

INTEROFFICE MEMO

OFFICE OF THE CITY ATTORNEY

TO: Honorable Mayor and
Members of City Council

DATE: November 14, 2016

FROM: R. Joel Stern
City Attorney

SUBJECT: FIRST AMENDMENT TO AGREEMENT FOR OPERATION OF
MUNICIPAL SOLID WASTE LANDFILL; OUR FILE NO. 16-054

On April 19, 2016, council voted to continue this item to November 14, 2016 for a work session and December 6, 2016 for a public hearing and vote. For your convenience, attached is a copy of the approved April 19, 2016 minutes on the motion, the 1998 agreement and the most recent amendment with redline and clean versions. Council directed staff to add provisions relating to groundwater monitoring, landscaping enhancements at the landfill entrance, and other items discussed at the meeting.

In consultation with the developer, staff has addressed these concerns with the most significant changes set forth as follows:

- p. 2, § (A)(2)(A): cross reference of tonnage payment clause
- p. 2, § (A)(2)(B): acceleration of tonnage payment increase
- p. 2, § (B)(4): quarterly clean-up and rates; CPI random increases
- p. 5, § (G)(18)(C): re-insertion of term "absolute" relating to developer right to reject post closure plans and post closure plan interplay with groundwater monitoring
- p. 5, § (G)(18)(D): early closure date; payment obligation
- p. 5, § (G)(19): reorganized fencing cost language
- p. 6, § (J)(21): groundwater monitoring clause and termination date on obligation
- p. 7, § (K)(22): landscaping obligations



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Attachments