



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

---

File #: 17-0133, Version: 1

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Update on the SMaRT Station Memorandum of Understanding Negotiation with the City of Milpitas (Information Only)

#### **BACKGROUND AND DISCUSSION**

At the November 29 Special City Council Meeting, the City Council authorized the City Manager to negotiate a Memorandum of Understanding (MOU) with the City of Milpitas (Milpitas) for processing Milpitas Recyclables, Yard Trimmings and Municipal Solid Waste at the City's SMaRT Station (RTC 16-1015). The MOU was intended to be the first step towards negotiating a post-collection processing contract for the various Milpitas' waste streams.

In December staff reviewed a draft MOU from Milpitas. Based on Council direction from November 29, staff substantially edited the MOU with final review occurring over the holidays. On January 3, the MOU was sent to the negotiation team at Milpitas, which includes Milpitas' City Manager. On January 6, staff met with Milpitas' City Manager to start negotiations. As part of this meeting, Sunnyvale staff emphasized that both parties need to focus on negotiating the terms of the MOU since Milpitas requested that the MOU be approved by both parties by early February 2017. In order to meet this deadline, the Sunnyvale City Council would have to consider the MOU for approval at the January 31, 2017 Special City Council meeting.

Since the January 6 meeting, Sunnyvale staff arranged three meetings that Milpitas' staff initially confirmed. Specifically, we were scheduled to meet on January 10, January 12, and January 17. For all three meetings, Milpitas cancelled the meetings approximately one hour before the scheduled meeting times.

The MOU as currently drafted is consistent with the Sunnyvale City Council direction. In order to keep to Milpitas' timeline and allowing for Sunnyvale's administrative review, I plan to bring forward the Sunnyvale version of the MOU for City Council consideration on January 31, 2017. With Council's approval of the MOU, the City Manager would be authorized to execute the agreement and allow the City to proceed on a delayed timeline that Milpitas may need. As outlined in the attached letter to the Milpitas City Manager, if Milpitas requests changes to the Council approved MOU, due to many other urgent priorities, upcoming staffing changes, as well as planned agendas for upcoming council meetings, staff offered negotiating such potential changes and, if agreeable, taking the revised MOU to the City Council late March 2017. This will allow for staff to balance other major work efforts and sufficient advanced agenda planning and noticing for public hearing items.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public

Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

Prepared by: Walter C. Rossmann, Assistant City Manager

Reviewed by: John Stufflebean, Director, Environmental Services

Approved by: Deanna J. Santana, City Manager

**ATTACHMENT**

1. Letter to the City of Milpitas City Manager dated January 19, 2017