

RESOLUTION NO. 2022-194

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DECLARING ITS INTENT TO AWARD AN EXCLUSIVE FRANCHISE AGREEMENT TO ARAKELIAN ENTERPRISES, INC. DBA ATHENS SERVICES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC WASTE COLLECTION SERVICES AND SETTING THE PUBLIC HEARING TO INTRODUCE A SOLID WASTE FRANCHISE ORDINANCE

WHEREAS, the City currently provides its municipal residential garbage, recyclable materials, and green waste collection services, and outsources its commercial solid waste operations; and

WHEREAS, with the completion of a Solid Waste Rate and Cost of Service Study (Study), it was found that the staff assigned to refuse operations within the Public Works Department, and the Fleet and Revenue Management Divisions, are experienced, dedicated, committed to customers, and generally operating as well as possible given rising costs and limited resources; and

WHEREAS, the Study further showed that insufficient resources are constraining the Department and Divisions' operations; and

WHEREAS, it was determined that if the City is to maintain its municipal solid waste, recycling, and green waste operations, significant investment is needed; and

WHEREAS, the City has engaged in efforts to determine whether contracting such services is more efficient and cost-effective for its residents; and

WHEREAS, if the City were to consider awarding a franchise for such services to a private company it must first comply with the Pomona City Charter; and

WHEREAS, Article XIII of the Pomona City Charter sets forth the process for awarding 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 November 1, 2021 and December 6, 2021, the City Council approved and reaffirmed, respectively, the RFP process for a franchise agreement for the exclusive collection, processing, recycling, and disposal of residential and commercial garbage, recyclable material, and organic waste collection services; 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, after completion of an evaluation and scoring process, one hauler was recommended to negotiate a Franchise Agreement for both residential and commercial solid waste services; and

WHEREAS, based on the City's current demand for solid waste, recyclable materials, and organic waste collection services, it is recommended that the City Council award an exclusive Franchise Agreement for residential and commercial solid waste, recyclable materials, and organic waste collection services for an initial term of ten (10) years with up to two (2) five (5) year extensions to the following qualified solid waste company:

Arakelian Enterprises, Inc. dba Athens Services
14048 Valley Boulevard
City of Industry, CA 91746

WHEREAS, a notice of setting the public hearing to introduce an ordinance set for November 21, 2022, at 7:00 p.m. in the Pomona City Council Chambers located at 505 S. Garey Avenue, Pomona, CA.

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


SECTION 1. That the City Council hereby declares its intent to introduce Ordinance No. XXXX to grant a ten-year exclusive franchise agreement with two 5-year optional renewals for residential and commercial solid waste, recyclable materials, and organic waste collection services from all or any portion of the multifamily, residential, commercial, industrial, or institutional premises in the City of Pomona to Arakelian Enterprises, Inc. dba Athens Services at a public hearing to be held on November 21, 2022, at the Pomona City Council Chambers located at 505 S. Garey Avenue, Pomona CA.

SECTION 2. That the City Council will consider public comments and testimony at the public hearing prior to granting the proposed ten-year, exclusive Franchise for residential and commercial solid waste, recyclable materials, and organic waste collection services in the City. The proposed Franchise Agreement is available for review at the Office of the City Clerk.

SECTION 3. The City Clerk shall attest and certify to the approval and passage of this resolution, and it shall be effective immediately upon its adoption.


PASSED, APPROVED AND ADOPTED this 17th day of October, 2022.

CITY OF POMONA:




Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney


ATTEST:



Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on October 17, 2022 by the following vote of the Council:

AYES: Nolte, Garcia, Ontiveros-Cole, Lustro, Torres, Sandoval
NOES: Preciado
ABSTAIN: None
ABSENT: None



Rosalia A. Butler, MMC
City Clerk