  
City AttorneyFILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2014 NOV -6 PM 2:58

**OAKLAND CITY COUNCIL**  
ORDINANCE NO. 13274 **C.M.S.**

**AN ORDINANCE AMENDING ORDINANCE NO. 13254 C.M.S, WHICH, AMONG OTHER THINGS, GRANTED A FRANCHISE FOR RESIDENTIAL RECYCLING COLLECTION SERVICES TO CALIFORNIA WASTE SOLUTIONS, INC., FOR A TERM OF TEN (10) YEARS FROM JULY 1, 2015 THROUGH JUNE 30, 2025, WITH TWO FIVE-YEAR EXTENSION OPTIONS IN 2022 AND 2027, TO CHANGE THE TERM OF THE CONTRACT TO TWENTY (20) YEARS: JULY 1, 2015 THROUGH JUNE 30, 2035, AND MAKE APPROPRIATE FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, on August 13, 2014, the City Council of the City of Oakland approved Ordinance No. 13254 C.M.S., granting a franchise for residential recycling collection services to California Waste Solutions, Inc.; and

**WHEREAS**, through Ordinance No. 13254, the City Council specified the term of the Residential Recycling franchise to be July 1, 2015 to June 30, 2025 with two 5-year extensions through June 30, 2035 as specified in the Contract; and

**WHEREAS**, California Waste Solution (CWS) has asked and the Council has agreed to change the term of the Contract to twenty (20) years, July 1, 2015 to June 30, 2035, with no extensions; and

**WHEREAS**, the City previously prepared and certified/adopted the 2002 Oakland Army Base (OARB) Redevelopment Plan Environmental Impact Report and Army Base Reuse Plan; and

**WHEREAS**, on June 12, 2012, the City Council adopted Resolution No. 83930 C.M.S., approving the amended Oakland Army Base (OARB) Reuse Plan, including adoption of the 2012 OARB Initial Study/Addendum, making related CEQA findings, and adopting the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the City Council can rely upon the previously certified 2002 Army Base EIR and the 2012 Army Base Addendum for this action and no further environmental review is required, as demonstrated in the July 21, 2014 City Council Agenda Report and attachments; and

**WHEREAS**, as a further, separate and independent basis, the City Council also finds and determines that the requirements of CEQA have been satisfied, and this action on the part of the City Council is also exempt from CEQA pursuant, CEQA Guidelines section 15301, CEQA Guidelines section 15307, CEQA Guidelines section 15308, CEQA Guidelines section 15273, CEQA Guidelines section 15183, and/or CEQA Guidelines section 15061 (b) (3); and

**WHEREAS**, each of the foregoing provides a separate and independent basis for an exemption and when viewed collectively provides an overall basis for an exemption, as further described

and explained in the accompanying environmental analysis dated July 21, 2014 attached to the July 30, 2014 City Administrator report to the City Council (Attachment C), incorporated herein by the reference as if fully set forth herein.

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council has independently reviewed and considered these environmental determinations and finds and determines that the action complies with the CEQA; readopts the 2012 Army Base Addendum Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (as revised on July 26, 2013); and directs the City's Environmental Review Officer to file a Notice of Determination/Exemption.

**Section 2.** The Council does hereby find and declare that the above recitals are true and correct and that Section 3.01 of the franchise agreement for Residential Recycling Collection Services shall read as follows:

Term. The term of this Contract shall be for twenty (20) year period beginning July 1, 2015, and terminating on June 30, 2035.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 09 2014


**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION. 12/12/14

2302796.1

Introduction Date

NOV 18 2014

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**NOTICE AND DIGEST**

The Ordinance changes the term of the exclusive franchise for garbage and organics collection and processing which was awarded to California Waste Solutions, Inc., from ten (10) years to a term of twenty (20) years, beginning July 1, 2015 through June 30, 2035, and makes appropriate findings required by the California Environmental Quality Act.

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