

# Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: November 4, 2002

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO 17 APPLICANTS.

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO 17 APPLICANTS.

PURPOSE OF ORDINANCE:

On July 22, 2002, the City Council held a public hearing on each of the seventeen (17) applications for non-exclusive solid waste franchises. All applications were subsequently approved by the City Council which directed the City Attorney and staff to prepare the necessary ordinance for the approved applications and authorized the City Manager to enter into the franchise agreements.

In the intervening time period, amendments were prepared to Chapter 8.61 of the Pasadena Municipal Code which, among other things, strengthened the recycling diversion requirements. Specific minimum recycling goals are contract requirements with liquidated damage provisions for failure to meet the minimum. The applicants have indicated an understanding of these requirements and have agreed to meet them.

Each franchise is for a period of one year, with up to three additional renewal terms at the option of the City Manager. Each franchise is to commence as of January 1, 2003 if a written franchise agreement is in place and the franchisee otherwise meets all of the requirements for conducting this business in the City of Pasadena.

The approved applicants are:

1. Arrow Disposal Services, Inc.
2. Burrtec Waste Industries, Inc.
3. Foothill Waste Reclamation, Inc.

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MEETING OF 11/4/2002

AGENDA ITEM NO. 9.A.3.

- 4. Frank's Disposal Company
- 5. Heritage Disposal, Inc.
- 6. ILLIG Construction Company
- 7. Key Disposal
- 8. Looney Bins, Inc.
- 9. Metropolis Disposal, Inc.
- 10. Olympic Disposal Company
- 11. Randol Roofing & Construction Co., Inc.
- 12. R.B Perry & Associates, Inc.
- 13. Triangle Services
- 14. VRS Waste Systems, Inc.
- 15. Waste Management of Sun Valley
- 16. Waste & Recycling Services
- 17. Western Tear-Off & Disposal, Inc.

REASONS WHY LEGISLATION IS NEEDED:

The Charter of the City of Pasadena, Article XI, Section 1104 specifies that the method and procedure for granting a franchise shall be by ordinance.


ENVIRONMENTAL IMPACTS

The Environmental Administrator has determined that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), which states the following: "[t]he activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

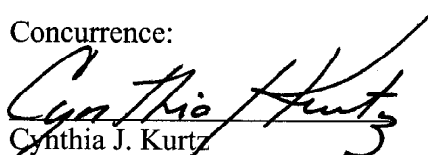
Respectfully submitted,

  
 Michele Beal Bagneris  
 City Attorney

Prepared by: 10/21/02

  
 \_\_\_\_\_  
 Nicholas George Rodriguez  
 Assistant City Attorney

Concurrence:

  
 Cynthia J. Kurtz  
 City Manager

Introduced by City Councilmember

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO 17 APPLICANTS.

WHEREAS, on July 22, 2002, the City Council of the City of Pasadena considered applications for a non-exclusive solid waste collection franchise and adopted Resolution No. 8095, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code; and

WHEREAS, said Resolution was duly published on April 26, 2002, and;

WHEREAS, a duly-noticed public hearing pursuant to said Resolution was held on July 22, 2002 for the applications; and

WHEREAS, after reviewing each application, and after public hearing, it was determined that specific applicants comply with Chapter 8.61 of the Pasadena Municipal Code and have agreed to comply with amendments to this Chapter relating to, among other things, required recycling diversion rates.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter.

The approved summary of this ordinance reads as follows:

## "SUMMARY

The purpose of Ordinance No. \_\_\_\_\_ is to grant, pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") to each of the following according to the terms and conditions set forth in the text of the ordinance and of a franchise agreement to be executed by each franchisee:

