

Response to Questions - #2

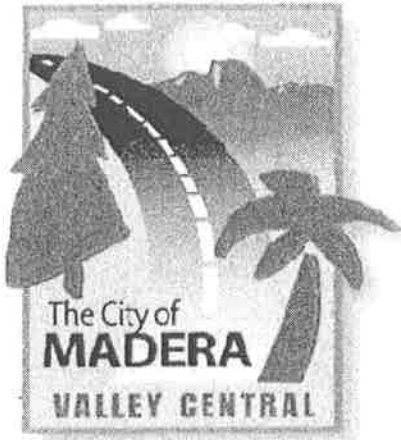
1. Can the City provide a copy of the current storm drainage rate schedule?
[Attached is the Resolution for the Drainage rates.](#)
2. Does the City have any concerns with the existing rate structures and/or user classifications for any of the utilities, and if so, what are they?
[The City does not have any specific concerns, however there is a constituent that has expressed concerns over water rates, may have even mentioned litigation, so City Manager wants to be sure that have good defendable rates.](#)
3. Item "S" in the Scope of Work requests an assessment of the customer service fees and identification of other potential fees. is the City looking for a comprehensive study and update of these fees, or a more general review of the existing fee structure and recommendations for a future update?
[The City is more interested in a comprehensive study and update of fees.](#)
4. Has the City updated its organics collection program? Please describe what rates apply to this program?
[Attached is the Amendment to the Mid Valley contract for organic refuse.](#)
5. The Mid-Valley contract shows three residential carts (Grey, Green and Blue). What are the current residential rates for these carts?
[The residential rate is \\$23.22.](#)
6. Does the City have, or are they interested in cannabis-collection/disposal rates?
[There is a cannabis measure on the November ballot. It may be relevant.](#)
7. Can we assume the City wants the commercial rates in the Mid-Valley contract updated, or are there additional rates/service that would be added to that list?
[Yes, we want MV rates updated.](#)
8. Regarding RFP page 15 under *Section 10. Negotiation, Item E. Note: This entire packet should be returned with the proposal.* What is the City referring to pertaining to "this entire packet"?
[The entire packet just means include the RFP with the proposal.](#)
9. Section 10.E. on Page 15 of 34 of the RFP states "Note: This entire packet should be returned with the proposal?". Please confirm the City would like proposers to include a hardcopy of the RFP with our proposal. If so, would the City like the hardcopy of the RFP to be bound separate from or bound with our proposal?
[Please include RFP in bound proposal.](#)

10. Is there any current, pending, or threatened litigation or significant community opposition to the City's existing water, sewer, storm drainage, or solid waste rates?

There is no current or pending litigation. There is a constituent that has spoken of the water rates and has threatened to sue, but there is no action on that front. The City Manager believes that the intent is to make sure the City does their due diligence in setting the rates.

11. Does the City plan on adopting the storm drainage rates complying with Proposition 218's protest and voter-approval processes or does the City plan on adopting the storm drainage rates as a type of sewer rate consistent with SB 231, which would require complying with Proposition 218's protest process only and wouldn't require voter-approval.

The City plans to adopt drainage rates as a type of sewer rate consistent with SB 231. The City intends to comply with the protest process only and not voter-approval process.




PUBLIC WORKS DEPARTMENT REPORT TO CITY COUNCIL

MEETING DATE: March 1, 2017

AGENDA ITEM NUMBER: C- 1

Approved By:


PUBLIC WORKS DIRECTOR


CITY ADMINISTRATOR

SUBJECT:

Consideration of a Resolution Approving A Second Amendment to the Agreement with Mid Valley Disposal to Provide Additional Services Related to New Organic Waste Hauling and Bin Service Rates and Authorizing the Mayor to Sign the Agreement; and

Consideration of a Resolution Amending the City's Fee Schedule Relating to Solid Waste Collection Services; and

Consideration of the Introduction of an Ordinance Amending the City Municipal Code Relating to Organic Waste Recycling.

