



City Council Staff Report

DATE: September 4, 2013

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1825, GRANTING AN EXCLUSIVE SOLID WASTE MANAGEMENT SERVICES FRANCHISE TO PALM SPRINGS DISPOSAL SERVICES AND ORDINANCE NO. 1826, AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING WASTE DISPOSAL SERVICES

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance Nos. 1825 and 1826.

RECOMMENDATION:

1. Waive the reading of the full text of the ordinance and adopt Ordinance No. 1825, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING AN EXCLUSIVE SOLID WASTE MANAGEMENT SERVICES FRANCHISE TO PALM SPRINGS DISPOSAL SERVICES, A CALIFORNIA CORPORATION."
2. Waive the reading of the full text of the ordinance and adopt Ordinance No. 1826, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 6.04.075, 6.04.076, AND 6.04.100 TO, AND AMENDING SECTIONS 6.04.010, 6.04.020, 6.04.40, AND 6.04.234 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL SERVICES."

STAFF ANALYSIS:

On July 3, 2013, Ordinance Nos. 1825 and 1826 were introduced for first reading as follows:

ACTION: 1) Waive the reading of the full text and introduce Ordinance No. 1825, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING AN EXCLUSIVE SOLID WASTE MANAGEMENT SERVICES FRANCHISE TO PALM SPRINGS DISPOSAL SERVICES, A CALIFORNIA CORPORATION;" and 2) Waive the reading of the full text and introduce Ordinance No. 1826, "AN ORDINANCE OF THE

Item No. **2.E.**


CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 6.04.075, 6.04.076, AND 6.04.100 TO, AND AMENDING SECTIONS 6.04.010, 6.04.020, 6.040.40, AND 6.04.234 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL SERVICES.”

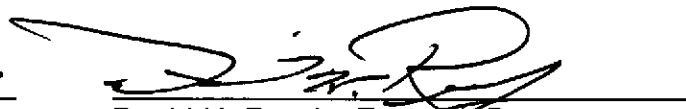
Motion Mayor Pro Tem Mills, seconded by Councilmember Foat, and unanimously carried on a roll call vote.

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Mills, and Mayor Pougnet.

NOES: None.

This report provides for the City Council to waive further reading and adopt the ordinances. The ordinances shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachment: Ordinance No. 1825
Ordinance No. 1826

ORDINANCE NO. 1825

**AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA,
GRANTING AN EXCLUSIVE SOLID WASTE MANAGEMENT SERVICES
FRANCHISE TO PALM SPRINGS DISPOSAL SERVICES, A CALIFORNIA
CORPORATION**

City Attorney Summary

The City Charter and the City's Municipal Code provides the City Council with the authority to decide the level of solid waste services to be provided to the City and whether such services are to be provided by means of nonexclusive, partially exclusive, or wholly exclusive franchise, contract, or license granted pursuant to such terms and conditions as prescribed by the City Council. This Ordinance grants an exclusive franchise to Palm Springs Disposal Services to provide collection, transfer, and disposal of solid waste and related services, including without limitation, source reduction, recycling, and composting activities. The franchise is for a term of 15 years, commencing on April 1, 2014.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

A. The City is responsible for providing solid waste management services to its citizens, including source reduction, recycling, composting activities and the collection, transfer and disposal of solid waste within the City boundaries, in a manner consistent with state laws.

B. The City Council has determined that the provision of solid waste management services by providing an exclusive franchise and agreement to a solid waste enterprise will best provide and maintain reasonable rates for collection, transportation, recycling, composting, and disposal of solid waste, recyclables, and compostable material generated within the City.

C. Palm Springs Disposal Services ("PSDS"), a California Corporation, has provided superior and reasonably priced solid waste collection and disposal services for the City of Palm Springs and its residents for several years and is qualified and competent to perform the solid waste management services desired by the City.

D. It is the desire of the City and PSDS to modify the residential service to one-day a week service with an appropriate reduction in service fees and to enhance recycling and waste diversion efforts in the City to ensure the City can reasonably attain its goals and requirements under state law.

E. On July 3, 2013, the City Council held a public hearing to consider the grant of an exclusive solid waste management services franchise to PSDS and to hear all persons desiring to be heard on the grant of such franchise.

F. Having considered all oral and documentary evidence presented on the matter of granting such franchise, the City Council has determined that the of an exclusive solid waste management services franchise to PSDS is in the public interest.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

Section 1. The City Council grants an Exclusive Solid Waste Management Services Franchise to Palm Springs Disposal Services, a California Corporation. PSDS is authorized to engage in the business of collecting, transporting, and disposing of solid waste and recyclable materials kept, accumulated, or produced in the City of Palm Springs and to use the public streets and rights of way for such purpose.

Section 2. The grant of this Exclusive Solid Waste Management Services Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 6.05 of the Palm Springs Municipal Code, this Ordinance, and the Agreement between the City and PSDS for Solid Waste Management Services ("Franchise Agreement") as such now exists or as may be amended from time to time.

