



AGENDA

Garden Grove Sanitary District
Board of Directors

Tuesday, September 24, 2019

6:30 PM

Community Meeting Center 11300
Stanford Avenue Garden Grove
California 92840

John R. O'Neill

President

George S. Brietigam

Vice President

Patrick Phat Bui

Member

Steven R. Jones

Member

Stephanie

Klopfenstein

Member

Kim B. Nguyen

Member

Thu-Ha Nguyen

Member

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the Sanitary District should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: 714) 741-5040.

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The Sanitary District may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Sanitary District Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the Sanitary District meeting agenda; and (3) at the Council Chamber at the time of the meeting.

Public Comments: Members of the public desiring to address the Sanitary District are requested to complete a pink speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications", and should be limited to matters under consideration and/or what the Sanitary District has jurisdiction over. Persons wishing to address the Sanitary District regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

Manner of Addressing the Sanitary District: After being called by the President, you may approach the podium, it is requested that you state your name for the record, and proceed to address the Sanitary District. All remarks and questions should be addressed to the Sanitary District as a whole and not to individual Sanitary District Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Sanitary District shall be called to order by the President. If such conduct continues, the President may order the person barred from addressing the Sanitary District any further during that meeting.

Time Limitation: Speakers must limit remarks for a total of (5) five minutes. When any group of

persons wishes to address the Sanitary District on the same subject matter, the President may request a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the Sanitary District's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

AGENDA

Open Session

6:30 PM

ROLL CALL: MEMBER BUI, MEMBER JONES, MEMBER KLOPFENSTEIN, MEMBER K. NGUYEN, MEMBER T. NGUYEN, VICE PRESIDENT BRIETIGAM, PRESIDENT O'NEILL

1. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

2. CONSENT ITEMS

(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Sanitary District Member.)

2.a. Approval of an Amendment to the Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal, for Recycling Cart Rate Implementation. *(Joint Action Item with the Garden Grove City Council.)*

2.b. Receive and file minutes from the meeting held on August 27, 2019. *(Action Item)*

3. MATTERS FROM THE PRESIDENT, BOARD MEMBERS AND GENERAL MANAGER

4. ADJOURNMENT

The next Regular Sanitary District Meeting will be held on Tuesday, October 22, 2019, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	General Manager	Dept.:	Public Works
Subject:	Approval of an Amendment to the Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal, for Recycling Cart Rate Implementation. (<i>Joint Action Item with the Garden Grove City Council.</i>)		
		Date:	9/24/2019

OBJECTIVE

To obtain approval by the Garden Grove City Council and the Garden Grove Sanitary District Board of an amendment to the agreement with Republic Services Waste Services of Southern California LLC, dba Garden Grove Disposal, for a recycling cart rate implementation.

BACKGROUND

Assembly Bill (AB) 341 (Chapter 476, Statutes of 2011) was signed by Governor Brown in 2011. AB 341 requires businesses and multi-family complexes of five units or more, that generate four cubic yards or more of trash per week, to have a recycling program. Each local jurisdiction is required to offer a recycling program, inform businesses and multi-family complexes about the recycling requirement, and to keep track of the level of recycling participation within the community. In addition, each jurisdiction is required to report to CalRecycle, the state agency that oversees recycling and solid waste, progress toward meeting the requirements of AB 341.

DISCUSSION

Currently, all commercial businesses are offered a three cubic yard recycling bin when subscribing to a recycling service with the City's franchised hauler, Garden Grove Disposal. Newer developments with larger businesses have adequate space for recycling bins due to building codes and produce enough recyclable waste to fill the bins. Older developments with smaller businesses are faced with limited space and/or not enough recyclable materials produced to fill a three cubic yard bin. By providing businesses that cannot accommodate the larger bin with a smaller

container, this will reduce the incidences of material overflowing from the refuse container, as the customers can shift the recyclable materials from the refuse bins to the recycling carts. Garden Grove Disposal provided an alternative option for a 96 gallon recycling bin. To help the smaller businesses comply with this State mandate, it is recommended to amend the agreement with Garden Grove Disposal to implement a 96 gallon recycling cart program through an amendment to the existing contract with Garden Grove Disposal.

FINANCIAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION

It is recommended that the City Council:

- Approve Amendment No. 4 to the 2010 Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for a recycling cart program implementation; and
- Authorize the City Manager to execute the agreement amendment on behalf of the City, and make minor modifications as appropriate thereto.

