



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: May 9, 2005

FROM: CITY ATTORNEY

SUBJECT: AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA
GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE
COLLECTION TO FIVE (5) APPLICANTS.

TITLE OF PROPOSED ORDINANCE:

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO FIVE (5) APPLICANTS.

PURPOSE OF ORDINANCE:

On April 25, 2005, the City Council held a public hearing on each of the five (5) 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 July 1, 2005 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. D'Angelus Disposal
2. Direct Disposal
3. Interior Removal Specialist, Inc.
4. Nu-Way Roll-off Service
5. Pinnacle Disposal & Environmental Services Inc.

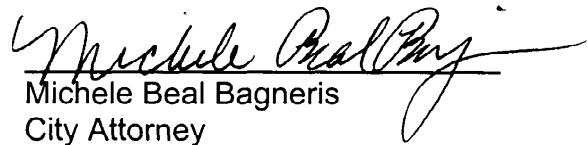
REASONS WHY LEGISLATION IS NEEDED:

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:

 5/2/05

Nicholas George Rodriguez
Assistant City Attorney

Concurrence:



Cynthia J. Kurtz
City Manager

Introduced by City Councilmember

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING
NON-EXCLUSIVE FRANCHISES FOR SOLID WASTE COLLECTION TO
FIVE (5) APPLICANTS.

The People of the City of Pasadena ordain as follows:

WHEREAS, on March 21, 2005, the City Council of the City of Pasadena considered five (5) applications for a non-exclusive solid waste collection franchise and adopted Resolution No. 8449, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code; and

WHEREAS, said Resolution was duly published on April 15, 2005, and;

WHEREAS, a duly-noticed public hearing pursuant to said Resolution was held on April 25, 2004 for the applications; and

WHEREAS, after reviewing each application, and after public hearing, it was determined that each of the five (5) applications complies with Chapter 8.61 of the Pasadena Municipal Code and each applicant has agreed to comply with all provisions of this Chapter, including but without limitation, required recycling diversion rates.

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

SECTION 1. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a separate non-exclusive solid waste collection franchise is hereby granted to each of the following applicants, listed by name and business address, according to the terms and conditions set forth in the text of this ordinance and to the terms and conditions of a separate franchise agreement to be executed by each franchisee.

Each grant of franchise is based on the certifications of that 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 which must be met by each franchisee and liquidated damages for each franchisee for failing to meet those rates. Each franchise shall be for a period of one year, commencing as of July 1, 2005, if a written franchise agreement has been fully executed by the franchisee and all other requirements of Chapter 8.61 of the Pasadena Municipal Code have been met by that franchisee. Each 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 2. Pursuant to Chapter 8.61 of the Pasadena Municipal Code, a separate, non-exclusive solid waste collection franchise is granted to each of the following applicants:

1. D'Angelus Disposal
P.O. Box 1727
Montebello, CA 90640
2. Direct Disposal
5901 Warner Avenue #229
Huntington Beach, CA 92649
3. Interior Removal Specialist, Inc.
9309 Rayo Avenue
South Gate, CA 90280
4. Nu-Way Roll-off Service
145 West Duarte Road
Monrovia, CA 91016
5. Pinnacle Disposal & Environmental Services Inc.
P.O. Box 215
La Verne, CA 91750

SECTION 3. The city clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 4. This ordinance shall take effect upon the expiration of thirty days after its publication.

Signed and approved this day of May, 2005.

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 , 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PUBLISHED:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



5/21/05

Nicholas George Rodriguez
Assistant City Attorney