RECOMMENDATION:

It is recommended that the Council take the following actions to implement requirements of AB 1826 related to organic waste recycling:

1. Adopt a resolution approving an amendment to the existing agreement with Mid Valley Disposal to provide additional services for hauling and bin service rates and authorizing the Mayor to sign the agreement on behalf of the City.
2. Adopt a resolution amending the City's fee schedule relating to solid waste disposal fees to incorporate organic waste recycling fees and making minor clean changes to existing fees.
3. Introduce an amendment to the Municipal Code regarding organic waste disposal.

SUMMARY:

AB1826 requires that the City implement a new organic waste recycling program for businesses that generate a certain minimum quantities of organic waste per week. The City does not currently provide such a service nor does it have fees established to do so. The City's contract with Mid Valley Disposal, its solid waste hauler, includes a provision which calls for the parties to negotiate and add additional services and rates when required by new regulations. Staff, in cooperation with the hauler, has developed a set of appropriate rates, ordinances, and policies to implement the new program. Council is being asked to amend the agreement with Mid Valley Disposal,

amend the City's Solid Waste Fee Schedule, and amend the ordinance relative to the new program.

DISCUSSION:

New organic waste services are necessary to implement the mandates passed by the State in AB1826, which requires businesses to recycle their organic waste on and after April 1, 2016. Organic waste includes food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. The legislation initially targeted businesses that generate 8 cubic yards of organic waste per week. However, the mandatory threshold for participation has decreased from the initial 8 cubic yards per week to 4 cubic yards per week as of January 1, 2017; and in 2019 will further decrease the participation level to any generator of 4 cubic yards or more of solid waste.

It is estimated that initially there will be less than 100 business that will be subject to this new requirement and an estimated additional 100-150 businesses may be impacted as the requirement threshold falls to 2 cubic yards per week.

The City's waste hauler contractor, Mid Valley Disposal, will provide the collection services and processing of the organic waste. City staff will provide the required outreach of educational material for impacted businesses and sign them up for the new services. City Staff will also provide the annual progress reports to Cal Recycle.

An amendment to the City's existing waste hauling contract with Mid Valley Disposal is needed to enable these new services. The new proposed rates for the City to pay Mid Valley Disposal are based on similar recycling services provided to the City with adjustments for additional tipping fees that the material will incur.

In addition, staff and the hauler also jointly recommend incorporating clean up language for the contract amendment to address the following matters:

- Additional service rates with pick-up frequencies and bin sizes that are part of the City's current fee schedule, but do not have corresponding rates in the contract with the hauler.
- A charge for the replacement of locks.

Corresponding new customer fees for the proposed new services are included in "Exhibit A" of the proposed resolution amending the City's fee schedule on file in office of the City Clerk. The new fees to customers for organic waste are based on the charges from our hauler plus \$0.46 per cubic yard to cover the cost of mandated education efforts and billing expenses the City will incur.

The program will not require any additional staff, other than a small increase in hours for existing part time staffing, approximately 0.2 FTE. These new costs are fully covered by revenues from the new fees as discussed above.

An amendment to the Municipal Code is proposed to implement the State's requirements by making organic wastes services mandatory based on the volumes of organic waste generated. The amendment does provide the ability for staff to issue warnings and violations in the event waste generating businesses are continually uncooperative in complying with the requirements. The attached implementation policy makes it abundantly clear that education and encouragement are anticipated to be the main tools for gaining compliance with the State's requirements, that citations would only be used as a last resort.

FINANCIAL IMPACT:

These expenses occur solely within the Solid Waste Fund. No negative financial impacts are anticipated, as the new organic waste hauling fees are designed to generate revenues equal to all the costs of providing the services.

