

**ORDINANCE NO. 4323**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AWARDING AN EXCLUSIVE FRANCHISE AGREEMENT TO ARAKELIAN ENTERPRISES, INC. DBA ATHENS SERVICES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC WASTE COLLECTION SERVICES**

**WHEREAS**, Article XIII of the Pomona City Charter sets forth the procedure for the award of franchises; and

**WHEREAS**, Article VI of the Pomona City Code, Sections 62-741 and 62-742 sets forth the requirements and procedures, respectively, for awarding a franchise for the collection and disposal and/or diversion of solid waste or recyclable solid waste from all or any portion of the multifamily, residential, commercial, industrial, or institutional premises in the City; and

**WHEREAS**, on December 16, 2021, the City posted a Request for Proposals (RFP) on the City's bidding platform, Planet Bids, to receive proposals, and evaluate potential refuse haulers for the determination of whether to keep residential solid waste in-house or outsource the service to an exclusive waste hauler who would handle both residential and commercial services; and

**WHEREAS**, four proposals were submitted by solid waste haulers with three (3) meeting the filing deadline and minimum requirements as set forth in Pomona City Code Section 62-746; and

**WHEREAS**, on October 17, 2022, the City Council approved the adoption of Resolution No. 2022-194 declaring its intent to award an exclusive franchise agreement to Arakelian Enterprises, Inc. dba Athens Services for the residential and commercial solid waste, recyclable materials, and organic waste collection services for an initial 10-year term with two optional 5-year extensions, and also set a future public hearing date to introduce a solid waste franchise ordinance to take place on November 21, 2022; and

**WHEREAS**, a notice of public hearing for the award of an exclusive franchise agreement to Arakelian Enterprises, Inc. dba Athens Services for the residential and commercial solid waste, recyclable materials, and organic waste collection services for an initial 10-year term with two optional 5-year extensions has been published in the Inland Valley Daily Bulletin setting the time and date of the public hearing for November 21, 2022, at 7:00 p.m. in the Pomona City Council Chambers.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** That in accordance with Pomona City Charter Article XIII, which sets forth the procedure for approving franchises, a duly noticed public hearing has been conducted in consideration of awarding an exclusive franchise for residential and commercial solid waste, recyclable materials, and organic waste collection services to Arakelian Enterprises, Inc. DBA Athens Services for an initial 10-year term with two optional 5-year extensions.

**SECTION 2.** Pursuant to the provisions set forth in the Pomona City Code, Article VI of the Pomona City Code, (Solid Waste Franchises), an exclusive franchise for residential and commercial solid waste, recyclable materials, and organic waste collection services, for an initial 10-year term with two optional 5-year extensions, is hereby awarded to Arakelian Enterprises, Inc. DBA Athens Services, subject to the terms and conditions of the exclusive franchise agreement.

**SECTION 3.** That the City Manager is hereby authorized to execute the exclusive franchise agreement for Residential and Commercial Solid Waste, Recyclable Materials, and Organic Waste Collection Services.

**SECTION 4.** The City Clerk shall certify to the adoption of this ordinance, causing it to be posted as required by law, and it shall thereupon become effective thirty (30) days after its adoption.

**APPROVED, PASSED and ADOPTED** this 21<sup>st</sup> day of November, 2022.

**CITY OF POMONA:**

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Tim Sandoval  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

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Sonia Carvalho  
City Attorney

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Rosalia A. Butler, MMC  
City Clerk

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on November 21, 2022 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on December 5, 2022, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

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Rosalia Butler, City Clerk