

## RESOLUTION NO. 14-92

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING THE THIRD ADDENDUM TO THE AMENDED AND RESTATED SOLID WASTE AND RECYCLING COLLECTION AND DISPOSAL CONTRACT WITH WASTE MANAGEMENT, INC.; AUTHORIZING THE MAYOR TO EXECUTE THE THIRD ADDENDUM AS ATTACHED; AUTHORIZING THE COMBINING OF RESIDENTIAL SOLID WASTE AND RESIDENTIAL YARD WASTE SERVICE INTO A SINGLE PICK-UP; ELIMINATING PARTICIPATION IN THE RECYCLEBANK PROGRAM; AND AUTHORIZING THE REFUSE RATE INDEX ADJUSTMENT OF 2.34% FOR ADDITIONAL CHARGES FOR RESIDENTIAL SERVICE AND COMMERCIAL COLLECTION SERVICE; SAID APPROVALS TO BE EFFECTIVE JANUARY 1, 2015.

**WHEREAS**, the City Commission of the City of Eustis, Florida, entered into an exclusive franchise agreement with Waste Management, Inc. of Florida, which began on January 1, 2002; and

**WHEREAS**, in accordance with the provision of that exclusive franchise agreement, Waste Management, Inc. of Florida, has provided services as required; and

**WHEREAS**, the City Commission of the City for Eustis and Waste Management, Inc. of Florida have mutually agreed to combine the separate Residential Solid Waste and Residential Yard Trash services into one weekly pick-up and to amend the exclusive franchise agreement accordingly; and

**WHEREAS**, the City Commission of the City for Eustis and Waste Management, Inc. of Florida have mutually agreed to discontinue participation in the Recyclebank program in the City of Eustis; and

**WHEREAS**, Waste Management, Inc. of Florida and the City Commission of the City for Eustis have mutually agreed to adjust the Additional Charges related to Residential Service and the Commercial Collection Service rates by the Refuse Rate Index established by the City of Eustis in the amount of 2.34%; and

**WHEREAS**, The City Commission of the City of Eustis, Florida, has held a public hearing this date on both the Third Addendum to the Amended and Restated Solid Waste and Recycling Collection and Disposal Contract and the adjustment of the specified rates by the Refuse Rate Index of 2.34%.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Eustis, Florida, as follows:

1. That the Third Addendum to the Amended and Restated Solid Waste and Recycling Collection and Disposal Contract with Waste Management, Inc., as attached hereto, is hereby approved; and
2. That the Mayor of the City of Eustis is hereby authorized to execute said contract; and
3. That City Commission hereby authorizes combining the separate residential solid waste and yard trash pick-up into one weekly pick-up based on the rate schedule attached to this resolution; and
4. That the City hereby discontinues participation in the Recyclebank program; and

5. That the Additional Charges on Exhibit 2 and the Commercial Collection Service rates included on Exhibits 3 thru 6 attached, are hereby approved based on the Refuse Rate Index adjustment of 2.34%; and
6. That the revised rates based on the rate schedule attached to this resolution are hereby approved; and
7. That this resolution and the terms of the agreement shall become effective January 1, 2015.

**DONE AND RESOLVED** this 4th day of December, 2014, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE  
CITY OF EUSTIS, FLORIDA**

*Linda Durham Bob*  
\_\_\_\_\_

Linda Durham Bob  
Mayor/Commissioner



**ATTEST**

*Mary C. Montez*  
\_\_\_\_\_

Mary C. Montez  
City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 4th day of December, 2014, by Linda Durham Bob, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.



*Serita Hill*  
\_\_\_\_\_

Notary Public- State of Florida

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

12/4/2014  
Date

*Derek A. Schroth*  
\_\_\_\_\_

Derek A. Schroth  
City Attorney

CERTIFICATE OF POSTING

The foregoing Resolution 14-92 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Senior Service Center, all within the corporate limits of the City of Eustis, Lake County, Florida.