It is recommended that the Sanitary District Board:

- Approve Amendment No. 4 to the 2010 Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for a recycling cart program implementation; and
- Authorize the General Manager to execute the agreement amendment on behalf of the Sanitary District, and make minor modifications as appropriate thereto.

By: A.J. Holmon III, Streets/Environmental Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
Amendment	9/9/2019	Agreement	Republic_Services_Amendment_4.pdf
EXHIBIT A	9/17/2019	Exhibit	9-24-19__Recycling_Cart_Rate-Exhibit_A.pdf

**AMENDMENT NO. 4
TO AGREEMENT AMONG CITY OF GARDEN GROVE, GARDEN GROVE SANITARY
DISTRICT AND REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC
dba GARDEN GROVE DISPOSAL
FOR SOLID WASTE HANDLING SERVICES
(COMMERCIAL SOURCE-SEPARATED RECYCLING SERVICES)**

This Amendment No. 4 ("Amendment") to the Agreement for Solid Waste Handling Services is entered into to be effective as of the ____ day of _____, 2019, by and among the CITY OF GARDEN GROVE, a municipal corporation, the GARDEN GROVE SANITARY DISTRICT, a subsidiary special district formed and existing pursuant to the Sanitary District Act of 1923, California Health and Safety Code Section 6400 et seq., and REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC ("Republic"), a Delaware Limited Liability Company dba GARDEN GROVE DISPOSAL. The City and District are hereby collectively referred to as "City." The City, District and Republic are hereby collectively referred to as the "Parties."

R E C I T A L S:

A. Effective July 1, 2010, the Parties hereto entered into the Agreement Between City of Garden Grove, Garden Grove Sanitary District and Republic Services of Southern California, LLC dba Garden Grove Disposal for Solid Waste Handling Services ("Agreement").

B. Pursuant to Section 8.3.4 of the Agreement, Republic is required to design and present a program to the City to comply with any new requirement imposed upon the City or Republic by CalRecycle, or any Federal, State or Local law or regulation, and the Parties are required to meet and confer in good faith to determine a fair and reasonable adjustment to the maximum rates set forth in the Agreement for the implementation of any new source separated program for the collection of any waste material not already covered under the Agreement.

C. In 2011, the State of California enacted AB 341, requiring the implementation of mandatory commercial recycling beginning July 1, 2012.

D. In August 2012, a three cubic yard recycling bin rate was approved by the City.

E. Currently, commercial customers, including multi-family residential customers, can subscribe to recycling services using the typical three cubic yard bins maintained on the required trash enclosures within their properties. However, many properties do not have room in their trash enclosures and properties for multiple three cubic yard bins to source-separate recyclables from other waste. Consequently, the City has determined that a smaller recycling cart is necessary to accommodate customers that must comply with AB 341 but do not have the space for a three cubic yard recycling bin.

F. An amendment to the rate structure of the Agreement is required to establish a new 96-gallon recycling cart for commercial accounts.

G. Pursuant to Recital E of the Agreement, incorporated into the Agreement by reference per Section 1 thereto, the Parties intend that Republic, and not the City, shall be solely

responsible for establishing and collecting all charges for Solid Waste Handling Services provided by Republic pursuant to the Agreement.

C O V E N A N T S:

NOW, THEREFORE, for and in consideration of the terms and conditions of this Amendment, the Parties hereby agree as follows:

SECTION 1. Section 2 (Definitions) of the Agreement is hereby amended to include the following definitions:

AB 341

“AB 341” means the California Jobs and Recycling Act of 2011 (Chapter 476, Statutes of 2011), modifying AB 939, the California Integrated Waste Management Act of 1989, Division 30 of the California Public Resources Code (Commencing with Section 40000 et seq.), as amended, supplemented, superseded, and replaced from time to time.

Source-Separated

“Source-Separated” means the segregation into separate Containers by the waste generator of individual components of material which otherwise would become Solid Waste (such as glass bottles, metal cans, newspapers, plastic containers, etc.) into separate Container(s) for the sole purpose of Recycling of such materials. Source separation includes the segregation of recyclable materials for single stream recyclables collection.

SECTION 2. Section 8.3 of the Agreement is hereby amended to add the following provisions:

8.3.7 Source-Separated Recycling Program for Commercial Premises

(a) Republic shall offer Source-Separated Recycling services to all Commercial Premises and City facilities.

(b) Republic shall offer Recycling services based on the Container size and service frequency as contained in the Rate Schedule in Exhibit 1. The services offered shall include a three-cubic yard bin and a 96-gallon cart, collected one to six times per week.

