

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: June 2, 2008

FROM: CITY ATTORNEY

SUBJECT: AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO SIXTEEN (16) APPLICANTS.

TITLE OF PROPOSED ORDINANCE:

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO SIXTEEN (16) APPLICANTS.

PURPOSE OF ORDINANCE:

On April 28, 2008 and May 19, 2008, the City Council held public hearings on renewal applications for sixteen (16), non-exclusive solid waste franchises. All of the sixteen (16) applications were subsequently approved by the City Council, which directed the City Attorney to prepare the necessary ordinances granting the renewals and authorized the City Manager to enter into the franchise agreements.

Each franchise is for a first period of twelve months, with up to four additional renewal terms of one year, each, at the option of the City Manager. Each franchise is to commence according to written franchise agreements and if the franchisee otherwise meets all of the requirements for conducting this business in the City of Pasadena. The franchise agreements provide that any Franchisee not meeting the 60% annual recycling diversion rate and 75% for construction/demolition debris as measured from the effective date of the franchise agreement shall be subject to termination or suspension. New language will be added to each franchise agreement consistent with the pending ordinance changes approved by the City Council at its meeting of February 11, 2008, for example, compliance with Diesel emission standards, to require demonstration of compliance with regional and state vehicle emission standards and to allow termination, suspension or non-renewal for non-compliance.

The following applicants were approved and are granted renewed Franchises pursuant to the terms of the attached Uncodified Ordinance.

1. AAA Rubbish Inc.
2. Allan Company
3. Allied Waste Services
4. American Reclamation
5. City Rent-A-Bin
6. Athens Services
7. Consolidated Disposal
8. Crown Disposal Co. Inc.
9. Haul-Away Rubbish
10. Nasa Disposal Service, Inc.
11. Perez Disposal Co. Inc.
12. Southland Disposal Co.
13. United Pacific Waste
14. Universal Waste Systems
15. Valley Vista Services Inc.
16. Ware Disposal Company

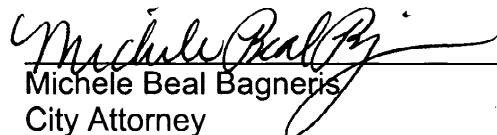
REASONS WHY LEGISLATION IS NEEDED:

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,

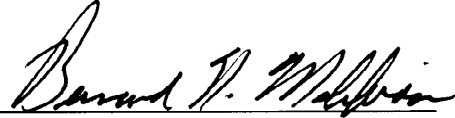

Michele Beal Bagnaris
City Attorney

Prepared by:

 5/19/08

Nicholas George Rodriguez
Assistant City Attorney

Concurrence:



Bernard K. Melekian
City Manager

Introduced by:

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING
NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE
COLLECTION TO 16 APPLICANTS.

The People of the City of Pasadena ordain as follows:

WHEREAS, on March 17, 2008, the City Council of the City of Pasadena considered two (2) renewal applications for non-exclusive solid waste collection franchises and adopted Resolution No. 8837, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code;

WHEREAS, on April 14, 2008, the City Council of the City of Pasadena considered fourteen (14) renewal applications for non-exclusive solid waste collection franchises and adopted Resolution No. 8845, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code; and

WHEREAS, said Resolutions were duly published, and;

WHEREAS, duly-noticed public hearings pursuant to said Resolutions 8837, and 8845, were held, respectively, on April 28, 2008, and May 19, 2008; and

WHEREAS, after reviewing each application, and after public hearing, it was determined that each of the sixteen (16) 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, and;

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:

1. AAA RUBBISH INC.
P.O. BOX 2158
BELL GARDENS CA 90202
2. ALLAN COMPANY
14620 JOANBRIDGE ST.
BALDWIN PARK CA 91706
3. ALLIED WASTE SERVICES
9200 GLENOAKS BLVD
SUN VALLEY CA 91352
4. AMERICAN RECLAMATION
4560 DORAN ST
LOS ANGELES CA 90039
5. CITY RENT A BIN
901 S MAPLE AVE
MONTEBELLO CA 90640
6. ATHENS SERVICES
P.O. BOX 60009
CITY OF INDUSTRY CA 91716
7. CONSOLIDATED DISPOSAL
12949 TELEGRAPH RD
SANTA FE SPRINGS CA 90670
8. CROWN DISPOSAL CO INC
9189 DE GARMO AVE
SUN VALLEY CA 91352

9. HAUL-AWAY RUBBISH
1205 DATE ST
MONTEBELLO CA 90640
10. NASA DISPOSAL SERVICE INC
P.O. BOX 1755
MONTEBELLO CA 90640
11. PEREZ DISPOSAL CO INC
12000 BLUCHER AVE
GRANADA HILLS CA 91344
12. SOUTHLAND DISPOSAL CO
P.O. BOX 86786
LOS ANGELES CA 90086
13. UNITED PACIFIC WASTE
P.O. BOX 908
PICO RIVERA CA 90660
14. UNIVERSAL WASTE SYSTEMS
P.O. BOX 3038
WHITTIER CA 90605
15. VALLEY VISTA SERVICES INC
17445 E RAILROAD ST
CITY OF INDUSTRY CA 91748
16. WARE DISPOSAL COMPANY
P.O. BOX 8206
NEWPORT BEACH CA 92658

SECTION 2. Each separate grant of franchise is based on the certification of each 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 first period of 12 months, commencing as of July 1, 2008, 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 four 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. Each separate grant of franchise is based on the agreement of each franchisee that it shall comply with all of the regulatory provisions duly approved by the City Council at its meeting of February 11, 2008.

SECTION 5. The city clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 6. This ordinance shall take effect upon the expiration of thirty days after its publication.

Signed and approved this _____ day of _____, 2008.

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

By the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PUBLISHED:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM: 5/19/08



Nicholas George Rodriguez
Assistant City Attorney