12/4/2014  
Date

Mary C. Montez  
Mary C. Montez  
City Clerk

THIRD ADDENDUM TO THE AMENDED AND RESTATED SOLID WASTE AND  
RECYCLING COLLECTION AND DISPOSAL CONTRACT

City of Eustis, Florida

This Third Addendum to the Solid Waste and Recycling Collection Contract by and between WASTE MANAGEMENT INC. OF FLORIDA, a Florida corporation, (hereinafter referred to as "CONTRACTOR") and THE CITY OF EUSTIS, a Florida municipal corporation (hereinafter referred to as "CITY") is dated this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

WHEREAS, the City and Contractor entered into that certain Amended and Restated Solid Waste and Recycling Collection and Disposal Contract dated on or about January 1, 2002, whereby the Contractor would collect solid waste and recyclables within the corporate boundaries of the City (the "Contract"); and

WHEREAS, the parties entered into that certain First Addendum to the Contract on February 19, 2009; and

WHEREAS, parties entered into that certain Second Addendum to the Contract on January 19, 2012; and

WHEREAS, the parties desire to modify the Contract to (i) eliminate the separate collection of yard waste and allow yard waste to be commingled with solid waste; and (ii) provide for negotiated rates for services; and

WHEREAS, the Contract is ongoing and not in material breach by either party as of the date of this Second Addendum.

IT IS NOW THEREFORE AGREED:

The Amended and Restated Solid Waste and Recycling Collection and Disposal Contract between the City of Eustis and Waste Management Inc. of Florida, as amended by the First Addendum to Contract dated February 19, 2009, and Second Addendum to Contract dated January 19, 2012, is modified as follows: (Capitalized terms have the meaning as set forth in the Contract. Additions are shown by underline; deletions by ~~strikethrough~~).

1. Section 4A1 is deleted and replaced as follows:

A. Can Residential Solid Waste Collection Service and Cart Residential Solid Waste Collection Service. The Contractor shall provide Can Residential Solid Waste Collection Service to those On-Service Dwelling Units utilizing Garbage Cans for the accumulation and storage of Residential Solid Waste until such time as Rollout Carts are provided to On-Service Dwelling Units; at such time collections shall be only accomplished by use of Rollout Carts.

1. Conditions and Frequency of Service. All Residential Solid Waste shall be properly containerized in Rollout Carts provided by Contractor, as appropriate, Bundled or otherwise prepared for Collection. Residential Garbage, Rubbish and Yard Trash Collection shall be collected once per week.. In the event a regularly scheduled day falls on a holiday, the Collection shall occur on the next regularly scheduled work day. Collection of Residential Bulk Items shall occur within seventy two (72) hours of set out or notification by the customer excluding Sundays and holidays as set forth herein. It shall be the responsibility of Contractor to notify the customer of alternative holiday collection days. Should there be more Residential Garbage than can be safely contained in the Rollout Cart, customers may use additional approved containers to place the excess Residential Garbage in for collections and it must be placed next to the Rollout Cart provided.

2. Exhibits 2 through 6 are deleted and replaced with new Exhibits 2 through 6 containing the newly applicable rates and charges.

3. All other provisions of the Amended and Restated Solid Waste and Recycling Collection and Disposal Contract shall remain in full force and effect and shall not be modified except as specifically provided herein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Third Addendum to the Amended and Restated Solid Waste and Recycling Collection and Disposal Contract on the respective dates under each signature:

City of Eustis through its City Commission, signing by and through its Mayor, authorized to execute the same by Commission action on the 4th day of December 2014, and Linda Durham Bob duly authorized to execute same.

CITY COMMISSION OF THE CITY OF EUSTIS

Linda Durham Bob  
Mayor-Commissioner

December 4, 2014  
Date



ATTEST:

Mary C. Montez  
MARY MONTEZ, City Clerk

12/4/2014  
Date

CONTRACTOR:  
WASTE MANAGEMENT INC. OF FLORIDA

By: \_\_\_\_\_

Printed Name \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

\_\_\_\_\_  
Date

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

12/4/2014  
Date

Derek A. Schroth  
Derek A. Schroth, City Attorney