

STAFF REPORT

DATE: August 13, 2019

TO: City Council

FROM: Stan Gryczko, Public Works Utilities & Operations Director
Richard Tsai, Environmental Resources Manager
Jennifer Gilbert, Conservation Coordinator

SUBJECT: Solid Waste Program - Yard Material Collection Change Implementation and Outreach Plan

Recommendation

1. Approve the Resolution (Attachment 1) authorizing the City Manager to negotiate and execute the Third Amendment to the Franchise Agreement (Attachment 5); and
2. Introduce the Ordinance (Attachment 3) amending Sections 32.01.070 and 32.01.090 and Article 32.03 of the City of Davis Municipal Code.

Fiscal Impact

The current yard material collection service costs around \$625,000 per year, and constitutes about 5% of the contracted cost for waste collection with Recology Davis (Recology), the City's waste hauler. The outreach and advertising that will be part of a new yard material collection schedule can be accommodated within the Solid Waste Program budget. The customer rate effective on March 1, 2019 supports contractual obligations of this program.

Council Goals

Modifying the yard material collection schedule does not address a specific City Council goal, however the increased containerization of yard materials will potentially decrease litter in the storm drainage system, which aids the Council goal of Pursuing Environmental Sustainability.

Background

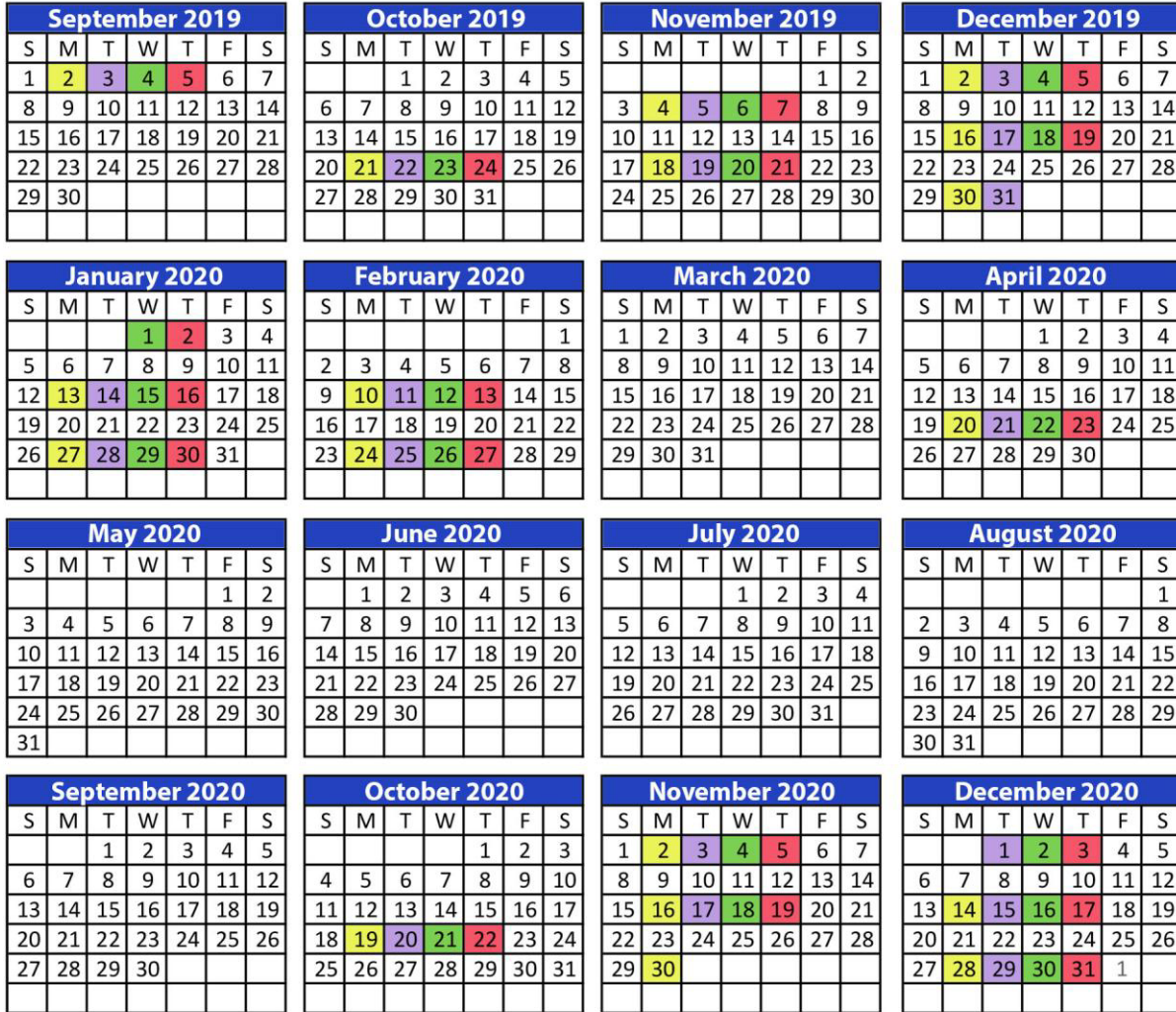
At the February 5, 2019 meeting, the City Council adopted modifications to the City's yard material collection schedule to 11 pick-ups per year: 10 pick-ups to occur every other week between October to February, and 1 pick-up to occur in the spring. As with the current yard material collection schedule, these pick-ups will be serviced within the same week.

