

RESOLUTION NO. 2024-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DECLARING ITS INTENT TO CONSIDER THE GRANTING OF A FRANCHISE TO ARAKELIAN ENTERPRISES, INC. (dba ATHENS SERVICES) TO PROVIDE SOLID WASTE, RECYCLING, AND ORGANICS SERVICES IN THE CITY OF WHITTIER AND MAKE A FINDING THAT THE GRANTING OF THE FRANCHISE IS EXEMPT FOR REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

- A. The City Charter Article XIV authorizes the City to grant a franchise for solid waste collection and recycling services not exceeding 25 years after first adopting a resolution of intention setting a public hearing, publishing the resolution of intention, and then granting the franchise by ordinance.
- B. The City Council directed staff to negotiate with Athens Services and Republic Services for franchise agreements to provide solid waste, recycling, and organics services to service the entire City.
- C. HF&H Consultants was hired to assist with negotiations and the preparation of franchise agreement documents.
- D. Republic Services did not submit a proposal and therefore City Staff entered negotiations with Athens Services to establish a franchise agreement to service the entire City.

THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantial part of this resolution.

SECTION 2. A public hearing will be held on November 19, 2024, at 6:00 p.m., or as soon thereafter as the matter can be heard, at the City of Whittier, City Council Chamber, 13230 Penn Street, Whittier, California, for the purpose of receiving public comment or objection regarding the granting of a Franchise to Athens Services for the provision of solid waste, recycling, and organics services in the City of Whittier. Any protests to the proposed granting of the described Franchise to Athens Services shall be submitted to the City Clerk in writing, signed by the submitter, prior to the date and time set above for the public hearing, or shall be presented orally at such public hearing.

SECTION 3. Prior to adopting an ordinance to grant the aforementioned franchise, the City Council will consider making a finding and determination that it can be seen with certainty that there is no possibility the granting of the franchise contemplated herein will have a significant effect on the environment. Accordingly,

pursuant to the provisions of § 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations, the adoption of this Ordinance is not subject to the requirements of the California Environmental Quality Act of 1970, as amended.

SECTION 4. The Franchise to Athens Services is proposed to be granted upon the following general terms and conditions:

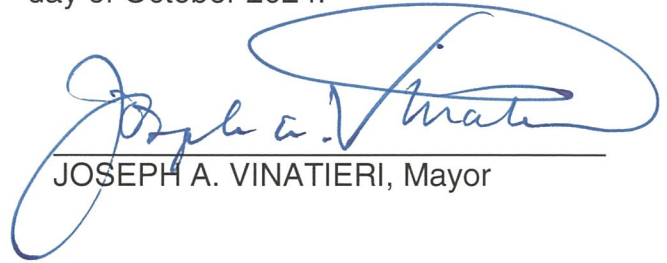
- A. The term of the Franchise shall be a minimum of eight years commencing on November 1, 2025.
- B. The franchise fee is expected to remain unchanged from the current Franchise Agreements. If the Franchise fee amount is not paid as required, the Franchise will be forfeited.
- C. The Franchise with Athens Services will cover the entire City of Whittier for the purpose of regulating, collecting, and disposing of trash, recycling, and organics.
- D. Other terms relating to the conduct of the Franchisee's operations; insurance and indemnity requirements; equipment, personnel, disposal, processing, diversion requirements, fees and cost recovery charges paid to the City; and other procedural or contractual requirements as detailed in the Franchise Agreement.

SECTION 5. After the aforementioned public hearing is held and public comment has been received, the City Council may proceed to pass upon any protests and its decision thereon shall be final and conclusive. Thereafter, the City Council may adopt the proposed Franchise Ordinance, granting the above Franchise to Athens Services. If any changes should be made to the terms and conditions upon which the Franchise is proposed to be granted, a new resolution of intention shall be adopted and public hearing thereon held.

SECTION 6. The City Clerk shall publish Resolution No. 2024-68 within fifteen (15) days of its adoption as due notice of the Public Hearing. Such publication shall occur at least ten days prior to the date set forth above for the public hearing on the proposed Franchise.


SECTION 7. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 29th day of October 2024.



JOSEPH A. VINATIERI, Mayor

ATTEST:



RIGOBERTO GARCIA JR., City Clerk
(seal)

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 2024-68 was passed and adopted by the City Council of the City of Whittier at the regular meeting held on the 29th day of October 2024, by the following vote:

AYES:	5	Council Members:	Vinatieri, Warner, Martinez, Dutra, Pacheco
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		



RIGOBERTO GARCIA JR., City Clerk
(seal)