

City of Brisbane

Agenda Report

TO: Mayor and City Council

FROM: Hal Toppel, City Attorney

SUBJECT: Amendment to Garbage Collection Ordinance and Establishment of Collection Zones

DATE: For Council Meeting on June 3, 2013.

City Council Goals:

To provide for effective and efficient delivery of City services. (Goal #1).

To promote economic development that stabilizes and diversifies the tax base. (Goal #4).

Purpose:

The purpose of Ordinance No. 581 is to amend Chapter 8.24 of the Municipal Code, concerning the award of contracts for garbage collection service, to allow the establishment of multiple garbage collection zones within the City and the award of a separate franchise agreement for each zone. Pursuant to the ordinance, Resolution No. 2013-14 will establish three separate collection zones.

Recommendation:

Adopt Ordinance No. 581.

Adopt Resolution No. 2013-14 to establish the collection zones.

Background and Discussion:

The proposed ordinance was introduced by the City Council at its regular meeting on May 20, 2013. No change was made to the draft ordinance at that time. The ordinance will allow the City Council to establish, by resolution, separate garbage collection zones. A definition of the term "zone" would be added to Section 8.24.010 and a new Section 8.24.055 would be added to provide for the establishment of multiple solid waste collection zones and the award of a separate contract for each zone. Amendments to Section 8.24.050 would also be made to reflect the award of multiple contracts instead of a single City-wide franchise.

Pursuant to Ordinance No. 581, Resolution No. 2013-14 is being adopted to establish three separate collection zones as shown on the map attached to the resolution, consisting

generally of central Brisbane and Sierra Point as Zone 1, the area around Industrial Way as Zone 2, and the Baylands as Zone 3. Separate franchise agreements for these zones will be awarded at a later date. In the meantime, South San Francisco Scavenger will continue to collect solid waste throughout the entire City until its existing franchise agreement expires on February 28, 2014 or is replaced by a new agreement before that date. The resolution will also direct the City Manager to give written notice to South San Francisco Scavenger of the City's election *not* to extend the existing franchise agreement for an additional 10 year period pursuant to Section 3.1 of the agreement. It is anticipated that new franchise agreements will be negotiated and executed between the City and South San Francisco Scavenger covering one or more of the established zones.

Fiscal Impact:

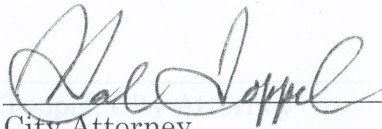
None. The ordinance and the resolution merely establish the separate collection zones. The cost of garbage collection services to be provided in these zones will be determined by separate franchise agreements to be executed at a later date.

Measure of Success:

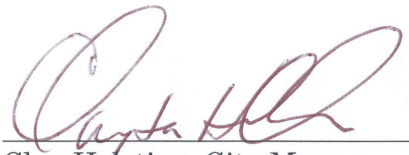
Establishment of collection zones after adoption of the ordinance and award of separate contracts for each zone.

Attachments:

Ordinance No. 581
Resolution No. 2013-14



Hal Appel
City Attorney



Clay Holstine, City Manager

ORDINANCE NO. 581

**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING
CHAPTER 8.24 OF THE MUNICIPAL CODE TO PROVIDE FOR THE
ESTABLISHMENT OF MULTIPLE SOLID WASTE COLLECTION
ZONES**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: The City Council hereby finds and determines as follows:

A. Chapter 8.24 of the Municipal Code establishes a process for the award of contracts or franchise agreements for the collection and disposal of refuse, which is defined to include garbage, rubbish and waste matter.

B. Since the original adoption of Chapter 8.24, the City has awarded a single franchise agreement to one scavenger, authorizing that person to collect refuse throughout the entire City.

C. The existing provisions of Chapter 8.24 contemplate that a single franchise agreement covering the entire City will continue to be awarded in the future.

D. The City Council has determined that it may be in the best interest of the City to award multiple franchise agreements for the collection of refuse, with each agreement covering a separate geographic area, or zone, of the City. In order to consider this alternative, it is necessary to amend Chapter 8.24 to provide for the establishment of multiple solid waste collection zones.