Staff has had discussions with Recology regarding the estimated cost of the yard material pick-up schedule selected by City Council. The cost of the service is partially determined by the amount of material collected, and the associated per ton fees at the compost facility. Staff have been working to determine a collection schedule that meets the requests of Council, and the needs of the City's customers, at the lowest cost.

Based on the direction from Council and on the discussions with Recology, staff have assembled the following collection schedule:

- 10 yard material pile pick-ups, that will occur every other week, starting with the third Monday in October.
- One yard material pile pick-up that will occur during the third week of April

A sample 2019-2020 calendar demonstrating the proposed yard material collection schedule is included below. Please note September 2019 is shown to demonstrate the last pick up before the start of the new October 2019 schedule.



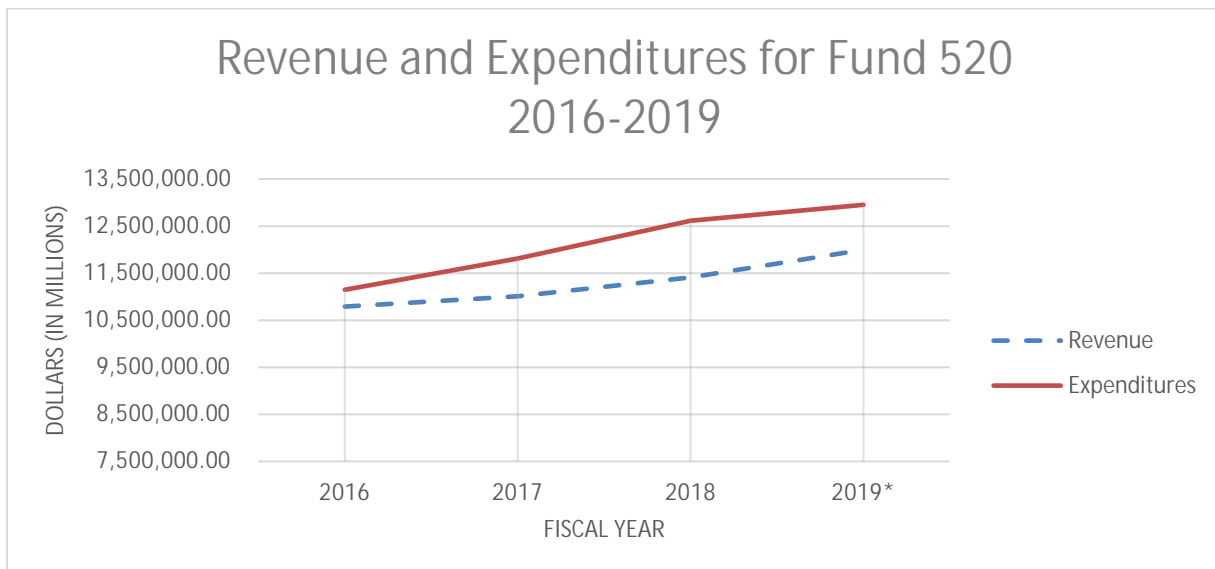
MONDAY PILE PICK-UP
 TUESDAY PILE PICK-UP
 WEDNESDAY PILE PICK-UP
 THURSDAY PILE PICK-UP

Cost Data from Recology

In January 2019, City staff asked Recology to provide a quote to perform the on-street yard pick-ups once per month. Recology’s quote at that time assumed 12 pick-ups over the year, performed once per month at a cost to the City of \$32,828 per month, or \$393,936 per year. The revised quote from Recology of \$50,046 per month, or \$600,552 per year, is designed around 11 pick-ups per year, however these pick-ups are concentrated during the peak season and once during

April (the yard material pick-up schedule shown in the calendar above). The reasoning for the higher rate is the potential that the same volume of material may be collected (occurring during alternate weeks as opposed to every week) and the landfill fees for the volume totals make up the bulk of the per unit rate. In addition, labor costs associated with the pick-ups are anticipated to be higher as it will likely take longer to pick up in one week the same amount of material previously set out over two weeks. Recology has indicated that drivers would need to work extra shifts and or be pulled from other duties that will require back filling. As a compromise for this revision of the cost quote (for further detail, see Attachment 2, the letter received from Recology), Recology will charge City \$42,966 per month, or \$515,592 per year, instead of the quoted \$50,046 per month, for one year of the new schedule. Recology will analyze their actual costs resulting from the new schedule once it has been implemented, and will provide the cost analysis for City staff to review. Any potential adjustments to the fee charged to the City by Recology for the service, up to the quoted \$50,046 per month, or down from \$42,966 per month (should any additional savings be achieved), will be made after December 2020.

As the Solid Waste Fund is presented annually to the City Council for review during the current 5-year Proposition 218 term, any changes to the cost of service for the City will be presented to the Council for inclusion in the discussion of the annual customer rate adjustments. It is important to keep in mind, however, the current customer rate structure includes cost recovery of the Solid Waste Fund expenditure deficit. Should the City see a reduction in the cost of the waste hauling contract, staff may recommend future rate increases below the current Proposition 218 defined maximum percentages, but there will likely not be a reduction in current solid waste rates because of the cost recovery measures built in this 5-year set of rate adjustments. While the revenue associated with the utility is increasing, (as demonstrated in the table below), the revenue remains lower than expenditures for the program, as was anticipated in the Solid Waste Rate Study. It is anticipated that revenue will overtake expenditures in fiscal year 2021-22.