SECTION 3. Section 23.1 (Monthly Reports) of the Agreement is amended to read as follows:

23.1 Monthly Reports

At a minimum, Republic shall report the following to City on a monthly basis: Solid Waste Collected from Residential Premises (excluding MFRFs) by Republic for each month, sorted by type of Solid Waste in tons, broken down at a level acceptable to City (which at a minimum shall include: refuse, Green Waste, e-waste and universal waste item counts, types of recyclables including PET, HDPE, mixed plastics, aluminum, cardboard, and mixed paper), as well as by customer type (i.e., single family, multi-family, etc.); Solid Waste Collected from

commercial and industrial Customers (including MFRFs) by Republic for each month, sorted by tonnage and loads, broken down at a level acceptable to City; the Facilities where all Solid Waste Collected was processed or disposed; warning notices issued for contaminated Recyclable Materials, and Green Waste Containers; a narrative summary of problems encountered (including scavenging) and actions taken with recommendations for City, as appropriate; a listing, in a format approved by the City, of all Commercial Premises that meet the threshold of AB 341 and receive Source-Separated Recycling Collection Services from Republic.

SECTION 4. Section 23.2 (Quarterly Reports) of the Agreement is hereby amended to add the following provisions:

23.2.3 Quarterly Commercial Premises Recycling Program Reporting Requirements

Republic shall provide the following to the City on a quarterly basis, and annually thereafter, in a format approved by the City:

- The total number of Commercial Premises serviced by the Republic that meet the thresholds of AB 341;
- The number of Republic Commercial Premises that subscribe to the Republic provided Recycling program; and,
- A complete customer listing which includes at a minimum:
 - Account number
 - Customer name
 - Customer billing contact information (contact person, address, telephone number)
 - Customer service address
 - Refuse level of service (number and size of containers, collections per week)
 - Recycling level of service (number and size of containers, collections per week).

SECTION 5. Section 24 (Compensation) of the Agreement is hereby amended to add the following provisions:

24.10 Source-Separated Commercial Premises Recycling Compensation Adjustment

Republic shall provide Source-Separated Recycling services to Commercial Premises at rates it sets, charges to, and collects from Customers, which rates are listed in Exhibit A. Commencing on July 1, 2020, the service component associated with the Source-Separated Commercial Premises Recycling maximum rates as set forth in Exhibit A may be adjusted by Republic, and such rates may be adjusted by Republic annually thereafter on each subsequent July 1st during the Term hereof (the "Adjustment Dates"), by multiplying such service component by a percentage equal to the change in the Consumer Price Index ("CPI") for All items in Los Angeles-Long Beach-Anaheim, CA, all urban consumers, not seasonally

adjusted (CUURS49ASA0) average for the twelve (12) month period ending on the date of January 31 immediately prior to the applicable Adjustment Date (the "CPI Adjustment). Notwithstanding the foregoing, the CPI Adjustment shall not exceed five percent (5%) in any given year. At least forty-five (45) days prior to each Adjustment Date, Republic shall provide the City Manager with data supporting the basis for its calculations, so that City may review and verify the accuracy of Republic's calculations. No CPI Adjustment shall become effective until the City Manager confirms the accuracy of Republic's calculations and the submitted revised Exhibit A.

SECTION 6. The "Approved Republic Rate Schedule" in Exhibit A of the Agreement is amended to include a 96-gallon barrel service for Source-Separated Commercial Premises Recycling Service and collection rates as shown in Exhibit 1, attached hereto and incorporated herein by reference.

SECTION 7. Except as expressly set forth herein, nothing in this Amendment shall affect or modify any other of the provisions of the Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first above written.

CITY OF GARDEN GROVE

By: _____
Scott C. Stiles, City Manager

APPROVED AS TO FORM:

ATTEST:

City Attorney

City Clerk

GARDEN GROVE SANITARY DISTRICT

By: _____
Scott C. Stiles, General Manager

APPROVED AS TO FORM:

ATTEST:

General Counsel

Secretary

**REPUBLIC WASTE SERVICES OF
SOUTHERN CALIFORNIA, LLC dba
GARDEN GROVE DISPOSAL**

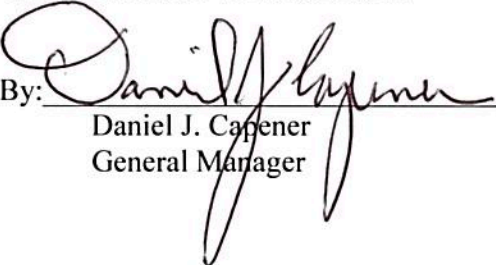
By: 
Daniel J. Capener
General Manager

EXHIBIT A

Garden Grove Commercial

Direct Billed by Republic Services

Effective July 1, 2019

DIRECT BILLED Permanent Service									
Container	Type	1X	2X	3X	4X	5X	6X	1 st Extra P/U	2nd Extra P/U @ same time
FL 2.00	Trash	171.95	273.62	375.23	476.89	578.51	680.16	78.29	42.58
FL 3.00	Trash	180.89	287.70	384.56	501.35	608.22	715.07	80.28	44.79
FL 3.00	Manure	199.84	324.02	448.32	572.65	696.99	821.30	94.51	94.51
FO 2.00	Organics/Food Waste	171.95	273.62	More than 2x per week service requires GM or Muni Manager Approval					
FO 2.00	Organics Bin - Contaminated p/u as trash	103.15	Billed for each occurrence						
FR 3.00	Recycle	154.92	235.79	316.69	397.55	478.46	559.34	74.29	38.82
FR 3.00	Recycle - Contaminated p/u as trash	38.82	Billed for each occurrence						
FL 3.00	30 Day Temp	199.91	302.86	405.86	508.79	611.82	714.78	107.47	107.47
FL 3.00 C	Mini Packer	282.72	509.30	735.92	962.45	1,189.08	1,415.65	129.17	129.17
FL 4.00	Trash	207.67	341.59	475.52	609.48	743.38	877.36	94.06	51.50
FL 6.00	Trash	225.70	358.87	492.08	625.23	758.42	891.57	100.24	55.94
HP .00	Pull Out Svc	61.34	122.67	184.00	245.35	306.68	368.00	61.34	61.34
CA 0.48	Comm Carts - TRASH	26.46	Rate is per cart – Limit 4 cart – supervisor approval required						
FR 0.48	Comm Carts - RECYCLE	29.46	58.92	Rate is per cart – Limit 4 cart – More than 2X per Wk requires GM or Muni Manager Approval					
FR 0.48	Recycle Cart - Contaminated p/u as trash	51.58	Billed for each occurrence						
OR 0.32	Comm Carts - ORGANICS	46.42	92.84	More than 2x per week service requires GM or Muni Manager Approval					
OR 0.32	Organics Cart - Contaminated p/u as trash	51.58	Billed for each occurrence						
Lock Latch	Monthly Rate (Code UNL)	2.31	4.62	6.93	9.24	11.55	13.86	2.31	2.31
ALL BINS	Special Access (Keys/Codes)	11.55	Monthly charge for any bin access that requires keys, gate codes, remotes, etc. CODE = ACC (Description on invoice is CONTAINER ACCESS)						
ALL BINS	Overage Charge	41.88	Billed for each occurrence						

MANAGEMENT APPROVAL MUST BE OBTAINED FOR RECYCLING SERVICES GREATER THAN 3X PER WEEK.

SUPERVISOR APPROVAL MUST BE OBTAINED PRIOR TO SETTING UP 4YD OR 6YD SERVICE
ONCE APPROVED, MUST CHECK WITH SPECIAL SERVICES FOR INVENTORY PRIOR TO SCHEDULING

EXTRA SERVICES				
Service Type	Svc Code	EXT Flag	Rate	Notes
Exchange Bin - No Charge	EXC	N	-	One time per year - No Charge
Exchange Bin	EXC	Y	86.63	Per bin charge - After first "free" per year
Extra Pickup	REG	Y	Varies	See Rates above
2 nd Extra Pickup (@ same time)	EP1	Y	Varies	More than one extra pick up @ the same time
Relocation	REL	Y	61.73	
Redeliver Bins (removed as a result of non-payment bin pull)	DEL	Y	87.82	After delinquent payment has been received, enter ADTB F2 Note to charge
Lock Latch Installation	LLK	Y	104.22	One-time fee
Steam Clean Container(s)	WAS	Y	111.25	Per Container

