RESOLUTION NO. 3555-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING AMENDMENT NO. 2 TO THE NON-EXCLUSIVE TEMPORARY CONSTRUCTION AND DEMOLITION DEBRIS COLLECTION SERVICE AGREEMENT BETWEEN THE TOWN OF WINDSOR AND RECOLOGY SONOMA MARIN, EFFECTIVE JANUARY 1, 2018, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE ON BEHALF OF THE TOWN

WHEREAS, on December 6, 2017, Town Council approved a 7-year franchise and Non-Exclusive Temporary Construction and Demolition Debris Collection Service Agreement (Agreement) between the Town of Windsor (Town) and Recology Sonoma Marin (Recology) effective January 1, 2018; and

WHEREAS, the Town Council approved a 7-year franchise for the period of January 1, 2018 through December 31, 2025; and

WHEREAS, the Town Council approved Amendment No. 1 on October 3, 2018; and

WHEREAS, TOWN and FRANCHISEE desire to amend the Agreement to update Exhibit 1, a reference within the Agreement.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor hereby resolves as follows:

1. The Recitals above are true and correct and are incorporated herein by reference.

2. The aforesaid requests of Recology are approved, and the Amendment No. 2 to the Collection Service Agreement with Recology Sonoma Marin for Non-Exclusive Temporary Construction and Demolition Debris Collection Service effective January 1, 2018, attached here as Attachment A, is hereby approved, and the Town Manager is authorized to execute said Amendment No. 2.

3. The Town Council hereby finds that the approved amendment will not change the level or area of service. As there is no possibility of a significant effect on the environment, such adoption is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15061(b)(3).

4. Each section, subsection, clause, sentence, phrase, and other portion of this Resolution is severable, and the Town Council declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase or other portion hereof, irrespective of the fact that one or more sections, subsections, clauses, sentences, phrases, or other portions hereof may be held invalid or unconstitutional.

5. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 6th day of November 2019, by the following vote:

AYES:	**COUNCILMEMBERS LEMUS, OKREPKIE, SALMON, VICE MAYOR FUDGE AND MAYOR FOPPOLI**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

Dominic Foppoli

DOMINIC FOPPOLI, MAYOR

ATTEST:

Maria De La O

MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A** – Amendment No. 2 to the Non-Exclusive Temporary Construction and Demolition Debris Collection Service Agreement between the Town of Windsor and Recology Sonoma Marin

AMENDMENT NO. 2 TO THE NON-EXCLUSIVE TEMPORARY CONSTRUCTION AND DEMOLITION DEBRIS COLLECTION SERVICE AGREEMENT BETWEEN THE TOWN OF WINDSOR AND RECOLOGY SONOMA MARIN

This Amendment No. 2 to the Collection Service Agreement ("Agreement") is made and entered into effective the 6th day of November, 2019, by and between the Town of Windsor ("TOWN"), and Recology Sonoma Marin ("FRANCHISEE").

WHEREAS, TOWN and FRANCHISEE have entered into certain Agreement dated December 6, 2017, whereby FRANCHISEE began providing Temporary Construction and Demolition Debris Collection Service effective January 1, 2018; and

WHEREAS, the Town Council approved a 7-year franchise for the period of January 1, 2018 through December 31, 2025; and

WHEREAS, the Town Council approved Amendment No. 1 on October 3, 2018; and

WHEREAS, TOWN and FRANCHISEE desire to amend the Agreement to update Exhibit 1, a reference within the Agreement;

NOW, THEREFORE BE IT RESOLVED, in consideration of the mutual covenants, agreements and consideration contained herein, TOWN and FRANCHISEE hereby agree as follows:

1. **EXHIBIT 1.** EXHIBIT 1, which is attached to and incorporated in this Amendment No. 2, includes the Designated Facilities that were listed on the Application and Amendment No 1. is amended by incorporating the following new text in **bold** format.

EXHIBIT 1

TOWN OF WINDSOR, CA
RECOLOGY SONOMA MARIN
DESIGNATED FACILITIES

Recycling Facility

~~Healdsburg Transfer Station~~
~~SWFP# 49-AA-0245~~
~~166 Alexander Valley Road~~
~~Healdsburg, California 95448~~
Sonoma County System / Central Landfill
SWFP# 49-AA-0001
500 Mecham Road
Petaluma, California 94952

Transfer / Processing Facility

Healdsburg Transfer Station
SWFP# 49-AA-0245
166 Alexander Valley Road
Healdsburg, California 95448

Disposal Facility

Sonoma County System / Central Landfill
SWFP# 49-AA-0001
500 Mecham Road
Petaluma, California 94952

IN WITNESS WHEREOF, TOWN and FRANCHISEE have executed this Amendment No. 2 to Agreement on the respective date(s) below each signature.

TOWN OF WINDSOR

Ken MacNab
Town Manager

Date

RECOLOGY SONOMA MARIN

Michael J. Sangiacomo
President & CEO, Recology Sonoma Marin

Date: 2/4/20

Recology
Reviewed by:
Legal

The foregoing Agreement has been reviewed and approval is recommended:

Kristina Owens
Administrative Operations Manager

Date: 2/6/2020

Jeneen Peterson
Administrative Services Director

Date: 2/25/2020

Amendment No. 2
Resolution No. 3555-19
Approved by Town Council

Approved as to Form:

Jose Sanchez
Town Attorney

Date: 2/25/20