* 2019 revenue includes an estimate for June 2019 totals

Street Sweeping

At the February 5, 2019 meeting, Council directed staff to look into modifications to the City's street sweeping schedule, and to focus on using the anticipated savings from reduced yard material pile pick-ups as an offset for the costs of a possible increase in street sweeping. Currently, streets are swept once a month, the week following yard material collection. The downtown core area is swept weekly, occurring every Friday. Based on the discussions with Recology about the yard material pick-up schedule changes, and the lower than anticipated savings per account/per month for pick-up costs, staff recommends that the street sweeping schedule remain the same for the first year of the new pick-up schedule. This will allow for an assessment of the cost of collection by Recology with actual data, and demonstrate the street sweeping requirements of the new schedule before changes are made. Additionally, changes in stormwater permit requirements may necessitate an enhanced street sweeping schedule in future years. Staff believes waiting for one year to assess the solid waste pick up schedule impacts and more fully understand the impact from stormwater requirements would be prudent to gather the necessary information for a discussion with Council on long-term street sweeping.

Overview of the Recology Contract Amendment

The amendment to the waste hauling agreement with Recology will modify the existing on-street yard material pick-up schedule to be consistent with the changes to the City's ordinance governing yard refuse collection and scheduling, Section 32.01.090 of the Municipal Code. The amendment will also provide for cost adjustment and credit or recovery based on actual cost of service after one year of data is collected.

Overview of Changes to the Municipal Code

The proposed Ordinance (Attachment 3) provides amendments to Sections 32.01.070 and 32.01.090 and Article 32.03 of the Municipal Code.

Section 32.01.090 of the Municipal Code governs yard refuse collection and scheduling. To implement the new collection schedule, Section 32.01.090 will be amended to allow for the placement of yard materials in the street during collection times outlined above. In addition, in order for the program to run smoothly and clean-up the Code, three other modifications are being proposed by staff:

- **No grass clippings in yard material refuse piles.**
All City of Davis customers have organics carts to manage their yard debris; only material that does not fit into the organics carts should be placed in yard material refuse piles. Currently, the Municipal Code allows grass clipping in yard material refuse piles only if the organics cart is already full. As it is not typically feasible to determine if the organics cart is full, and as grass clippings are usually small in volume, staff recommend language to discontinue the practice of placing grass clippings in the street.
- **Yard material piles can be set out 7 days before a scheduled pick-up.**
Currently, the Municipal Code allows yard material refuse piles to be placed on the street no more than 5 days before a scheduled pick-up. As the time between collections will be increased by one week, staff recommend two additional days for permitted yard material on street piles to allow customers more flexibility in preparing for yard material collection.

- **Various clean-up changes.**

Other provisions are amended to clean-up the Code. For example, sod is removed from material that can be placed in a yard refuse pile because sod is categorized as a special waste and not yard or organic refuse. And, redundant prohibitions on where yard refuse piles may be placed have been consolidated.

Section 32.01.070 of the Municipal Code governs garbage services for individually serviced residences. Currently, the charge for an additional garbage cart is only defined via the Proposition 218 process and the adopted rate schedule, not in the Municipal Code. The Ordinance amends this section by adding subsection (f) to clarify that an additional garbage cart is be available from the hauler for an additional charge. Staff recommend this amendment to more clearly outline the additional cart provisions in the Code.

Article 32.03 of the Municipal Code requires commercial and multi-family residential developments to provide adequate trash enclosure areas for recycling carts and requires that multifamily complexes must site three recycling carts within, or next to, each trash enclosure. The Ordinance amends the definition of “Recycling area or areas for recycling” in Section 32.03.010 of the Municipal Code to includes organic refuse. This amendment clarifies that space allocated for collecting and loading recycle materials in multifamily collections also is used for organics refuse. The Ordinance also amends Section 32.03.040 (a) to clarify that multifamily complexes must site at minimum 2 recycling carts and 1 organic refuse cart within, or next to, each trash enclosure. Staff recommend these amendments to ensure adequate space is provided for recycling and organic carts.

Timeline for Modifications to the Yard Material Pick-up Schedule

Date	Action
August/September 2019	Second reading of the Ordinance to modify Sections 32.01.070, 32.01.090, and Article 32.03 of the Davis Municipal Code
September 2 - 5, 2019	Last week of the current pick-up schedule
October 21 - 24, 2019	First week of the new pick-up schedule
February 24 - 27, 2020	Fall pick-up ends
April 20 - 23, 2020	Spring week pick-up

Next Steps

Should the Council approve the Amendment and Ordinance changes, staff will work with the City Attorney and Recology to finalize the Amendment for signature. The second reading of the Ordinance changes will take place at the next City Council meeting. Staff will also prepare an outreach campaign to notify customers of any changes in the collection schedule. In addition to the usual forms of outreach used (social media, website, press release, utility bill insert, etc.),

staff is in the process of piloting an online notification system where customers can enter their address and sign up to receive email notifications the week of their area collection dates. Further detail about the outreach plan is included in the table below.

