CITY OF PACIFIC

WASTE MANAGEMENT OF
WASHINGTON, INC.

By: _____

By: _____

Its: _____

Its: _____



TO: Mayor Guier and City Council Members
FROM: Richard Gould, City Administrator
MEETING DATE: July 6, 2015
SUBJECT: Murrey's Disposal Contract Extension

ATTACHMENTS:

- **Franchise Agreement Extension Ordinance No. 2015-1902**
- **Third Amendment to Franchise Agreement**

Previous Council Review Date:

Summary: The current agreement with Murrey's Disposal expires on June 30, 2015. The city is negotiating a new franchise agreement with Waste Management that will tentatively start on August 1, 2015. In order to allow time for the City and Waste Management to complete the RFP process, an extension to the franchise agreement for solid waste collection in the Pierce County portion of the city is suggested for July 1, 2015 through July 31, 2015..

Recommendation/Action: Enter into the amendment to the franchise agreement with Murrey's Disposal to ensure uninterrupted service.

Motion for Consideration: "I move to adopt Ordinance 2015-1902 authorizing the mayor to enter into an amendment of the franchise agreement with Murrey's Disposal for solid waste collection services."

Budget Impact:

Alternatives:

**CITY OF PACIFIC
WASHINGTON**

ORDINANCE NO. 2015-1902

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT NO. 3 TO THE FRANCHISE AGREEMENT DATED NOVEMBER 6, 2007 WITH MURREY'S DISPOSAL COMPANY, INC. FOR SOLID WASTE AND RECYCLABLES COLLECTION SERVICES, EXTENDING THE FRANCHISE UNTIL JULY 31, 2015.

WHEREAS, the franchise agreement with Murrey's Disposal Company, Inc. ("Murrey's Disposal") for collection and disposal of solid wastes collected within the Pierce County portion of the City of Pacific (the "City"), dated November 6, 2007, (the "Franchise Agreement") as extended by that certain Amendment No. 1 to Franchise Agreement for Collection of Solid Waste and Recyclables Within Annexed Areas in the City of Pacific dated May 22, 2012 (the "Franchise Amendment No. 1"), expires August 28, 2014; and

WHEREAS, on August 25, 2014, *Amendment No. 2 to Franchise Agreement for Collection of Solid Waste and recyclables Within Annexed Areas in the City of Pacific*, dated August 25, 2014, Franchisor requested and Franchisee agreed to, an extension of the Franchise for the period of August 28, 2014 through June 30, 2015; and

WHEREAS, the Parties wish to further extend the Franchise until July 31, 2015 to complete the RFP process.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Pacific City Council hereby authorized the Mayor to enter into Amendment No. 3 to the Franchise Agreement with Murrey's Disposal (which is attached as Exhibit A) for collection and disposal services of solid wastes and recyclables for the Pierce County portion of the City of Pacific, to extend the Franchise Agreement until July 31, 2015.

Section 2. This Ordinance shall be published in the official newspaper of the City of Pacific and shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6TH DAY OF JULY, 2015.

CITY OF PACIFIC

By: _____
Leanne Guier, Mayor

ATTEST/AUTHENTICATED:

Amy Stevenson-Ness, City Clerk

Approved as to form:

Carol Morris, City Attorney

AMENDMENT NO. 3
TO
FRANCHISE AGREEMENT FOR COLLECTION OF SOLID WASTE AND
RECYCLABLES WITHIN ANNEXED AREAS IN THE CITY OF PACIFIC

This AMENDMENT TO FRNACHISE AGREEMENT (“Amendment”) is made and entered into by and between the City of Pacific, a Washington municipal corporation (“Franchisor”) and Murrey’s Disposal Company, Inc., a Washington corporation (“Franchisee”). Franchisor and Franchisee may be collectively referred to herein as the “Parties” and individually as a “Party”, unless specifically identified otherwise. This Amendment shall be effective upon the Effective Date as defined below.

RECITALS

WHEREAS, on November 6, 2007, the Parties entered into the *Franchise Agreement for Collection of Solid Waste and Recyclables Within Annexed Areas in the City of Pacific* (the “Franchise”) for the collection, transportation, and disposal of Solid Waste and Recyclables within the portions of the City of Pacific located in Pierce County, Washington; and

WHEREAS, by that certain *Amendment No. 1 to Franchise Agreement for Collection of Solid Waste and Recyclables Within Annexed Areas in the City of Pacific*, dated May 22, 2012, Franchisor requested, and Franchisee agreed to, a two year extension of the Franchise for the period of August 28, 2012 through August 28, 2014; and

WHEREAS, on August 25, 2014, *Amendment No. 2 to Franchise Agreement for Collection of Solid Waste and recyclables Within Annexed Areas in the City of Pacific*, dated August 25, 2014, Franchisor requested and Franchisee agreed to, an extension of the Franchise for the period of August 28, 2014 through June 30, 2015; and

WHEREAS, the Parties wish to further extend the Franchise until July 31, 2015.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties mutually agree, represent and warrant as follows:

1. **Extension of Franchise.** Section 3 of the Franchise is revised in its entirety to read as follows:

3. Term of Agreement. *The term of this Agreement shall commence on the Effective Date and, unless sooner terminated in accordance with the provisions of this Agreement, and shall expire on July 31, 2015, unless the Parties mutually agree in writing to extend the term of the Agreement.*

2. **Other Terms Unaffected.** Except as expressly provided herein, all other terms and conditions of the Franchise shall remain in full force and effect.

3. **Effective Date.** The Effective Date of this Amendment shall be July 1, 2015.

* * *

IN WITNESS WHEREOF, the Parties enter into this Amendment. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Amendment by the Party on whose behalf it is indicated that the person is signing.

CITY OF PACIFIC

By: _____

Name: Leanne Guier, Mayor

Date: _____

ATTEST/AUTHENTICATED:

Amy Stevenson-Ness, City Clerk

Approved as to form:

James Kelly, Assistant City Attorney

MURREY'S DISPOSAL COMPANY, INC.

By: _____

Name: _____

Title: _____

Date: _____