

ORDINANCE NO. 3136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, FINDING THAT THE HEREIN ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING AMENDMENT NO. 1 TO AN EXCLUSIVE FRANCHISE AGREEMENT FOR THE PROVISION OF SOLID WASTE AND RECYCLING SERVICES WITH ARAKELIAN ENTERPRISES (dba ATHENS SERVICES) (A17-161) ADOPTED BY ORDINANCE NO. 3076

WHEREAS, Ordinance No. 3076 was adopted by City Council on September 26, 2017, granting Arakelian Enterprises Inc. (dba Athens Services) an exclusive franchise agreement for the provision of solid waste and recycling services, servicing a certain service zone in the City;

WHEREAS, the City and Athens have found terms that need to be added or revised;

WHEREAS, the City desires to add sections defining unauthorized container and detailing enforcement of exclusivity, revising Solid Waste Collection Sanitary Zone map, and revising the Commercial Services Rate Schedule to add more container size and rate options; and

WHEREAS, a public hearing was duly noticed and held on June 14, 2022, at 6:00 p.m. to consider objections to Amendment No. 1 to An Exclusive Franchise Agreement for the Provision of Solid Waste and Recycling Services (A17-161).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. That the City Council hereby finds this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) because no possibility exists that the proposed ordinance, related to enforcement of exclusivity, sanitary zone map and rate schedule, will have a significant effect on the environment.

SECTION 3. The City Council hereby adopts Amendment No. 1 to An Exclusive Franchise Agreement for the Provision of Solid Waste and Recycling Services between

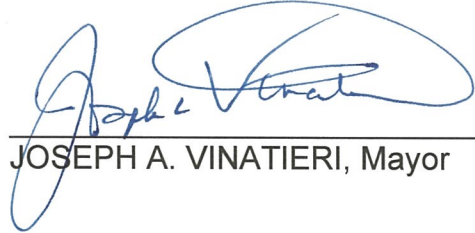
the City of Whittier and Arakelian Enterprises, Inc. dba Athens Services, attached hereto as Exhibit 1 and incorporated herein.

SECTION 4. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall prepare and cause a summary of this Ordinance to be published once in the official newspaper and the full text of this Ordinance to be posted in the City Clerk's Office, both within 15 days after the adoption of the ordinance. The Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 14th day of June 2022.



JOSEPH A. VINATIERI, Mayor

ATTEST:



RIGOBERTO GARCIA JR., City Clerk

Date: June 20, 2022

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3136 was introduced on the 24th day of May 2022, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 14th day of June 2022, by the following vote:

AYES:	5	Council Members:	Vinatieri, J. Martinez, Dutra, Warner, O. Martinez
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		



RIGOBERTO GARCIA JR., City Clerk
(seal)