COMMERCIAL & MULTI-FAMILY BULKY PICK UP					
Type	Service Days	Svc Code	EXT Flag	Rate	Notes
No limit per calendar year; Max 10 items per collection	East - M/F	BUL	Y	52.69	<u>Dividing Line: Brookhurst</u>
	West - T/W/TH				Includes first 2 items
Items after 2	East - M/F	BU1	Y	7.02	No building materials, auto parts, tires, e-waste, universal or hazardous waste
	West - T/W/TH				
Refrigerator	Friday	APN	Y	49.18	Gas Recovery Fee This rate is IN ADDITION to the standard Bulky Item charge;
A/C unit					
Freezer					
Water Heater - All Sizes	East - M/F West - T/W/TH	AP1	Y	52.69	Per item charge
E-waste	Friday	ELP	N	-	Limit 10 items per collection

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Teresa Pomeroy

Dept.: General Manager Dept.: City Clerk

Subject: Receive and file minutes Date: 9/24/2019
from the meeting held on
August 27, 2019. (*Action
Item*)

Attached are the minutes from the meeting held on August 27, 2019, recommended to be received and filed as submitted or amended.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Minutes	9/10/2019	Minutes	sd-min_08_27_2019.pdf

MINUTES

GARDEN GROVE SANITARY DISTRICT BOARD OF DIRECTORS

Regular Meeting

Tuesday, August 27, 2019

Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE CLOSED SESSION

At 5:35 p.m., Vice President Brietigam convened Closed Session in the Founders Room.

<u>ROLL CALL</u>	PRESENT:	(5)	Members T. Nguyen, K. Nguyen, Klopfenstein, Jones, Vice President Brietigam
	ABSENT:	(2)	President O'Neill was absent at Roll Call, but joined the meeting at 5:40 p.m. Member Bui was absent at Roll Call, but joined the meeting at 5:41 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CLOSED SESSION MATTERS

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: Assessor Parcel Numbers 23318101 and 23317121
Sanitary District Negotiator: Scott C. Stiles, General Manager
Negotiating Parties: Landmark, LLC; SCG America
Under Negotiation: To obtain direction regarding the price and terms of payment for the disposition of the property.

It was announced by City Attorney Sandoval that this matter will not be discussed and is tabled to the next meeting.

ADJOURN CLOSED SESSION

At 5:36 p.m., Vice President Brietigam adjourned Closed Session.

CONVENE MEETING

At 7:03 p.m., President O'Neill convened the meeting in the Council Chamber with all Members present.

ORAL COMMUNICATIONS

Speakers: Byron Lopez, Cynthia Guerra, Sean Drexler, Sandra De Anda, Roberta McLeish, Tom Raber, Nicholas Dibs, Robert Harrison, Dianna Athas, Jill Freshowr, Dustin Nguyen, Bonnie Crawford.

RECESS

At 7:50 p.m., President O'Neill declared a recess.

RECONVENE

At 7:51 p.m., President O'Neill reconvened the meeting with all Members present.

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HF&H CONSULTANTS, LLC, FOR LEGISLATIVE COMPLIANCE ASSISTANCE (F: 55 – HF&H CONSULTANTS, LLC)

It was moved by Member Brietigam, seconded by Member Bui that:

The professional services agreement for legislative compliance assistance services with HF&H Consultants, LLC in the amount of \$50,000, be approved; and

The General Manager be authorized to execute the agreement on behalf of the Sanitary District and to make minor modifications as appropriate.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, T. Nguyen, Jones, Bui, Klopfenstein, K. Nguyen, O'Neill
Noes: (0) None

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HF&H CONSULTANTS, LLC, TO PROVIDE TECHNICAL ASSISTANCE WITH THE MANDATORY COMMERCIAL RECYCLING PROGRAM (F: 55 – HF&H CONSULTANTS, LLC)

It was moved by Member Brietigam, seconded by Member Bui that:

The professional services agreement for technical assistance services with HF&H Consultants, LLC in the amount of \$50,000, be approved; and

The General Manager be authorized to execute the agreement on behalf of the Sanitary District and to make minor modifications as appropriate.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, T. Nguyen, Jones, Bui, Klopfenstein, K. Nguyen, O'Neill
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETINGS HELD ON JULY 9, 2019, AND
JUNE 25, 2019
(F: Vault)

It was moved by Member Brietigam, seconded by Member Bui that:

The minutes from the meetings held on July 9, 2019, and June 25, 2019, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, T. Nguyen, Jones, Bui, Klopfenstein, K. Nguyen, O'Neill
Noes: (0) None

ADJOURNMENT

At 7:52 p.m., President O'Neill adjourned the meeting. The next meeting is scheduled for Tuesday, September 24, 2019, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
Secretary