

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,  
3 CALIFORNIA, AUTHORIZING THE FIFTH AMENDMENTS TO THE  
4 COMMERCIAL NON-EXCLUSIVE SOLID WASTE AGREEMENTS FOR  
5 INTEGRATED SOLID WASTE MANAGEMENT SERVICES WITH BURRTEC  
6 WASTE INDUSTRIES, INC., CR&R INC., AND ARAKELIAN ENTERPRISES,  
7 INC. DBA ATHENS SERVICES

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

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

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

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

22 WHEREAS, on June 24, 2008, the City Council authorized the execution of that certain  
23 Second Amendment to Commercial Non-Exclusive Solid Waste Agreement for Integrated Solid  
24 Waste Management Services ("Second Amendment") to extend the Agreement through June 30,  
25 2018, and substantially modify the terms and conditions; and

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

28 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, the Companies have provided satisfactory commercial solid waste collection  
7 services to the City at competitive rates; and

8 WHEREAS, the Second Amendment provided the City an option to extend the term of the  
9 Agreement for up to an additional five years; and

10 WHEREAS, City desires to exercise its option to extend the term of the Agreement as  
11 provided in the Second Amendment until June 30, 2023; and

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

17 WHEREAS, the Fifth Amendment to Commercial Solid Waste Agreement for Integrated  
18 Solid Waste Management Services between the City of Riverside and Companies ("Fifth  
19 Amendment"), submitted currently herewith, incorporates the terms and conditions for providing  
20 commercial solid waste collection services in the City through 2023; and

21 WHEREAS, it appears to be in the best interest of the City to execute the Fifth Amendment  
22 with Companies for commercial solid waste collection services in the City.

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

24 Section 1: On the basis of the foregoing recitals and evidence presented in the staff report and  
25 such other evidence as was introduced at the City Council meeting at which this resolution was  
26 adopted, the City Council hereby makes the following findings:

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

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

3 Section 2: Burrtec Waste Industries, Inc., CR& R, Inc. and Arakelian Enterprises, Inc. dba  
4 Athens Services are authorized to continue to provide commercial solid waste collection services to  
5 City pursuant to the terms and conditions set forth in the Second Amendment, which shall be  
6 extended through June 30, 2023 by the Fifth Amendment.

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

12 **[SIGNATURES ON THE FOLLOWING PAGE]**  
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1 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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\_\_\_\_\_  
WILLIAM R. BAILEY, III  
Mayor of the City of Riverside

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Attest:

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\_\_\_\_\_  
City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote, to wit:

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Ayes:

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Noes:

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Absent:

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Abstain:

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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\_\_\_\_\_  
City Clerk of the City of Riverside

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