



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: July 9, 2012

FROM: CITY ATTORNEY

SUBJECT: AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO TWENTY TWO (22) APPLICANTS

TITLE OF PROPOSED ORDINANCE:

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO TWENTY TWO (22) APPLICANTS

PURPOSE OF ORDINANCE:

On June 18, 2012, the City Council held a public hearing on renewal applications for twenty two (22) non-exclusive solid waste franchises. All twenty two applications were subsequently approved by the City Council which directed the City Attorney to prepare the necessary ordinance granting the renewals and authorized the City Manager to enter into the franchise agreements.

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

1. AAA Rubbish, Inc.
2. American Reclamation, Inc.
3. Arakelian Enterprises, Inc. dba Athens Services
4. Cedarwood-Young Company dba Allan Company
5. City Rent-A-Bin dba Serv-Wel Disposal / A Rent-A-Bin
6. Consolidated Disposal Service, L.L.C.
7. Crown Disposal Co., Inc.
8. Direct Disposal
9. Haul-Away Rubbish Service Co., Inc.
10. Heritage Disposal, Inc.
11. Interior Removal Specialist, Inc.
12. J & L Hauling and Disposal, Inc.
13. Metropolis Disposal, Inc.

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14. NASA Services, Inc.
15. Perez Disposal Company, Inc.
16. Southland Disposal Company
17. United Pacific Waste
18. Universal Waste Systems, Inc.
19. USA Waste of California dba Waste Management
20. Valley Vista Services, Inc.
21. Ware Disposal Company, Inc.
22. Waste and Recycling Services, Inc.

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 currently provide that any Franchisee not meeting the 60% annual recycling diversion rate for solid waste and 75% for construction and demolition debris, as measured from the effective date of the franchise agreement, shall be subject to termination or suspension.

Alternative Fuel Vehicles

In furtherance of the Green City Action Plan and environmental stewardship, the Department of Public Works is studying the feasibility of a requirement for franchisees to phase in the use of alternative fuel vehicles when operating within the City of Pasadena. Such requirements appear to be an emerging best management practice in the industry. Assuming feasibility, a proposed regulation will be drafted, and the department will circulate it to the franchisees for review and comment. Following this process, the department will present the regulation to the Municipal Services Committee and, if recommended, to the City Council for consideration and appropriate action.

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.

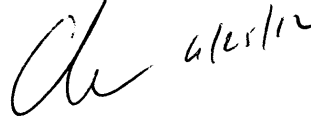
ENVIRONMENTAL IMPACTS:

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."

FISCAL IMPACT:


Adoption of this ordinance will have no fiscal impact.

Respectfully submitted,



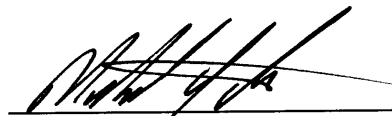
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Michele Beal Bagneris
City Attorney

Prepared by:


6/25/12

Nicholas George Rodriguez
Chief Assistant City Attorney

Concurrence:



Michael J. Beck
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO TWENTY TWO (22) APPLICANTS

The People of the City of Pasadena ordain as follows:

WHEREAS, on June 4, 2012, the City Council of the City of Pasadena considered twenty two (22) renewal applications for non-exclusive solid waste collection franchises and adopted Resolution No. 9197, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code; and

WHEREAS, said Resolution was duly published on June 7, 2012; and

WHEREAS, a duly-noticed public hearing pursuant to said Resolution No. 9197 was held on June 18, 2012; and

WHEREAS, after reviewing each application, and after public hearing, it was determined that each of the twenty two (22) 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 renewal 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.
6920 Foster Bridge Blvd
Bell Gardens, CA 90201
2. American Reclamation, Inc.
4560 Doran Street
Los Angeles, CA 90039
3. Arakelian Enterprises, Inc. dba Athens Services
14048 Valley Blvd.
City of Industry, CA 91716
4. Cedarwood-Young Company dba Allan Company
14620 Joanbridge Street
Baldwin Park, CA 91706
5. City Rent-A-Bin dba Serv-Wel Disposal / A Rent-A-Bin
901 South Maple Avenue
Montebello, CA 90640
6. Consolidated Disposal Service, L.L.C.
12949 Telegraph Road
Santa Fe Springs, CA 90670
7. Crown Disposal Co., Inc.
9189 De Garmo Avenue
Sun Valley, CA 91352
8. Direct Disposal
5901 Warner Avenue #229
Huntington Beach, CA 92649
9. Haul-Away Rubbish Service Co., Inc.
1205 Date Street
Montebello, CA 90640
10. Heritage Disposal, Inc.
704 South Date Avenue
Alhambra, CA 91803
11. Interior Removal Specialist, Inc.
9309 Rayo Avenue
South Gate, CA 90280

12. J & L Hauling and Disposal, Inc.
199 East Thousand Oaks Blvd. #106
Thousand Oaks, CA 91360
13. Metropolis Disposal, Inc.
7740 Burnet Avenue
Van Nuys, CA 91405
14. NASA Services, Inc.
1701 Gage Road
Montebello, CA 90640
15. Perez Disposal Company, Inc.
12000 Blucher Avenue
Granada Hills, CA 91344
16. Southland Disposal Company
1525 Fishburn Avenue
Los Angeles, CA 90063
17. United Pacific Waste
4320 San Gabriel River Parkway
Pico Rivera, CA 90660
18. Universal Waste Systems, Inc.
9016 Norwalk Blvd.
Santa Fe Springs, CA 90670
19. USA Waste of California dba Waste Management
1970 East 213th Street
Long Beach, CA 90810
20. Valley Vista Services, Inc.
17445 East Railroad Street
City of Industry, CA 91748
21. Ware Disposal Company, Inc.
1035 East Fourth Street
Santa Ana, CA 92701
22. Waste and Recycling Services, Inc.
13714 Chestnut Street
Whittier, CA 90605

SECTION 2. 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 first period of 12 months. Each Franchise may be extended for up to four additional renewal terms, at the sole 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. 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 _____, 2012.

William 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 this _____ day of _____, 2012, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:

 6/25/12

Nicholas George Rodriguez
Assistant City Attorney

6/25/2012