Outreach Plan

Date	Action
Week of August 19, 2019	<ul style="list-style-type: none"> • City website update • Social media messaging
September, 2019	<ul style="list-style-type: none"> • Launch email notification system • Launch Google Calendar for collection schedule dates • Utility bill insert with the 2019-2020 yard material collection schedule • Bi-lingual outreach materials sent out to local landscapers about the new collection schedule • Davis Enterprise Environmental Column and Greener Davis email newsletter: info about the new collection schedule • Mailer to all Davis addresses containing a calendar magnet for the yard material collection dates • Social media messaging
October, 2019	<ul style="list-style-type: none"> • Davis Enterprise Environmental Column and Greener Davis email newsletter: new LITS pick-up times and rules • October 5 – Recology Shred Day-staff will hand out fliers with the new collection schedule • October 11 - Chamber of Commerce Discover Davis event-Recology will have a booth • October 12- Recology will have a booth at the Farmer’s Market • press release • Social media messaging
December, 2019	<ul style="list-style-type: none"> • Davis Enterprise Environmental Column and Greener Davis email newsletter: reminders about on-street yard material pick-up times and rules, organics carts • Social media messaging
January, 2020	<ul style="list-style-type: none"> • Greener Davis email newsletter: Christmas tree disposal options and organics carts • Social media messaging
February, 2020	<ul style="list-style-type: none"> • Davis Enterprise Environmental Column and Greener Davis email newsletter: end of fall collection • Social media messaging
April, 2020	<ul style="list-style-type: none"> • Davis Enterprise Environmental Column and Greener Davis email newsletter: April on-street yard material collection • Social media messaging after April pick-up, Fall collection starting October 19

Attachments

1. Resolution authorizing the City Manager to negotiate and execute the Third Amendment to the Franchise Agreement
2. Recology Letter
3. Ordinance amending Sections 32.01.070 and 32.01.090, and Article 32.03 of the Davis Municipal Code.
4. Redline versions of the changes to Sections 32.01.070 and 32.01.090 and Article 32.03 of the Davis Municipal Code.
5. Draft Recology agreement Amendment #3

RESOLUTION NO. 19-____, SERIES 2019

**RESOLUTION APPROVING THE AMENDMENT NO. 3
TO THE 2015 SOLID WASTE FRANCHISE AGREEMENT AND AUTHORIZING
THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE AMENDMENT NO. 3
ON BEHALF OF THE CITY**

WHEREAS, in 2015, the City of Davis and Davis Waste Removal, Inc. (DWR) entered into a franchise agreement granting DWR exclusive rights to haul solid waste within the City until 2027; and

WHEREAS, at the Council meeting on April 10, 2018, the solid waste franchise assignment agreement and franchise agreement amendment was approved by City Council to allow the sale to Recology Davis, Inc.; and

WHEREAS, on February 5, 2019, the City Council directed City staff to modify the existing on-street yard material collection schedule for the City of Davis; and

WHEREAS, the City Manager and Recology Davis Inc., have negotiated a third amendment to the Agreement for the 2015 Solid Waste Franchise Agreement, to include the modified on-street yard material collection schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Davis does hereby approve as follows:

1. The City Council hereby approves the Assignment Agreement and Amendment No. 3 to the 2015 Solid Waste Franchise Agreement, attached hereto, and incorporated herein. The City Manager, in consultation with the City Attorney is hereby authorized to make minor changes to the agreements, as may be necessary or appropriate; and
2. All terms, conditions and covenants of said contracts be, and the same are hereby approved, ratified, and confirmed.

PASSED AND ADOPTED by the City Council of the City of Davis this 13th day of August, 2019, by the following vote:

AYES:

NOES:

Brett Lee
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk



July 1, 2019

City of Davis
 Public Works Department
 1717 Fifth Street
 Davis, CA 95616

ATTN: Richard Tsai – Environmental Resources Manager

Dear Richard,

Below, please find the updated proposed contractor rates for the Loose in the Street Greenwaste Pile Collection (LITS) that we spoke about at our last meeting. The proposed contractor rates are based on an estimated LITS subscription base of 16,092 accounts, which can go up or down, and will become effective on October 1, 2019.

Current Rate for Current Schedule:	\$51,977 per month
Proposed Rate for New Schedule:	\$50,046 per month
*11 total pick-ups – (10 during leaf drop season, 1 in spring)	
*Savings of approximately 3.7% per month	
Previous Cost Reduction Estimate:	\$32,828 per month
*1 Pick-Up per Month year-round	
*Savings of approximately 36.8% per month	
New Proposed Rate:	\$42,966 per month
*11 total pick-ups – (10 during leaf drop season, 1 in spring)	
*Rate for 1-year period with analysis of program costs at year-end.	
*Savings of approximately 17.3% per month	

Based on our conversation about the cost of the LITS program not being reduced to a level consistent with previous cost reduction estimates, Recology proposes to split the difference and offer a rate that is lower than projected for a 1-year period. This reduced rate will allow



City and Recology time to gather information on the actual costs of the new program schedule. At the end of the 1-year period, Recology will analyze the actual costs of the program to determine if the reduced rate is appropriate. This analysis will be reviewed by City Staff. Should the analysis show the need for a higher rate, Recology will request a rate adjustment to account for actual costs incurred based on the schedule change. This adjustment will include the loss incurred during the first year of the program or credits to the city if actual costs are lower than anticipated. It was discussed that such a rate adjustment could be spread over multiple years or be added to the following rate increase as a one-time adjustment.

If you have any questions or need any additional information, please contact me directly.

Sincerely,

A handwritten signature in blue ink that reads 'Scott Pardini'.