SECTION 2: A new Paragraph H is added to Section 8.24.010 in Chapter 8.24 of the Municipal Code, to read as follows:

H. "Zone" means a specific geographic area of the City designated in a franchise agreement with a scavenger as the territory for which solid waste collection services shall be provided by that scavenger.

SECTION 3: Section 8.24.050 in Chapter 8.24 of the Municipal Code is amended to read as follows:

§8.24.050 Award of contract for collection and disposal of refuse.

The City Council may award one or more contracts or franchises for the collection and disposal of refuse to one or more persons which the Council believes best qualified and equipped to perform the work of a scavenger. The contract shall require the scavenger to collect, remove and dispose of refuse within the geographic area of the City designated in the contract, in accordance with the provisions of this Chapter and in conformance with such regulations as may be prescribed by the health officer, or such other officer as may be hereafter designated by City, and shall fix the compensation to be paid the scavenger therefor. It shall require the scavenger to carry workmen's compensation insurance and property damage and general liability insurance in amounts to be determined by the Council. Such contract may be subject to renewal if, in the discretion of the City Council, time, circumstances and conditions warrant such renewal.

SECTION 4: A new Section 8.24.055 is added to Chapter 8.24 of the Municipal Code, to read as follows:

§8.24.055 Establishment of solid waste collection zones

The City Council may, by resolution, establish two or more solid waste collection zones within the City and may award a separate franchise agreement for each zone to a different scavenger.

SECTION 5: Section 8.24.140 in Chapter 8.24 of the Municipal Code is amended to read as follows:

§8.24.140 Disposal of garbage

All refuse collected by the scavenger shall be recycled or disposed of at a dump. The scavenger shall comply with all applicable state laws and regulations, City ordinances, and provisions of the franchise agreement designed to promote recycling and minimize the quantity of material disposed of in a land fill.

SECTION 6: Section 8.24.150 in Chapter 8.24 of the Municipal Code is amended to read as follows:

§8.24.150 Enforcement officers.

In addition to all of the public officials designated in Section 1.14.010 as having authority to enforce the provisions of the Municipal Code, the City health

officer and his or her authorized representatives, and the Chief or acting Chief of any fire protection agency within the City, shall be the enforcement officers under this Chapter, and they shall have the right to enter upon any and all premises for the purposes of determining the sanitary conditions thereof and ascertaining whether any provisions of this Chapter have been violated.

SECTION 7: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 8: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Raymond C. Miller, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

RESOLUTION NO. 2013-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE APPROVING A ZONE MAP ESTABLISHING FRANCHISE ZONES FOR SOLID WASTE COLLECTION SERVICES AND DIRECTING THE CITY MANAGER TO GIVE NOTICE OF THE CITY'S ELECTION NOT TO RENEW THE EXISTING SOLID WASTE COLLECTION FRANCHISE AGREEMENT

WHEREAS, Chapter 8.24 of the Brisbane Municipal Code governs the award of franchise agreements for the collection and disposal of garbage, rubbish, waste matter and refuse; and

WHEREAS, concurrently herewith, the City Council has adopted Ordinance No. 581, amending Chapter 8.24 to provide for the establishment of multiple solid waste collection zones in the City and the award of a separate franchise agreement for each zone; and

WHEREAS, pursuant to Section 8.24.055 of the Municipal Code, as adopted by Ordinance No. 581, a proposed Solid Waste Collection Zone Map ("Collection Zone Map"), in the form of Exhibit "A" attached hereto and made a part hereof, has been presented to the City Council showing the boundaries of three separate collection zones; and

WHEREAS, the City Council has reviewed the proposed boundaries of each zone and desires to establish the collection zones as shown on the attached Collection Zone Map,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

1. The Collection Zone Map attached hereto as Exhibit "A" is approved and the City Council hereby establishes Zone 1, Zone 2 and Zone 3 for solid waste collection services, having the boundaries as shown on said Collection Zone Map.

2. The City Manager is authorized and directed to give written notice to South San Francisco Scavenger Company, Inc. of the City's election not to exercise the option to extend the existing franchise agreement for an additional ten year period pursuant to

Section 3.1 of the agreement and acknowledging that such agreement will therefore expire on February 28, 2014.

