

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: September 14, 2009

FROM: CITY ATTORNEY

SUBJECT: AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO THREE (3) APPLICANTS (DIRECT DISPOSAL, INC., INTERIOR REMOVAL SPECIALIST INC., AND NU-WAY ROLL-OFF SERVICE)

TITLE OF PROPOSED ORDINANCE:

AN UNCODIFIED ORDINANCE OF THE CITY OF PASADENA GRANTING NON-EXCLUSIVE RENEWAL FRANCHISES FOR SOLID WASTE COLLECTION TO THREE (3) APPLICANTS (DIRECT DISPOSAL, INC., INTERIOR REMOVAL SPECIALIST INC., AND NU-WAY ROLL-OFF SERVICE)

PURPOSE OF ORDINANCE:

On June 22, 2009, the City Council held a public hearing on renewal applications for three (3) non-exclusive solid waste franchises. All three 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 Franchise renewals pursuant to the terms of the attached ordinance:

1. Direct Disposal, Inc.
2. Interior Removal Specialist, Inc.
3. Nu-Way Roll-off Service

MEETING OF 09/14/2009

AGENDA ITEM NO. 8.A.2.

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. Each franchise agreement requires compliance with regional and state solid waste collection vehicle emission standards.

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,

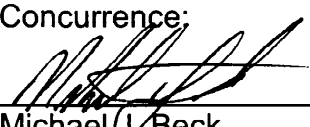

Michele Beal Bagneris
City Attorney

Prepared by:

 8/24/09

Nicholas George Rodriguez
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 THREE (3) APPLICANTS (DIRECT DISPOSAL, INC., INTERIOR REMOVAL SPECIALIST, INC., AND NU-WAY ROLL-OFF SERVICE)

The People of the City of Pasadena ordain as follows:

WHEREAS, on June 1, 2009, the City Council of the City of Pasadena considered three (3) renewal applications for non-exclusive solid waste collection franchises and adopted Resolution No. 8948, after determining that said applications comply with Chapter 8.61 of the Pasadena Municipal Code; and

WHEREAS, said Resolution was duly published on June 10, 2009; and

WHEREAS, a duly-noticed public hearing pursuant to said Resolution No. 8948 was held on June 22, 2009; and

WHEREAS, after reviewing each application, and after public hearing, it was determined that each of the three (3) 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. DIRECT DISPOSAL, INC.
5901 WARNER AVE. # 229
HUNTINGTON BEACH, CA. 92649
2. INTERIOR REMOVAL SPECIALIST, INC.
9309 RAYO AVE.
SOUTHGATE, CA. 90280
3. NU-WAY ROLL-OFF SERVICE
145 WEST DUARTE RD.
MONROVIA, CA. 91016

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, with 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 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 _____, 2009.

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 this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

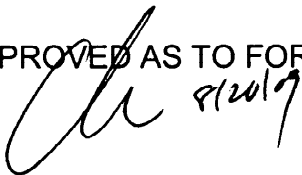
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Nicholas George Rodriguez
Assistant City Attorney