Scott Pardini
General Manager

Cc: Salvatore Coniglio
Wayne Moeller
Ken Shepard
Justina Vega

ORDINANCE NO. ____

ORDINANCE AMENDING THE CITY OF DAVIS MUNICIPAL CODE ARTICLE 32.03 (“ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS”) AND SECTIONS 32.01.070 (“GARBAGE SERVICE—INDIVIDUALLY SERVICED RESIDENCES”) AND 32.01.090 (“ORGANIC REFUSE MANAGEMENT”) TO MAKE CHANGES TO THE CODE REGARDING DISPOSAL AND COLLECTION OF ORGANIC REFUSE AND THE PROCESS FOR REQUESTING ADDITIONAL WASTE RECEPTACLES FOR INDIVIDUALLY SERVICED RESIDENTS

WHEREAS, on February 5, 2019, the City Council directed City staff to modify the existing on-street yard material collection schedule for the City of Davis; and

WHEREAS, the City Manager and Recology Davis Inc., have negotiated an amendment to the 2015 Solid Waste Franchise Agreement, which includes the modified on-street yard material collection schedule; and

WHEREAS, City staff determined additional modifications were required to Chapter 32 of the Municipal Code to was required to ensure clarity of program requirements and to continue to adhere to State law on waste management; and

WHEREAS, this Ordinance reflects City Council direction from the February 5, 2019 City Council meeting to modify the on-street yard material collection schedule and the additional modifications to Chapter 32 of the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Amendment to Section 32.03.010. Section 32.03.010 of the Davis Municipal Code is hereby amended by amending the definition of “Recycling area or areas for recycling” to read as follows:

Recycling area or areas for recycling means space allocated for collecting and loading of recyclable materials and organics refuse. Such areas shall have the ability to accommodate the appropriate receptacles for recyclable materials. For existing residential buildings or projects between five and nine living units, “recycling areas or areas for recycling” may mean, at the discretion of the community development and sustainability department, curbside recycling.

SECTION 3. Amendment to Section 32.03.040(a). Section 32.03.040(a) of the Davis Municipal Code is hereby amended by to read as follows:

(a) ~~To the extent possible, multifamily~~ Multifamily complexes must site ~~three~~ at minimum two recycling carts and one organics refuse cart within, or next to, each trash enclosure.

SECTION 4. Addition of Section 32.03.050(c). Subsection (c) is hereby added to Section 32.03.050 of the Davis Municipal Code to read as follows:

(d) Each container for organic refuse material shall identify which materials are acceptable for that container.

SECTION 5. Amendment to Section 32.01.070(d). Section 32.01.070(d) of the Davis Municipal Code is hereby amended to read as follows:

(d) Physically disabled residents may request “disabled service.” This disabled service shall consist of the retrieval of one, thirty- to one hundred-gallon cart located at an accessible point no greater than seventy-five feet from the curb. The petition for disabled service shall be submitted to and approved by the city manager or designee. Residents may become eligible for disabled service by showing their valid disabled person parking permit or license issued by the state of California. Eligibility for disabled service shall be on an annual basis.

SECTION 6. Addition of Section 32.01.070(f). Subsection (f) is hereby added to Section 32.01.070 of the Davis Municipal Code to read as follows:

(f) Individually serviced residences may request an additional garbage cart from the city’s contract hauler. Any additional garbage cart(s) issued to individually serviced residents may not exceed the size of their regularly subscribed service garbage cart.

SECTION 7. Amendment to Section 32.01.090. Section 32.01.090 of the Davis Municipal Code is hereby repealed and replaced to read in full as follows:

32.01.090 Organic refuse management.

(a) **Yard refuse placed in organic refuse containers.** Unless authorized by subsection (b), yard refuse shall be containerized utilizing the acceptable organics refuse container as specified in Section 32.01.040 or subsection (c). Inorganic material (rock, dirt, gravel, concrete, etc.) or sod shall not be placed in the street for collection in any manner, including placement in organics refuse containers or in yard refuse piles unless a special pick-up has been scheduled with an appropriate receptacle designated by the city’s contract hauler for an additional charge.

(b) **Yard refuse piles authorized to be placed in the street.**

(1) As authorized by this Section, certain yard refuse waste, as described in paragraph (2) of this subsection, may be placed or maintained in piles in the street immediately adjacent to the property from which they originated, for collection by the city or the city’s contract hauler from customers subscribed for yard refuse collection service. Such piles shall not exceed five feet in width or five feet in

height or five feet in length, the same to be so placed and maintained as not to restrict reasonable gutter drainage.

(2) If the organics refuse containers are full, only leaves and tree and shrub prunings (maximum branch diameter of eight inches) may be placed in yard refuse piles. All other yard refuse, including but not limited to grass clippings, weeds, vines and dropped fruit from on-site fruit trees, shall be containerized utilizing the acceptable organics refuse container as specified in subsection (a) and shall not be placed in yard refuse piles.

(3) Yard refuse piles shall be placed on the street for pick-up no later than 6:00 a.m. on a scheduled collection day.

(4) No yard refuse piles shall be placed or maintained in any part of a bicycle lane.

(5) No yard refuse piles shall be placed or maintained in such a way as to obstruct traffic or restrict reasonable access to a fire alarm box, fire hydrant, standpipe, alley, driveway, public sidewalk, curb cut for accessibility access, or any other public facility.

(6) Yard refuse piles shall not be placed on street undulations, traffic calming bulb-outs or near obstructions on the street that restrict the city or the city contract hauler's equipment from collecting yard refuse piles.

(7) No person shall park or let stand any vehicle or any other item on the street that blocks the city or the city contract hauler's equipment from collecting yard refuse piles.