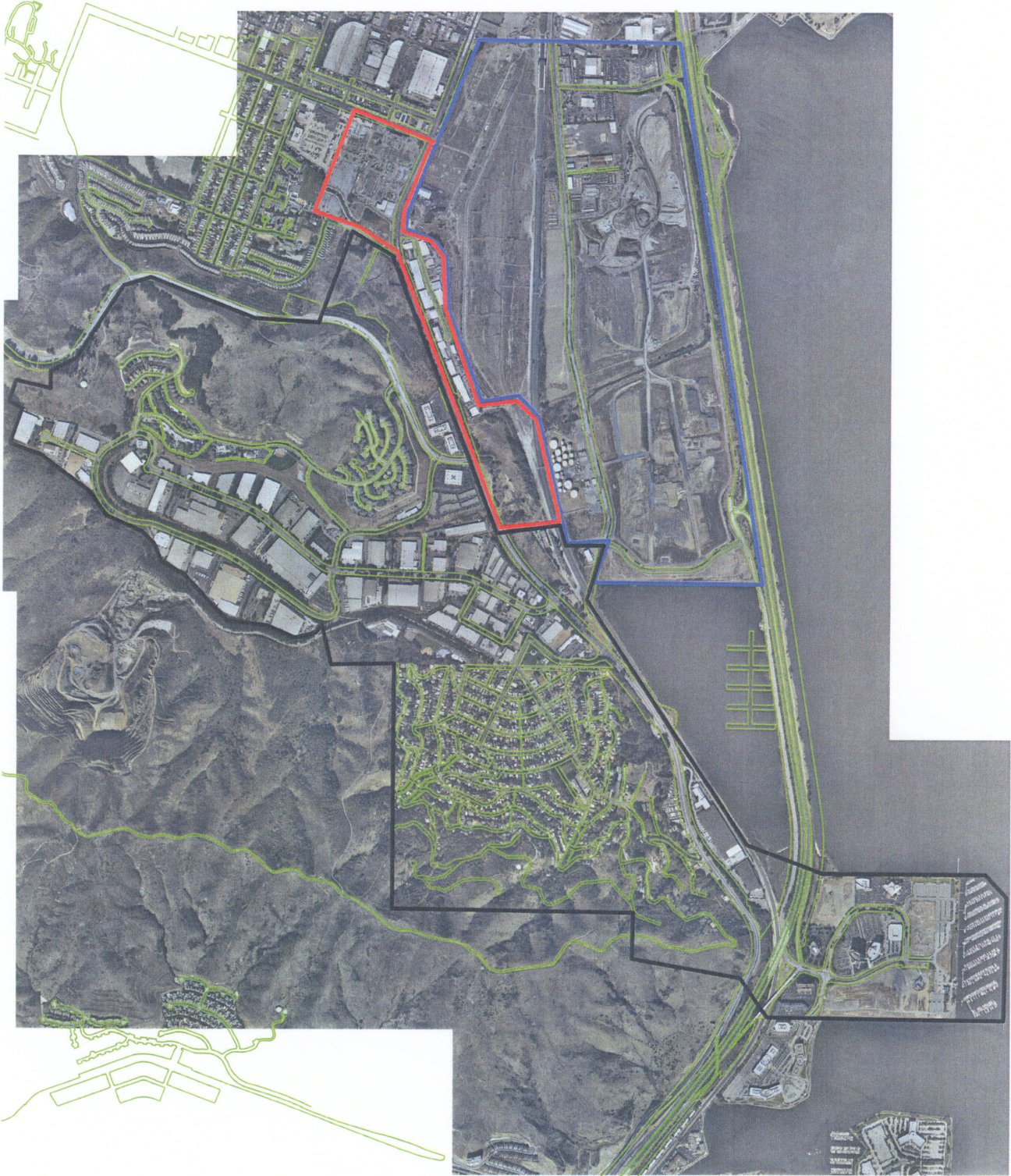
3. The establishment of the solid waste collection zones as shown on the Collection Zone Map attached hereto shall become effective on the effective date of Ordinance No. 581.

Raymond C. Miller, Mayor

I hereby certify that the foregoing Resolution No. 2013-14 was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 3, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sheri Marie Spediacci, City Clerk



Black = Zone 1
Red = Zone 2
Blue = Zone 3

**City of Brisbane
Proposed Solid Waste
Collection Zone**

