

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: January 12, 2004

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO FOUR (4) APPLICANTS.

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO FOUR (4) APPLICANTS.

PURPOSE OF ORDINANCE:

On November 17, 2003, the City Council held a public hearing on each of the four (4) 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.

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 12, 2004 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. Gemini Services, Inc.
2. Perez Transport Company
3. Performance Tear-off, Inc.
4. Woory Disposal Services

MEETING OF 01/12/2004

AGENDA ITEM NO. 9.A.1.


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.

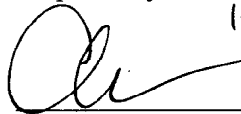
ENVIRONMENTAL IMPACTS

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,

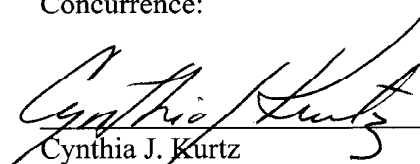

Michele Beal Bagneris
City Attorney

Prepared by:

 12/24/03

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 (FOUR) 4 APPLICANTS.

WHEREAS, on November 17, 2003, the City Council of the City of Pasadena considered applications for a non-exclusive solid waste collection franchise and adopted Resolution No. 8296, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code; and

WHEREAS, said Resolution was duly published on October 16, 2003, and;

WHEREAS, a duly-noticed public hearing pursuant to said Resolution was held on November 17, 2003 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:

Gemini Services, Inc.
4334 San Gabriel River Parkway
Pico Rivera, CA 90661

Perez Transport Company
13717 Carl Street
Pacoima, CA 91331

Performance Tear-off, Inc.
3001 Gilroy Street
Los Angeles, CA 90039

Woory Disposal Services
13630 Imperial Highway, #1
Santa Fe Springs, CA 90670

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:

Gemini Services, Inc.
4334 San Gabriel River Parkway
Pico Rivera, CA 90661

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 the date 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:

Perez Transport Company
13717 Carl Street
Pacoima, CA 91331

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 the date 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:

Performance Tear-off, Inc.
3001 Gilroy Street
Los Angeles, CA 90039

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 the date 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:

Woory Disposal Services
13630 Imperial Highway, #1
Santa Fe Springs, CA 90670

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

