

ORDINANCE NUMBER O- 21299 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 11 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AWARDING NON-EXCLUSIVE MATERIAL
RECOVERY FACILITY FRANCHISE TO ALLAN COMPANY,
AND AUTHORIZING THE EXECUTION OF THE FRANCHISE
AGREEMENT.

WHEREAS, Cedarwood-Young Company, a California corporation doing business as Allan Company (Allan Company), owns and operates the Allan Company Material Recovery Facility located at 6733 Consolidated Way, San Diego, California (Current MRF), which is located wholly within the geographical boundaries of the City of San Diego; and

WHEREAS, Allan Company has obtained a solid waste facility permit and associated approvals to allow the Current MRF to receive, process, and transfer 1,000 tons per day of material containing residue in excess of the limits set forth in 14 California Code of Regulations 17402.5(d), thereby subjecting the Facility to the requirements of Articles 6.0, 6.1, 6.2, 6.3 and 6.35 of Chapter 3, Division 7, Title 14 of the California Code of Regulations (Expanded MRF); and

WHEREAS, Allan Company expects that the Expanded MRF will accept source separated and separated for reuse recyclable material, with levels of residue in excess of the threshold amounts set forth in 14 CCR 17402.5(d) and will separate out recyclable material, which may undergo further processing requirements to meet technical specifications established by end markets; and

WHEREAS, Allan Company intends to expand its operations and comply with the requirements of all permits and applicable laws; and

WHEREAS, the California Integrated Waste Management Act of 1989 requires the City to divert from landfill disposal 50 percent of the solid waste generated in the City, and the City

believes that this Non-Exclusive Franchise and accompanying Agreement will assist the City in meeting and exceeding this requirement; and

WHEREAS, the City owns and operates a recycling collection system used to provide curbside recyclable materials collection services to eligible single-family and multi-family residences and certain City government facilities, and operates the Miramar Landfill; and

WHEREAS, since 1999, Allan Company has processed recyclable material for the City's curbside recycling program; and

WHEREAS, the City and Allan Company believe that there is an existing and future need for additional recyclable material processing capacity for the processing of source separated and separated for reuse recyclable material from multi-family and commercial customers; and

WHEREAS, Allan Company intends to recover more material for recycling and reuse by processing source separated and separated for reuse recyclable materials with residual rates higher than ten (10) percent; and

WHEREAS, pursuant to San Diego Municipal Code section 66.0132(a), it is unlawful for any person to own, establish, operate or carry on the business of a solid waste facility in the City unless, at the City's sole option, either: (1) such person has been granted a non-exclusive franchise by the City Council in accordance with Charter Section 103; or (2) the City has entered into a contract with such person to own, establish, operate or carry on the business of a solid waste facility; and

WHEREAS, without waiving or impairing any existing rights and/or entitlements to operate the Current MRF, and without pre-committing the City to any particular course of action with respect to the Current MRF, including but not limited to its continuing development, operation, and potential expansion, and in order to satisfy the requirements of section 66.0132(a), given the State's issuance of a solid waste facility permit for the Current MRF, Allan Company

and the City propose to enter into a Non-Exclusive Material Recovery Facility Franchise Agreement; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the award of a Non-Exclusive Material Recovery Facility Franchise to Allan Company is hereby approved.

Section 2. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, the Non-Exclusive Material Recovery Facility Franchise Agreement, on file with the City Clerk as Document No. OO- 21299.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ David L. Krypel
David L. Krypel
Deputy City Attorney

DLK:hm
January 26, 2021
Or.Dept:ESD
Doc. No.: 2573125

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 03/09/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk

Approved: 3/11/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 09 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 11 2021

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 23 2021, and on MAR 11 2021.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21299</u></p>