(8) Due to the width of the street and/or bike lanes, there are some streets where it is not possible to place yard refuse piles as required in subsection (b) as they will obstruct the bike lane or traffic lane. On these streets, also denoted as "restricted areas," yard refuse shall be containerized at all times and shall not be placed in the street for pick-up. These streets include, but are not limited to:

(A) East 8th Street from B Street to J Street;

(B) 5th Street from A Street to L Street;

(C) B Street from East 8th Street to East 14th Street.

(9) Yard refuse piles shall not be placed in the Downtown Core area, defined as the area bounded by 5th Street, the south side of 1st Street, the west side of B Street and the Union Pacific railroad tracks.

(c) On September 30, 2019 this subsection shall expire and be superseded by subsection (d) of this Section 32.01.090. Until September 30, 2019, upon a customer's receipt of a city authorized organics refuse container, the following shall apply:

(1) **Monthly Yard Refuse Pile Service.** Yard refuse piles may be placed in the street for scheduled monthly street pick-up, which shall be set to occur the week of the first Monday of each month. During this time, yard refuse piles shall not be placed in the street sooner than five days before a scheduled collection.

(2) **Leaf Drop Season Weekly Yard Refuse Pile Service.** Beginning the third Monday in October, during the designated leaf drop season (mid-October through mid-December), yard refuse piles may be placed in the street for collection. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.

(3) Yard refuse piles may be placed in the street if prior arrangements have been made with the city or its contract hauler for a special pick-up.

(4) Leaves may not be placed in yard refuse piles in the street unless the organics refuse container is already full.

(d) Yard refuse collection schedule. Effective September 30, 2019, the following yard refuse pile collection schedule applies:

(1) **Fall and Winter Collection Service.** Yard refuse piles may be placed in the street for ten scheduled street pick-ups, which shall occur every other week, beginning the week of the third Monday in October. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.

(2) **Spring Collection Service.** Yard refuse piles may be placed in the street for one scheduled street pick-up, which shall occur the week of the third Monday in April. During this time, yard refuse piles shall not be placed in the street sooner than seven days before the scheduled collection.

(3) **Special Pick-Up Service.** If a special pick-up of yard refuse has been scheduled with the city or its contract hauler, yard refuse piles may be placed in the street no sooner than seven days before the special pick-up.

(4) **Change in Schedule.** The City Manager and the city's contract hauler may make minor modifications to the collection schedule by mutual agreement, provided that at least ten pickups occur between October and January and one pickup occurs in April, and provided that customers receive at least 30 days prior written notice of the change.

(e) Penalties. In addition to any other remedies that the city may have for violation of this section, an administrative citation may be issued for any violation of this section pursuant to Davis Municipal Code Chapter 1, Article 1.02.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 8. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance, in accordance with California Government Code Section 36933.

SECTION 9. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the 13th day of August, 2019, and PASSED AND ADOPTED by the City Council of the City of Davis on this ___th day of ____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

Brett Lee
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

32.01.070 Garbage service—Individually serviced residences.

(a) The frequency of garbage service for individually serviced residences shall be once per week.

(b) The basic garbage service to individually serviced residences not in a restricted area shall be the collection of one, thirty- to one hundred-gallon cart or other size authorized by the city or city's contract hauler, of premises-generated household wastes.

(c) The basic service to individually serviced residences in a restricted area shall be determined by the city on a case-by-case basis.

(d) Physically disabled residents may request "disabled service." This disabled service shall consist of the retrieval of one, thirty- to one hundred-gallon cart located at an accessible point no greater than seventy-five feet from the curb. The petition for disabled service shall be submitted to and approved by the city manager or designee. Residents may become eligible for disabled service by showing their valid disabled person parking permit or license issued by the state of California. Eligibility for disabled service shall be on an annual basis.

(e) Special wastes shall be placed for collection as individually determined through an agreement between the waste generator and the waste collector.

(f) Individually serviced residences may request an additional garbage cart from the city's contract hauler for an additional charge. Any additional garbage cart(s) issued to individually serviced residents may not exceed the size of their regularly subscribed service garbage cart. (Ord. 955 § 2; Ord. 967 § 2; Ord. 1254 § 2; Ord. 1477 § 1; Ord. 1519 § 2; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2390 § 42, 2012; Ord. 2447 § 2, 2015)

32.01.090 Organic refuse management.

(a) ~~Yard waste piles~~ refuse placed in organic refuse containers. Unless authorized to be placed in the street.

~~(1) Only leaves, tree and shrub prunings (maximum branch diameter of eight inches) and grass clippings may be placed in the street for collection by the city or the city's contract hauler. All other yard refuse, including sod and dropped fruit from on-site fruit trees, by subsection (b), yard refuse shall be containerized utilizing the acceptable organics refuse container as specified in Section 32.01.040 or subsection (b). Inorganic material (rock, dirt, gravel, concrete, etc.) or sod shall not be placed in the street for collection in any manner, including placement in organics refuse containers or in yard refuse piles -unless a special pick-up has been scheduled with an appropriate receptacle designated by the city's contract hauler for an additional charge.~~

~~(2) Yard refuse waste shall~~ (b) Yard refuse piles authorized to be placed in the street.

(1) As authorized by this Section, certain yard refuse waste, as described in paragraph (2) of this subsection, may be placed or maintained in piles in the street immediately adjacent to the property from which they originated, such piles in no event to be for collection by the city or the city's contract hauler from customers subscribed for yard refuse collection service. Such piles shall not exceed five feet in width or five feet in height or five feet in length, the same to be so placed and maintained as not to restrict reasonable gutter drainage.