MADERA VISION 2025:

The proposed actions are specifically consistent with the Madera Vision Plan, Action Item 437, Recycling Programs: Promote recycling through multiple programs.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING SECOND AMMENDMENT TO AGREEMENT WITH MID VALLEY DISPOSAL TO PROVIDE ADDITIONAL SERVICES RELATED TO NEW ORGANIC WASTE HAULING AND BIN SERVICE RATES AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

WHEREAS, CITY AND FRANCHISE HAULER Sunset Waste Systems entered into an agreement dated April 18, 2012 to contract with FRANCHISE HAULER to provide collection and transport solid waste services (the "Agreement"); and

WHEREAS, on September 24, 2014 the CITY AND FRANCHISE HAULER Sunset Waste agreed to assign the AGREEMENT for solid waste services to Mid Valley Disposal; and

WHEREAS, the City's agreement with Mid Valley Disposal for solid waste hauling services includes a provision allowing for amendments to the contract when new services must be added; and

WHEREAS, the City and Mid Valley Disposal, on December 16, 2015, did enter into an amendment to the Agreement with Mid Valley Disposal for a change in compensation for recycling of solid waste services; and

WHEREAS, the City has need to add additional solid waste hauling services to address the public's needs and to implement a new organic waste disposal program mandated by the State; and

WHEREAS, the City has need for a wider variety of sizes of bins and frequency of collection to provide a wider range of public service; and

WHEREAS, the City and Mid Valley Disposal have agreed to amend the Agreement to provide new service charge rates.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The Second Amendment to Agreement for the Collection, Transport, and Recycling Solid Waste Services for the City of Madera, a copy of which is on file with City Clerk and referred to for particulars, is hereby approved.
3. The Mayor is authorized to execute the Amendment on behalf of the City.
4. This resolution is effective immediately upon adoption.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA,
AUTHORIZING AN AMENDMENT TO THE CITY'S FEE SCHEDULE RELATING
TO SOLID WASTE COLLECTION SERVICES**

WHEREAS, Section 5-3.02 of Chapter 3 of Title V of the Madera Municipal Code provides that changes in solid waste collection service and rules and regulations pertaining to such collection shall be established by resolution of the City Council; and

WHEREAS, the City Council previously adopted Resolution 13-76 setting the rates and charges for solid waste services; and

WHEREAS, the State has mandated the implementation of a City program for the separate collection of organic waste (food waste); and

WHEREAS, the City's fee schedule does not include all the monthly solid waste container fees needed by the public; and

WHEREAS, the Council desires to amend the City's Fee Schedule related to Solid Waste collection services to include all the necessary fees needed to provide for all solid waste services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA HEREBY finds, orders and resolves as follows:

1. The above recitals are true and correct.
2. The City Council of the City of Madera by this Resolution does amend the City's existing fee schedule for solid waste collection services to add sections (a)(3), (i), and (j) to read as shown as shown on Exhibit "A" attached hereto.
3. This resolution is effective immediately upon adoption.

Additional Solid Waste Services Fees
Effective March 1, 2017

<u>TYPE OF SERVICE</u>	<u>RATE</u>
(a) (3) Additional Blue container	\$2.17
(i) Organic Waste ±96 Gallon Container Picked up once per week	\$10.28
Organic Waste ±96 Gallon Container Picked up twice per week	\$20.57
Organic Waste ±96 Gallon Container Picked up three times a week	\$30.85
Organic Waste ±96 Gallon Container Picked up four times a week	\$41.13
Organic Waste ±96 Gallon Container Picked up five times a week	\$51.41
Organic Waste 2 Cubic Yard Bin Picked up once per week	\$42.18
Organic waste 2 Cubic Yard Bin Picked up twice per week	\$77.36
Organic waste 2 Cubic Yard Bin Picked up three times a week	\$118.54
Organic Waste 2 Cubic Yard Bin Picked up four times a week	\$157.07
Organic Waste 2 Cubic Yard Bin Picked up five times a week	\$193.84
Organic Waste 3 Cubic Yard Bin Picked up once per week	\$52.77
Organic waste 3 Cubic Yard Bin Picked up twice per week	\$98.54
Organic Waste 3 Cubic Yard Bin Picked up three times a week	\$150.30
Organic Waste 3 Cubic Yard Bin Picked up four times a week	\$197.07
Organic Waste 3 Cubic Yard Bin Picked up five times a week	\$243.84
(j) Lost Lock Fee	\$15.00

