

RESOLUTION NO. 2011-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES AUTHORIZING THE MAYOR TO EXECUTE A SIX MONTH EXTENSION OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF GONZALES, CITY OF SOLEDAD, CITY OF GREENFIELD AND TRI-CITIES DISPOSAL AND RECYCLING SERVICE, INC. FROM JULY 1, 2011 THROUGH DECEMBER 31, 2011, ON BEHALF OF THE CITY OF GONZALES

WHEREAS, the Cities of Gonzales, Soledad and Greenfield jointly contract for refuse, recycling and yard waste services that are provided under a single franchise agreement with Tri-Cities Disposal and Recycling Service ("Tri-Cities"); and

WHEREAS, Tri-Cities is willing to provide the same level of services under an extended term Franchise Agreement and

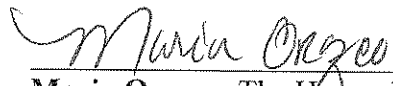
WHEREAS, the Cities are currently generally satisfied with Tri-Cities' performance; and

WHEREAS, the existing Franchise Agreement contains a provision for a Consumer Price Index (CPI) variable escalation of the service on July 1 of each subsequent year during the term of the franchise.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Gonzales that the Mayor is hereby authorized and directed for and on behalf of the City to execute the First Amendment to the Refuse, Recycling and Yard Waste Franchise Agreement, between Gonzales, Soledad and Greenfield and Tri-Cities Disposal and Recycling Service as set forth in the document hereunto attached, marked "Exhibit A," and by reference made a part thereof, to become effective July 1, 2011.


PASSED AND ADOPTED by the City Council of the City of Gonzales at a regular meeting duly held on the 16th day of May, 2011, by the following vote:

AYES:	COUNCIL MEMBERS:	Liz Silva, Jose G. Lopez, Jack L. Reed, and Mayor Maria Orozco
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	Mayor Pro Tem Scott Funk
ABSTAIN:	COUNCIL MEMBERS:	None



Maria Orozco, The Honorable Mayor

ATTEST:



René L. Mendez, City Clerk

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Exhibit "A"

CITY OF GREENFIELD

**FIRST AMENDMENT TO FRANCHISE AGREEMENT
BETWEEN THE CITY OF GONZALES, CITY OF SOLEDAD, CITY
OF GREENFIELD AND TRI-CITIES DISPOSAL AND RECYCLING
SERVICE, INC. EXTENDING THE FRANCHISE AGREEMENT
FROM JULY 1, 2011 THROUGH DECEMBER 31, 2011**

THIS FIRST AMENDMENT TO FRANCHISE AGREEMENT is made by and between the City of Gonzales, City of Soledad, City of Greenfield and Tri-Cities Disposal and Recycling Service, Inc. as of **July 1, 2011** (the "Effective Date").

RECITALS

- A. The Cities of Gonzales, Soledad and Greenfield jointly contract for refuse, recycling and yard waste services that are provided under a single franchise agreement with Tri-Cities Disposal and Recycling Service ("Tri-Cities"), and
- B. Tri-Cities is willing to provide the same level of services under an extended term Franchise Agreement, and
- C. The Cities are generally satisfied with Tri-Cities company's performance, and
- D. All parties to the Franchise Agreement desire at this time to further extend and amend said "Original Franchise Agreement", as hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of these recitals and mutual covenants contained herein, the parties hereto agree as follows;

1. Term. Section 9.1 of the Original Franchise Agreement is being amended to read as follows:

"The term of this Franchise shall commence on July 1, 2011 and shall end on December 31, 2011."

All of the terms and provisions of said "Original Franchise Agreement" except as herein modified, are to remain in full force and effect and are made a part of this First Amendment.

[REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

In Witness Whereof, the said parties have executed this First Amendment as of the day and year first above written.

CITY OF GONZALES

Mayor: Maxia Orzoco

Dated: 5/16/2011

City Clerk: [Signature]

Dated: 5/17/2011

APPROVED AS TO FORM:

City Attorney: [Signature]

Dated: 8-15-2011

CITY OF GREENFIELD

Mayor: [Signature]

Dated: ~~7~~ 7-12-11

City Clerk: [Signature]

Dated: 7-12-11

APPROVED AS TO FORM:

City Attorney: [Signature]

Dated: 8/16/2011

CITY OF SOLEDAD

Mayor: [Signature]

Dated: 6/01/11

City Clerk: [Signature]

Dated: 05-26-2011

APPROVED AS TO FORM:

City Attorney: [Signature]

Dated: 8-15-2011

ACCEPTED:

TRI-CITIES DISPOSAL AND RECYCLING SERVICES, INC.

By: [Signature]

Dated: 7-25-11