Arrow Disposal Services, Inc.  
P.O. Box 2917  
La Puente, CA 91746

Burrtec Waste Industries, Inc.  
P.O. Box 1026  
Duarte, CA 91009

Waste & Recycling Services  
13714 Chestnut St.  
Whittier, CA 90605

Foothill Waste Reclamation, Inc.  
P.O. BOX 923637  
Sylmar, CA 91392-3637

Frank's Disposal Company  
10318 La Canada Way  
Shadow Hills, CA 91040

Heritage Disposal, Inc.  
P.O. Box 1432  
South Pasadena, CA 91031

ILLIG Construction Company  
3577 N. Figueroa St  
Los Angeles, CA 90065

Key Disposal  
1141 S. Taylor Ave.  
Montebello, CA 90640

Looney Bins, Inc.  
11616 ½ Sheldon St.  
Sun Valley, CA 91352

Metropolis Disposal, Inc.  
7657 Winnetka Ave., #360  
Canoga Park, CA 91306

Olympic Disposal Company  
116 W. Maynard Rd.  
Montebello, CA 90640

Randol Roofing & Construction Co., Inc.  
2304 Troy Ave  
South El Monte, CA 91733

R.B Perry & Associates, Inc.  
409 Rolyn Place  
Arcadia, CA 91007

Triangle Services  
2422 Durfee Ave.  
South El Monte, CA 91733

VRS Waste Systems, Inc.  
P.O. Box 68  
Sun Valley, CA 91353

Waste Management of Sun Valley  
9081 Tujunga Ave  
Sun Valley, CA 91352

Western Tear-Off & Disposal, Inc.  
919 Fawn Springs Lane  
Glendora, CA 91741

Ordinance No. \_\_\_\_\_ shall take effect upon the expiration of 30 days from its publication by title and summary."

SECTION 2. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Arrow Disposal Services, Inc.  
P.O. Box 2917  
La Puente, CA 91746

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 3. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Burrtec Waste Industries, Inc.  
P.O. Box 1026  
Duarte, CA 91009

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 4. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Waste & Recycling Services  
13714 Chestnut St.  
Whittier, CA 90605

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 5. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Foothill Waste Reclamation, Inc.  
P.O. BOX 923637  
Sylmar, CA 91392-3637

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code

have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 6. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Frank's Disposal Company  
10318 La Canada Way  
Shadow Hills, CA 91040

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 7. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Heritage Disposal, Inc.  
P.O. Box 1432  
South Pasadena, CA 91031

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling



diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 8. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

ILLIG Construction Company  
3577 N. Figueroa St  
Los Angeles, CA 90065

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 9. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Key Disposal  
1141 S. Taylor Ave.  
Montebello, CA 90640

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 10. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Looney Bins, Inc.  
11616 ½ Sheldon St.  
Sun Valley, CA 91352

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 11. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Metropolis Disposal, Inc.  
7657 Winnetka Avenue, #360  
Canoga Park, CA 91306

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 12. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Olympic Disposal Company  
116 W. Maynard Rd.  
Montebello, CA 90640

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code

have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 13. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Randol Roofing & Construction Co., Inc.  
2304 Troy Ave  
South El Monte, CA 91733

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 14. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

R. B. Perry & Associates, Inc.  
409 Rolyn Place  
Arcadia, CA 91007

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling

diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 15. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Triangle Services  
2422 Durfee Ave.  
South El Monte, CA 91733

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 16. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

VRS Waste Systems, Inc.  
P.O. Box 68  
Sun Valley, CA 91353

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 17. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Waste Management of Sun Valley  
9081 Tujunga Ave  
Sun Valley, CA 91352

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 18. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a non-exclusive solid waste collection franchise ("Franchise") is granted to:

Western Tear-Off & Disposal, Inc.  
919 Fawn Springs Lane  
Glendora, CA 91741

This grant of franchise is based on the certifications of franchisee that it shall comply with all of the provisions of Chapter 8.61 of the Pasadena Municipal Code, including, but without limitation the provisions of Section 8.61.175, which establish a contract requirement of minimum recycling diversion rates and liquidated damages for failing to meet those rates. The franchise shall be for a period of one year, commencing as of January 1, 2003, if a written franchise agreement has been fully executed and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by the franchisee. The franchise may be extended for up to three additional renewal terms at the option of the City Manager and according to the provisions of Section 8.61.120 of the Pasadena Municipal Code, with each renewal term being a term of one year.

SECTION 19. The city clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 20. This ordinance shall take effect thirty days after its publication.

Signed and approved this    day of            , 2002.

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Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of  
the City of Pasadena at its meeting held \_\_\_\_\_, 2002, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

PUBLISHED:

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Jane L. Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM:

 10/22/02  
\_\_\_\_\_  
Nicholas George Rodriguez  
Assistant City Attorney