~~(3) If the organics refuse containers are full, only leaves and tree and shrub prunings (maximum branch diameter of eight inches) may be placed in yard refuse piles. All other yard refuse, including but not limited to grass clippings, weeds, vines and dropped fruit from on-site fruit trees, shall be containerized utilizing the acceptable organics refuse container as specified in subsection (a) and shall not be placed in yard refuse piles.~~

(3) Yard refuse piles shall be placed on the street for pick-up no later than 6:00 a.m. on a scheduled collection day.

(4) No yard refuse piles shall be placed or maintained in any part of a bicycle lane.

(4) No yard refuse waste piles shall be placed or maintained in such a way as to obstruct traffic or restrict reasonable access to a fire alarm box, fire hydrant, standpipe, alley, driveway, public sidewalk, curb cut for accessibility access, or any other public facility.

~~(5) No yard refuse waste piles shall be placed or maintained in the street in a restricted area.~~

~~(6) Yard refuse piles shall be placed on the street for pick-up no later than 6:00 a.m. on a scheduled collection day.~~

~~(7)~~ Yard refuse piles shall not be placed on street undulations, traffic calming bulb-outs or near obstructions on the street that restrict the city or the city contract hauler's equipment from collecting yard refuse piles.

~~(87)~~ No person shall park or let stand any vehicle or any other item on the street that blocks the city or the city contract hauler's equipment from collecting yard refuse piles.

~~(98)~~ Due to the width of the street and/or bike lanes, there are some streets where it is not possible to place yard refuse piles as required in subsection ~~(a)~~ as they will obstruct the bike lane or traffic lane. On these streets, also denoted as "restricted areas," yard refuse piles shall be containerized at all times and shall not be placed in the street for pick-up. These streets include, but are not limited to:

(A) East 8th Street from B Street to J Street;

(B) 5th Street from A Street to L Street;

(C) B Street from East 8th Street to East 14th Street.

~~(109)~~ Yard refuse piles shall not be placed in the Downtown Core area, defined as the area bounded by 5th Street, the south side of 1st Street, the west side of B Street and the Union Pacific railroad tracks.

~~(b) Upon (c)~~ On September 30, 2019 this subsection shall expire and be superseded by subsection (d) of this Section 32.01.090. Until September 30, 2019, upon a customer's receipt of a city-authorized organics refuse container, the following shall apply:

(1) Monthly Yard Refuse Pile Service. Yard refuse piles may be placed in the street for scheduled monthly street pick-up, which shall be set to occur the week of the first Monday of each month. During this time, yard refuse piles shall not be placed in the street sooner than five days before a scheduled collection.

(2) Leaf Drop Season Weekly Yard Refuse Pile Service. Beginning the third Monday in October, during the designated leaf drop season (mid-October through mid-December), yard refuse piles may be placed in the street for collection. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.

(3) Yard refuse piles may be placed in the street if prior arrangements have been made with the city or its contract hauler for a special pick-up.

(4) Leaves ~~and grass clippings~~ may not be placed in yard refuse piles in the street unless the organics refuse container is already full.

(ed) Yard refuse collection schedule. Effective September 30, 2019, the following yard refuse pile collection schedule applies:

(1) Fall and Winter Collection Service. Yard refuse piles may be placed in the street for ten scheduled street pick-ups, which shall occur every other week, beginning the week of the third Monday in October. During this time, yard refuse piles shall not be placed in the street sooner than seven days before a scheduled collection.

(2) Spring Collection Service. Yard refuse piles may be placed in the street for one scheduled street pick-up, which shall occur the week of the third Monday in April. During this time, yard refuse piles shall not be placed in the street sooner than seven days before the scheduled collection.

(3) Special Pick-Up Service. If a special pick-up of yard refuse has been scheduled with the city or its contract hauler, yard refuse piles may be placed in the street no sooner than seven days before the special pick-up.

(4) Change in Schedule. The City Manager and the city's contract hauler may make minor modifications to the collection schedule by mutual agreement, provided that at least ten pickups occur between October and January and one pickup occurs in April, and provided that customers receive at least 30 days prior written notice of the change.

(e) Penalties. In addition to any other remedies that the city may have for violation of this section, an administrative citation may be issued for any violation of this section pursuant to Davis Municipal Code Chapter 1, Article 1.02. (Ord. 955 § 2; Ord. 967 § 2; Ord. 1254 § 3; Ord. 1524 §§ 4, 5; Ord. 2054 § 1, 2001; Ord. 2173 § 1; Ord. 2447 § 2, 2015)

Article 32.03 ADEQUATE AREAS FOR COLLECTING RECYCLABLE MATERIALS

32.03.010 Definitions.

For purposes of this article, the following terms shall be defined as follows:

Development project means any of the following:

- (1) A project for which a building permit is required for a commercial, industrial or institutional building, public facility, or residential building having five or more living units, where solid waste is collected and loaded, and any residential project where solid waste is collected and loaded in a location serving five or more living units.
- (2) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a communal location. In such instances, recycling areas as specified in this ordinance are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

Improvements means an addition made to property or to a facility which adds value to the property or facility, prolongs its useful life, or adapts it to new use. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

Public facility includes, but is not limited to, buildings, structures and outdoor recreation areas owned by the city.