RESOLUTION 92- 120

RESOLUTION ESTABLISHING NEW DRAINAGE FEES AND
REPEALING RESOLUTION NO. 4765 AND ALL
RESOLUTIONS IN CONFLICT HEREWITH

WHEREAS, on May 1, 1989, the City Council adopted Resolution No. 4765 entitled, "RESOLUTION ESTABLISHING NEW DRAINAGE FEES AND REPEALING RESOLUTION NO. 4581 AND ALL RESOLUTIONS IN CONFLICT HEREWITH"; and

WHEREAS, because of changing conditions and increased demands for drainage facilities, it is necessary and desirable to modify and add to previously fixed drainage fees;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

1. The following fees are hereby fixed and imposed as and for drainage fees in the City of Madera:

a. Except as hereinafter provided, Fifteen Cents (\$0.15) per square foot for all commercial and industrial structures, to be collected by the Building Department upon application for a building permit. In the event a builder or developer on any project or projects for which a building permit or multiple building permits are to be issued includes provisions for construction of storm drain lines or other drainage facilities, such builder or developer shall be entitled to a credit against the fees provided in this paragraph in such amount or amounts as may be determined by the City Engineer based upon the engineer's determination of the cost of said facilities and the benefit to the City therefrom.

b. A monthly service fee of Two Dollars (\$2.00) per month for each existing residential unit on any lot except as hereinafter provided

for apartments.

c. A fee of Two Tenths of a Cent (\$.002) per square foot of each structure per month containing more than two residential units, up to a maximum of Eighty Dollars (\$80.00) per month for lots containing not more than forty (40) units, a maximum of One Hundred Sixty Dollars (\$160.00) per month for lots containing not more than eighty (80) units, and a maximum of Two Hundred Forty Dollars (\$240.00) per month for lots containing eighty-one (81) or more units.

d. A fee of four-tenths of a cent (\$.004) per square foot of ground floor building area per month for all other properties in the City of Madera, except churches, up to a maximum of Eighty Dollars (\$80.00) per month.

e. A fee of two tenths (\$.002) per square foot of ground floor building area for churches in the City of Madera, up to a maximum of Eighty Dollars (\$80.00) per month.

2. The term "Ground Floor Building Area" shall be as determined by the Code Enforcement Department of the City of Madera.

3. All fees imposed herein, other than initial fees collected for new construction, shall become a charge due and payable to the City and added to municipal charges for sewer, water, disposal and/or other charges, payable in the same manner, and subject to the same rules and regulations applicable thereto. Such monthly charges shall also be imposed on all newly-improved property at the time of application for municipal services.

4. The Finance Director is directed to place the revenues collected pursuant to the provisions contained in this Resolution into the Storm Drain Fund. Fees collected with the issuance of building permits shall be

used for construction and/or acquisition of drainage facilities in connection with new development. Of the revenue collected on a monthly basis, two-thirds (66.6%) shall be used exclusively for the replacement and construction of storm drainage facilities approved by the City Council and for such purposes as are authorized by law. The balance, or one-third (33.3%) of the total monthly revenues shall be designated for maintenance of storm drain facilities and ponding basins. The City Administrator shall include a program of facility and ponding basin maintenance for City Council consideration as part of the annual budget.

5. The fees and charges contained in this Resolution shall be reviewed on a periodic basis by the City Council.

6. Resolution No. 4765, entitled "RESOLUTION ESTABLISHING NEW DRAINAGE FEES AND REPEALING RESOLUTION NO. 4581 AND ALL RESOLUTIONS IN CONFLICT HEREWITH", adopted May 1, 1989, is hereby repealed.

7. This Resolution shall be effective immediately upon adoption but shall be operative January 1, 1993.

* * * * *

PASSED AND ADOPTED by the City Council of the City of Madera this 21st
day of December, 1992, by the following vote:

AYES: Councilmembers O'Rourke, Scalzo, Armentrout, Perez and Mayor Wells.

NOES: None.

ABSENT: None.

/s/ John W. Wells
Mayor of the City of Madera

ATTEST:

/s/ Nicholas A. Pavlovich
City Clerk of the City of Madera