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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AUTHORIZING THE SIXTH AMENDMENT TO THE COMMERCIAL NON-EXCLUSIVE SOLID WASTE AGREEMENT FOR INTEGRATED SOLID WASTE MANAGEMENT SERVICES WITH BURRTEC WASTE INDUSTRIES, INC., CR&R INC., AND ARAKELIAN ENTERPRISES, INC. DBA ATHENS SERVICES

WHEREAS, on October 19, 2000, the City issued Bid No. 5790, soliciting proposals for the provision of non-exclusive commercial solid waste collection and recycling services within the City of Riverside to be awarded to up to three companies; and

WHEREAS, on February 27, 2001, the City Council awarded Bid No. 5790 to Burrtec Waste Industries, Inc., CR&R, Inc. and Arakelian Enterprises, Inc. dba Athens Services (“Companies”); and

WHEREAS, on May 11, 2001, City and Companies entered into that certain Commercial Non-Exclusive Solid Waste Agreement for Integrated Solid Waste Management Services (“Agreement”), wherein Companies agreed to provide commercial solid waste collection services in the City of Riverside for the term of May 12, 2001 through May 11, 2008; and

WHEREAS, on July 24, 2003, City and Companies executed that certain First Amendment to Commercial Non-Exclusive Solid Waste Agreement for Integrated Solid Waste Management Services (“First Amendment”) wherein the term of the Agreement was extended to June 30, 2008, and the compensation adjustment provision of the Agreement was modified; and

WHEREAS, on June 24, 2008, the City Council authorized the execution of that certain Second Amendment to Commercial Non-Exclusive Solid Waste Agreement for Integrated Solid Waste Management Services (“Second Amendment”) to extend the Agreement through June 30, 2018, and substantially modify the terms and conditions; and

WHEREAS, the Second Amendment was executed on July 15, 2008, August 13, 2008, and January 27, 2009 with each of the three Companies; and

WHEREAS, on February 18, 2010, August 13, 2010, and November 17, 2010 the City and the Companies entered into the Third Amendment to Commercial Non-Exclusive Solid Waste Agreement for Integrated Solid Waste Management Services (“Third Amendment”) to add services

1 that were inadvertently left out of the Second Amendment; and

2 WHEREAS, on January 16, 2013, January 25, 2013, and January 30, 2013, the City and the
3 Companies entered into the Fourth Amendment to Commercial Non-Exclusive Solid Waste
4 Agreement for Integrated Solid Waste Management Services (“Fourth Amendment”) to eliminate
5 unnecessary services; and

6 WHEREAS, on January 29, 2018 and February 1, 2018, the City and the Companies entered
7 into the Fifth Amendment to Commercial Non-Exclusive Solid Waste Agreement for Integrated
8 Solid Waste Management Services (“Fifth Amendment”) to extend the term of the Agreement
9 through June 30, 2023; and

10 WHEREAS, new State regulations require additional services for the collection of organic
11 recyclable materials to be provided; and

12 WHEREAS, City and Companies desire to amend the Agreements to provide for the
13 collection of organic recyclable materials; and

14 WHEREAS, Public Resources Code section 40059 provides that a City may determine that
15 aspects of solid waste handling are a matter of local concern and that the City may contract for such
16 services with or without use of a competitive bidding process. Section 40059 further provides that
17 the governing body of a local government agency may by resolution or ordinance, prescribe terms
18 and conditions upon which authority to provide solid waste handling services may be granted; and

19 WHEREAS, the Sixth Amendment to Commercial Solid Waste Agreement for Integrated
20 Solid Waste Management Services between the City of Riverside and Companies (“Fifth
21 Amendment”), submitted currently herewith, incorporates the terms and conditions for providing
22 commercial solid waste collection service, including the additional services for the collection of
23 organic recyclable materials; and

24 WHEREAS, it appears to be in the best interest of the City to execute the Sixth Amendment
25 with Companies for commercial solid waste collection services in the City.

26 NOW, THEREFORE, be it resolved by the City Council of the City of Riverside as follows:

27 Section 1: On the basis of the foregoing recitals and evidence presented in the staff report and
28 such other evidence as was introduced at the City Council meeting at which this resolution was

1 adopted, the City Council hereby makes the following findings:

2 A. Collection of commercial solid waste is an aspect of solid waste handling which is a
3 matter of local concern.

4 B. Utilization of a competitive bidding process is not required for the provision of
5 commercial solid waste collection services.

6 Section 2: Burrtec Waste Industries, Inc., CR& R, Inc. and Arakelian Enterprises, Inc. dba
7 Athens Services are authorized to continue to provide commercial solid waste collection services to
8 City pursuant to the terms and conditions set forth in the Second Amendment and its subsequent
9 amendments, including the collection of organic recyclable materials in accordance with the Sixth
10 Amendment.

11 Section 3: The City Manager, or his designee, is hereby authorized to execute the Sixth
12 Amendment to Commercial Non-Exclusive Solid Waste Agreement between City of Riverside and
13 Burrtec Waste Industries, Inc., CR&R, Inc. and Arakelian Enterprises, Inc. dba Athens Services to
14 provide commercial solid waste collection services in accordance with the terms and conditions set
15 forth therein.

16 ADOPTED by the City Council this _____ day of _____, 2020.

17
18 _____
19 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

20 Attest:

21
22 _____
City Clerk of the City of Riverside

23 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
24 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council
25 of said City at its meeting held on the _____ day of _____, 2020, by the following
26 vote, to wit:

27 Ayes:

28 Noes:

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Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this _____ day of _____, 2020.

City Clerk of the City of Riverside

01-709.7 RMS 05/12/2020
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