Recycling area or areas for recycling means space allocated for collecting and loading of recyclable materials and organics refuse. Such areas shall have the ability to accommodate the appropriate receptacles for recyclable materials. For existing residential buildings or projects between five and nine living units, "recycling areas or areas for recycling" may mean, at the discretion of the community development and sustainability department, curbside recycling. (Ord. 1765 § 1)

32.03.020 General requirements.

- (a) Any new development project for which an application for a building permit is submitted on or after September 1, 1994, shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials.
- (b) Any existing development project for which an application for a building permit is submitted on or after September 1, 1994, for modifications that add thirty percent or

more to the existing floor area shall include adequate, accessible and convenient areas for collecting and loading recyclable materials. (Ord. 1765 § 1)

32.03.030 Guidelines for all development projects.

- (a) The location, size, and design of the recycling areas shall be subject to the review and approval of the community development and sustainability department in consultation with the fire department and the public works department.
- (b) Areas for recycling shall be adequate in capacity, number, and distribution to serve the development where the project occurs.
- (c) Dimensions of the recycling areas shall accommodate receptacles sufficient to meet the recycling needs of the development project.
- (d) An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development should be located within the recycling areas of development projects.
- (e) Any recycling areas shall be located so they are at least as accessible and convenient as the locations where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials should be within or adjacent to the trash collection areas.
- (f) Recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with city standards and shall comply with all applicable federal, state or local laws.
- (g) Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions which might render the collected materials unmarketable.
- (h) The city recommends, but does not require, that applicants consider security to prevent the theft of recycling materials by unauthorized persons, while allowing authorized persons access for disposal of materials. (Ord. 1765 § 1)

32.03.040 Additional guidelines for multifamily development projects.

- (a) ~~To the extent possible, multifamily~~Multifamily complexes must site ~~three at~~ minimum two recycling carts and one organics refuse cart within, or next to, each trash enclosure.
- (b) Any project which proposes to site fewer than three carts per enclosure shall submit written explanation as to the basis for requesting an exemption. The community development and sustainability department in consultation with the public works

department shall make the determination of whether or not the exemption should be granted. (Ord. 1765 § 1)

32.03.050 Education.

(a) Each container for recyclable material shall identify which materials are acceptable for that container.

(b) At the time a lease or rental agreement is signed, the manager or homeowner's association representative, or other appropriate agent of the owner or owners of each communally serviced residence or multitenant commercial complex that is subject to this section shall:

(1) Inform all new tenants of the availability of recycling, the location of the recycling collection site(s), and the materials that may be recycled; and

(2) Provide all new tenants with a flyer describing the city's recycling program. The flyers shall be provided by the city. (Ord. 1765 § 1)

(c) Each container for organic refuse material shall identify which materials are acceptable for that container.

AMENDMENT NO. 3 TO FRANCHISE AGREEMENT

This Amendment No. 3 to Franchise Agreement (this "Amendment") is entered into as of August ____, 2019 by and between the City of Davis, a California municipal corporation ("City"), and Recology Davis, a California corporation ("Recology").

WHEREAS, City and Recology are parties to an Agreement for Collection and Handling of Solid Waste effective March 1, 2015, as amended by Amendment No. 1 dated November 12, 2015 and Amendment No. 2 dated April 13, 2018 (collectively, the "Franchise Agreement");

WHEREAS, the parties wish to modify the loose-in-the-street (LITS) yard refuse collection program to better align it with the primary leaf drop season and reduce the cost to customers;

NOW, THEREFORE, the parties agree as follows:

1. Section 6.e of the Franchise Agreement is hereby amended to read in its entirety as follows:

"6.e. Collection of Yard Refuse Piles

i. In accordance with this section, CONTRACTOR shall Collect yard refuse piles meeting the requirements of Section 32.01.090(b) of the Davis Municipal Code, as in effect on October 1, 2019. To be Collected, the yard refuse piles must be set out in accordance with Section 32.01.090, and the Customer must be subscribed for Green Waste collection service. CONTRACTOR shall provide the service on a schedule consistent with Section 32.01.090(d) of the Davis Municipal Code, as in effect on October 1, 2019, it being understood that collections may occur on multiple days per week. CONTRACTOR shall not provide the service before 6:00 AM or after 6:00 PM, except with CITY's prior written approval. CONTRACTOR shall provide all necessary equipment and personnel to provide the service. The service shall be provided at no additional charge to Customers.

ii. CONTRACTOR estimates that the modified program described in subsection (i) will cost \$2.67/month for each Customer during the initial October 2019-April 2020 season. This cost is included in the Maximum Rates effective October 1, 2019. After the initial season is completed, CONTRACTOR shall provide CITY with CONTRACTOR's actual costs of providing the modified program during the initial season. The Maximum Rates that take effect October 1, 2020 shall be adjusted upward or downward to account for the difference between CONTRACTOR's cost estimates and the actual cost (taking into account inflation and changes in underlying costs such as organics processing). Such adjustment shall be in addition to any other Maximum Rate adjustments provided for under this Agreement. CONTRACTOR shall include a comparison of actual versus estimated costs in its rate application due April 1, 2020."

2. Exhibit C of the Franchise Agreement (Contractor Maximum Rates) is hereby amended, effective October 1, 2019, to read in its entirety as set forth in Exhibit C of this Amendment.

3. In the event of any conflict between this Amendment and the Franchise Agreement, this Amendment shall govern. This Amendment may be executed in counterparts, and facsimile signatures hereto shall be valid.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 3 to Franchise Agreement as of the date first written above.

City of Davis

Recology Davis

By: _____
Michael Webb, City Manager

By: _____
Michael J. Sangiacomo, President & CEO

Approved As To Form:

Inder Khalsa, City Attorney