

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

1 SECOND AMENDMENT TO NON-EXCLUSIVE FRANCHISE AGREEMENT NO. 32124

2 **32124**

3 THIS SECOND AMENDMENT TO NON-EXCLUSIVE FRANCHISE  
4 AGREEMENT NO. 32124 is made and entered as of July 11, 2022, for reference purposes  
5 only, pursuant to a minute order adopted by the City Council of the City of Long Beach at  
6 its meeting on August 13, 2019, by and between ARAKELIAN ENTERPRISES, INC. DBA  
7 ATHENS SERVICES, a California corporation ("Franchisee"), with its principal place of  
8 business located at 14048 Valley Blvd., City of Industry, California 91746, and the CITY  
9 OF LONG BEACH, a municipal corporation ("City").

10 WHEREAS, the City is responsible for the protection of public health and  
11 safety of its citizens, including the collection and transportation of municipal solid waste,  
12 the diversion of municipal solid waste from landfills and conservation of natural resources  
13 and energy, and may provide and regulate private solid waste handling, as defined by  
14 Public Resources Code section 40195, and solid waste disposal, as defined by Public  
15 Resources Code section 40192, by private refuse haulers for commercial and multi-family  
16 residential buildings in the City in order to fulfill those obligations; and

17 WHEREAS, City and Franchisee (the "Parties") entered into Agreement No.  
18 32124 (the "Agreement") whereby Franchisee agreed to provide integrated waste  
19 management services for commercial and multi-family establishments in the City of Long  
20 Beach for an initial period of seven (7) years; and

21 WHEREAS, Franchisee did not provide proof that one hundred percent  
22 (100%) of the vehicles used by Franchisee to haul refuse in the City were Alternative Fuel  
23 Vehicles by October 1, 2013; and

24 WHEREAS, Franchisee continued to perform under the Agreement through  
25 2019;

26 WHEREAS, on August 13, 2019, the City Council authorized an extension,  
27 which allowed haulers to provide service through September 30, 2022, with two (2)  
28 additional one-year extension,s at the City Manager's discretion; and

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1 WHEREAS, pursuant to the First Amendment to the Agreement the Parties  
2 retroactively extended the term of the Agreement to September 30, 2022, and updated the  
3 required operational standards; and

4 WHEREAS, the Parties desire to utilize their first option to extend the term  
5 one (1) additional one-year period;

6 NOW, THEREFORE, in consideration of the mutual terms, covenants, and  
7 conditions herein contained, the Parties agree as follows:

8 1. Section 3.1 of the Agreement is hereby amended to read as follows:

9 "3.1. Term. Unless this paragraph is subsequently modified by a written  
10 amendment to this Agreement, the term of this Agreement will begin on the Effective Date  
11 and terminate at the end of day on September 30, 2023, unless sooner terminated as  
12 provided elsewhere in the Agreement. The Agreement may be extended for one (1)  
13 additional one-year period, at the discretion of the City Manager."

14 2. Except as expressly modified herein, all of the terms and conditions  
15 contained in Agreement No. 32124 are ratified and confirmed and shall remain in full force  
16 and effect.

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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

ARAKELIAN ENTERPRISES, INC. DBA ATHENS SERVICES, a California corporation

October 26, 2022

By [Signature]  
Name RON ARAKELIAN III  
Title EXECUTIVE OFFICER

October 26, 2022

By [Signature]  
Name Ron Arakelian  
Title Executive Officer

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Franchisee"

CITY OF LONG BEACH, a municipal corporation

February 2, <sup>2023</sup><sub>2022</sub>

By Linda J. Jakum  
City Manager

"City"

This Second Amendment to Non-Exclusive Franchise Agreement No. 32124 is approved as to form on NOVEMBER 1, 2022.

CHARLES PARKIN, City Attorney

By [Signature]  
Deputy

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