Section 3. The Franchise Agreement shall be for a term of fifteen (15) years, commencing on April 1, 2014 and ending on March 30, 2029.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED AND ADOPTED at a regular meeting of the City Council on the ___ day of _____ 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Stephen P. Pougnet
Mayor

ATTEST:

James Thompson
City Clerk

ORDINANCE NO. 1826

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 6.04.075, 6.04.076, AND 6.04.100 TO, AND AMENDING SECTIONS 6.04.010, 6.04.020, 6.040.40, AND 6.04.234 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL SERVICES.

City Attorney's Summary

This Ordinance amends certain provisions of the City's waste disposal ordinance to conform to the new and additional services and related equipment that will be provided in conjunction with a new franchise agreement for solid waste services in the City.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Section 6.04.010 of the Palm Springs Municipal Code is amended by adding the term "Container" and amending the term "Municipal solid waste" to read:

"Container" means a cart, can, commercial bin, debris box, or stationary compactor intended for the purpose of depositing waste for disposal, except construction and demolition debris and bulky items, or recyclable materials for diversion. Containers may be provided by City or its authorized agent, or for manual collection as may be required to be provided by the property owner or occupant generating waste or recyclables.

"Municipal solid waste" means all solid wastes generated by residential, commercial and industrial sources, and all solid waste generated at construction and demolition sites, and at treatment works for water and wastewater, which are collected and transported under authorization of the city or are self-hauled. Municipal solid waste does not include agricultural crop residues, mining waste and fuel extraction waste, forestry wastes, ash from industrial oilers, furnaces and incinerators, infectious waste, or hazardous waste.

SECTION 2. Section 6.040.020 of the Palm Springs Municipal Code is amended to read:

6.04.020 Containers—Provision required—Adequacy.

It is the duty of every person in possession, charge, or control of any premises within the City, in or from which waste is produced, generated or accumulated, to provide, and at all times to keep in a suitable place readily accessible to the waste or recyclable material collector, containers capable of holding without spilling all materials which

would ordinarily accumulate on such premises between the times of two successive collections. No containers shall be located within locked gates or doors or in a fenced or enclosed area used to restrain animals at the time of collection. The containers shall be filled no more than level full and shall be kept covered. When amounts of waste exceed the capacity of the container, it shall be the duty of the property owner or the person responsible for disposal of waste generated at the premises to arrange for removal of such excess waste by the City or its authorized representative.

SECTION 3. Section 6.040.40 of the Palm Springs Municipal Code is amended to read:

6.04.040 Containers—Domestic—Specifications.

All domestic waste containers shall be constructed of metal or plastic, equipped with suitable handles and tight-fitting covers, watertight, have a capacity of not less than ten gallons and not more than thirty-two gallons, and have a total loaded weight of not more than fifty pounds at the time of collection. In the event the City or its authorized agent provides carts for waste and recyclable materials for use in its collection system, domestic premises and commercial premises that receive individual collection from carts shall utilize the carts so provided by separating waste and recyclable materials.

SECTION 4. Section 6.04.075 is added to the Palm Springs Municipal Code to read:

6.04.075 Debris Boxes.

Debris boxes shall be of welded steel construction suitable for storage of construction and demolition debris, yard waste, and bulky items, and shall be equipped to be hauled by a roll-off type of refuse truck designed for that purpose. Debris boxes shall be filled more than level full and shall not exceed eleven tons at the time of collection.

SECTION 5. Section 6.04.076 is added to the Palm Springs Municipal Code to read:

6.04.076 Stationary Compactor.

Stationary compactors shall be of welded steel construction, fully enclosed with detachable compaction units suitable for storage of waste, except construction and demolition debris and bulky items, and shall be equipped to be hauled by a roll-off type refuse truck designed for that purpose. Stationary compactors shall not exceed eleven tons at the time of collection.

SECTION 6. Section 6.04.100 is added to the Palm Springs Municipal Code to read:

6.04.100 Construction and Demolition Debris.

Waste resulting from demolition, remodeling, refurbishing, landscaping, or construction at any premises shall not be deposited in containers designed or otherwise intended for domestic or commercial waste.

SECTION 7. Section 6.04.234 of the Palm Springs Municipal Code is amended to read:

6.04.234 Unauthorized collectors.

At such times as there is in force a contract entered into by the city with any contractor for the collection and disposal of waste and recyclable materials of the city and its inhabitants, it is unlawful for any person other than the contractor, or its agents and employees, to collect any waste or recyclable materials for hire within the city. This section shall not, however, be deemed to prohibit any person performing gardening or landscape services, and who possesses an appropriate business license for such activity, from carrying away leaves and the like, generated by the gardening or landscape services performed.

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2013.

AYES:
NOES:
ABSTAIN:
ABSENT:

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK