



Staff Report

April 6, 2007

TO: City Council

FROM: Bob Weir, Public Works Director
Sue Gedestad, Operations Administrator

SUBJECT: Green Waste Containerization Pilot Program

Recommendation

Support the development and implementation of a pilot program to containerize green waste on selected arterials that have significant bike traffic.

Fiscal Impact

Unknown at this time.

Background

The review of the City's green waste disposal method came forward for several reasons: bicycle safety, aesthetics and stormwater management. All of these areas were assessed in the context of solid waste management, the utility responsible for pick up. Following is a brief description of the issues surrounding the pick up method for green waste:

Storm Water Management

Initially, the Regional Water Quality Control Board (RWQCB) staff, in review of the City's Storm Water Management Plan submitted March 2003, had found the current green waste management program to be inadequate. RWQCB staff contends that loose green waste in the street degrades storm water quality and emphasizes that green waste containerization or its equivalent is needed.

Bicycle Safety

The current collection method of collecting green waste loose in the street poses safety concerns for bicycle riders. The conflict between piles of green waste and bicyclists has been recognized over the years and appears in the City of Davis Bicycle Plan as an issue needing improvement.

Aesthetics

Over the last several years, but especially after converting to automated trash and recycling pick up, some residents have voiced their preference for containerized pick up for green waste. The concern is the aesthetics of having green waste loose in the street and blowing material on windy days.

Solid Waste

The State of California requires that communities divert 50% of its waste from the landfill. Currently green waste is approximately 52% of the City's total diversion. One concern in containerizing green waste is that more green waste may end up being disposed in trash and/or recycling carts which will then end up in the land fill.

Analysis

The City Council approved in July 2006, a three step review process.

1. Continue to work with the RWQCB in developing the best strategy for green waste disposal. In December 2006, the City was issued a stormwater permit that does not require containerization. The permit does require enhanced education on the proper placement of green waste piles. At present there is no science to indicate what the collection methods effect on the amount of organics in storm water is, however, it is very possible that future permits could continue to advocate or require containerization.
2. Continue to monitor the City of Woodland's process. Woodland's City Council took action in 2005 to containerize green waste. There was a significant citizen outcry that prompted the council to establish the Green Waste Citizen Advisory Committee. The citizen committee embarked on a lengthy process, approximately 18 months, to review and develop a green waste pick up method that addresses the various interests and issues. After preliminary review, Woodland City Council asked staff to get cost proposals to implement the task force suggestions. Attached is the most current staff recommendation that will be going to Woodland City Council in the next month or so.
3. Conduct a citizen survey to gather information on what residents are interested in as it relates to green waste disposal. The City of Davis experienced a moderate amount of resistance with the conversion to automated pick up for trash and recycling two years ago. Concerns mostly surrounded the lack of space needed to store two carts. This conversion would require a minimum of one additional cart.

The City contracted with Godbe Research to conduct a citizen phone survey. The results of the survey indicated that 95% of the respondents were satisfied with the current service and 63% reported they are opposed to the containerization of green waste. While understanding that the survey is one snap shot in time, it does indicate that containerization is an up-hill battle.

Challenges of Containerization

Green waste has been collected loose in the street in Davis for many years. Many citizens enjoy the ease of handling large scale pruning and large leaf piles in the present manner and a change to containers for some will not be welcomed. If the conversion to containers also necessitates an increase in collection costs this segment of the community will be even more opposed to a change.

The difficulty in keeping costs down or neutral for a change to containerization is lessened if the collection method is switched entirely and no hybrid or dual system is operated. However, without some hybrid system, large quantity green waste would be an inconvenience to some customers, particularly those with mature landscaping.

In 2004 the City converted to automated trash and recycling pick up. At that time, the biggest concern voiced by residents was the lack of space to store the carts. Green waste containerization will add at least one more cart for residents to store. The phone survey does indicate that there continues to be a significant resistance to containerization.

Containerizing green waste can take various forms. Full containerization would require all green waste throughout the year to be placed in carts for pick up. For some parcels that have mature landscaping, this is a real challenge. To help address some of the seasonal issues communities have looked at hybrids that allow for some street pick up, for example, during spring pruning or fall leaf drop season. Woodland's citizen committee on green waste developed a hybrid that called for monthly street pick up. In any form, the hybrid system really is running two separate systems and as such has a greater cost.

There are obvious obstacles to containerization. However, the bike safety issue continues and the role of containerization in future stormwater permits is unknown. Staff recommends a pilot containerization program that focuses on reducing bike conflict and allows for the assessment of the community benefit of city wide containerization. Outcomes can vary from limited containerization to city-wide containerization or completely reverting back to the current method of loose in the street.

Gaining public acceptance for the change to containers will take some time, effort and considerable public outreach. A pilot program is envisioned that would convert the majority of arterial streets to a container program within a one year period and then monitor the success. City wide education efforts on the pilot program, the benefits of reduced bike conflicts, proper green waste placement in all areas, opportunities for back yard composting and other green waste reduction methods, would be key elements of the program.

Conclusion

In trying to balance solid waste diversion concerns, citizen preferences and bike safety and aesthetics issues, staff is recommending a pilot program that containerizes green waste on selected streets. Arterial streets that have high bicycle traffic are the streets this pilot would concentrate on. After some time and assessment of the success of the pilot program, containerization could be expanded city wide. Of note, is that green waste containerization may provide an opportunity to collect food waste.

The Natural Resources Commission supports the pilot project. However, they suggested that non arterial streets be considered. Lighting and bike traffic in general should be the main consideration in choosing streets for the pilot. The NRC also advocated that any pilot include composting. They were interested in increased composting education as well as “group” composting opportunities.

The Bicycle Advisory Commission also supports a pilot project and also echoes the NRC’s desire to expand our current composting education programs.

Attachment

**City of Woodland Staff Recommendation
for Green Waste Collection Services and Extension of Franchise Agreement
February 22, 2007**

The following identifies the City of Woodland staff recommendation for green waste collection services and an extension of the existing franchise agreement from December 31, 2010 to December 31, 2015. The recommendation is based on the outcome of negotiations with Waste Management and the original Solid Waste Committee and Citizen Advisory Committee recommendations for green waste collection services.

Green Waste and Street Sweeping Services for 2008 through 2009

- **Residential and Commercial* Property Rates:** 1 or 2 containers: \$11.59; 3 containers: \$14.55. Existing small residential lots (5,000 square feet or less) would receive a grandfathered rate of \$8.57 as long as only one container is requested. Only commercial properties that are located in the existing green waste service area could participate in the green waste container program. A 10% discount on all Waste Management services would be given to low income qualifying senior and disabled residents that sign up for such discount.
- **Leaf Season Collection Services (October 15 through January 15):** weekly container and street collection services. Grass clippings would go into containers year round (not placed in the gutters during leaf season).
- **Non-Leaf Season Collection Services (January 16 through October 14):** City-wide weekly green waste container collection plus once a month street collection of green waste (except for grass).
- **Street Sweeping:** Street sweeping would be conducted weekly city-wide by Waste Management.

Green Waste and Street Sweeping Services for 2010 through 2015

In June 2009 City staff will reevaluate the green waste collection program (including the solicitation of input from the public) and make a recommendation to the Solid Waste Committee as to whether or not the City should implement Phase 2 of the program or continue with the Phase 1 services. The Solid Waste Committee would then make a recommendation to the City Council and the Council would vote on which services should be implemented starting January 1, 2010. The following presents the services and/or rates that would be implemented under the continuation of Phase 1 services beyond 2010 or the implementation of Phase 2 services in 2010.

Continuation of Phase 1 Services 2010 through 2015

- **Rates:** An increase of \$1.09 per household per month would be needed to continue Phase 1 services from 2010 through 2015.

- **Services:** The services identified above under “Green Waste and Street Sweeping Services for 2008 through 2009” would be implemented with the continuation of Phase 1 services from 2010 through 2015.

Implementation of Phase 2 Services 2010 through 2015

- **Residential and Commercial* Property Rates:** There would be no rate increase. Rates would be the same as identified above under Phase 1 Services 2008 through 2009 (1 or 2 containers: \$11.59; 3 containers: \$14.55; small lot grandfathered rate \$8.57). Only commercial properties that are located in the existing green waste service area could participate in the green waste container program.
- **Leaf Season Collection Services (October 15 through January 15):** weekly container and street collection services. Grass clippings would go into containers year round (not placed in the gutters during leaf season).
- **Non-Leaf Season Collection Services (January 16 through October 14):** City-wide weekly container green waste collection plus one pruning season street collection. Grass must always be placed in a container.

Street Sweeping:

- Weekly sweeping arterials, collectors, and parking lots and Dog Gone and Dead Cat Alley
- Every other week sweeping in City Tree Designated Area (52 total curb miles, bordered by Woodland Avenue, East Street, Gibson Avenue, and West Street excluding Arterials and Collectors)
- Monthly sweeping in remainder of City

Other Services/Requirements 2008 through 2015

(italics indicates additional Citizen Advisory Committee recommendation)

- **Merging of Existing Agreements and Additional Safeguards for City:** as part of the contract extension, the existing City/WM franchise agreements would be merged into one document. At this time, contract definitions would be made consistent and fully defined and additional terms would be added such as: City protective language (compliance with all laws; additional services requested by the City; financial record keeping; reporting requirements; inspections and reviews; indemnification; breach and default of contract; assurances of performance; and disputes and resolutions), performance review criteria (see Attachment 1), and additional reporting requirements (see Attachment 2). The final language for the previously mentioned items will be negotiated between City staff and Waste Management and approved by the City Attorney.

- **Enforcement:** Compliance will be mainly complaint driven; however, as Waste Management drivers or City staff identify illegal piles, enforcement procedures could be implemented.
- **Opting Out of Program:** Residential customers will not be able to opt out of the green waste program. Subscribing to the green waste program will be optional for commercial customers whose properties are located in the existing green waste service area.
- **Container Sizes and Rate for Multiple Containers:** Two containers will be available for the same price. Customers will also be able to choose a smaller container if the standard 96 gallon container does not meet their needs. Residents would be able to make a change in container size or number of containers once every twelve months at no additional cost.
- **Franchise Fee:** Franchise fee to increase from 8-10% upon commencement of Phase I and to 12% upon the start of the 5 year extension (January 1, 2011); a minimum of one percent of the fee will be dedicated to the City's management of the Solid Waste Program.
- **AB 939 Annual CPI Increase:** Since 1991 residents have paid \$0.70 per month to administer the City recycling program and other requirements to comply with AB 939 (commercial properties pay \$0.25 per yard of trash). While staff and program costs have increased over the last 16 years, these rates have not increased along with the annual CPI adjustment for the remainder of the franchise agreement. Therefore, it is recommended that the annual CPI increase (not to exceed 3%) for the WM services be extended to include a CPI increase for the AB939 fees.
- **Collection of Extra Items:** Waste Management will host a free annual bulky item, universal waste, and household hazardous waste collection event. Residents may request curbside bulky item collection from their residence for a fee (\$65 with an annual CPI increase not to exceed 3% annually)
- **Additional Recycling Services:** Waste Management will provide 150 "special-type" recycling containers and services for non-City sponsored special events throughout the City and free recycling services for City-sponsored events.
- **Special Service Rates for Commercial Services:** Waste Management will increase special service rates for commercial services. Such rate increases would affect customers that need the Waste Management driver to push their trash dumpster to a service location, unlock a gate to get to the trash dumpster, etc.
- **Composting:** *The City should increase composting courses and investigate composting the City's green waste as a City/County function.* Staff has increased the number of composting courses offered by holding courses during the annual Arbor Day event (in addition to the regularly scheduled composting courses). The City will continue to

explore increasing composting opportunities of its green waste with Waste Management and Yolo County.

- **Public Education:** *The City and Waste Management should increase public education and send information in the WM bills to educate the public about recycling, green waste, etc. The extension of the franchise agreement includes increased public outreach/education by Waste Management.*
- **Ordinance Revisions:** *The City Code needs to be updated to reflect the changes in the green waste collection program. The City Code will be updated to reflect the new program requirements.*
- **Woodland Certified Landscape Maintenance Professional:** *The Citizen Advisory Committee recommended that the City should institute this voluntary program as a way of educating and rewarding licensed landscape professionals. There would be an educational requirement (certification that the professional has read a one page synopsis of the program to be prepared by City staff) along with a visible means of identification like a sticker for a vehicle. This would give residents an opportunity to “shop locally” when it comes to landscaping as well as encourage out-of-town landscape professionals to educate themselves about the City’s green waste program. This program would be entirely voluntary. Instead of certifying landscapers, staff recommends increasing educational opportunities for landscapers and providing a summary of the program requirements during the business license application process.*
- **Appointment of a Green Waste Oversight Committee:** *The Citizen Advisory Committee recommended that the Council appoint a green waste oversight committee to review and optimize the program over time. Instead of creating an additional committee to evaluate green waste related issues, the Solid Waste Committee recommended that the new City Council reevaluate the need for expanded, ongoing citizen involvement and if so, to determine if the scope/size/composition of the Solid Waste Committee should be modified. This issue will be reevaluated after the implementation of the green waste container program.*

Attachment 1. Draft Performance Review Language

The City, at its sole discretion, may require a "Performance Review" of the Contractor at the end of the current Term of the Agreement, prior to the beginning of the agreed to five-year extension. This performance review shall be conducted between the dates of XXXX and XXXX. The Performance Review shall be conducted as set forth below.

A. Scope of Performance Review. The Performance Review shall:

1. Be performed by a qualified firm under contract to the City. The City shall select the qualified firm with input from the Contractor.
2. The costs to the City of the Performance Review shall be reimbursed by the Contractor, provided that such reimbursement shall not exceed \$50,000 per review. However, if the Performance Review finds a material breach or default in the Contractor's performance, the Contractor shall in a timely manner reimburse the City the total cost of the Performance Review.
3. Address all appropriate areas which may include, but are not limited to the following areas, and shall provide specific recommendations, as appropriate, for improvement in each area, namely:
 - a. Compliance with the terms of this Agreement and Applicable Laws.
 - b. Overall organizational structure and management systems and procedures.
 - c. Efficiency of collection operations, including an analysis of routes, schedules and the impact of Franchise requirements.
 - d. Staffing practices, including the deployment of management and supervisory personnel.
 - e. Financial management practices, including the Contractor's billing and collection system and its policies with regard to uncollected Customer accounts.
 - f. Personnel management practices, including compensation policies and the resolution of employee grievances.
 - g. Employee job and safety training, and management of Hazardous Waste.
 - h. Procedures for receiving and resolving Customer and Service Recipient complaints and concerns.
 - i. Procedures for the acquisition, maintenance, safety check, and replacement of equipment.

- j. Utilization and management of facilities, equipment, and personnel.
- k. Comparison with practices of businesses deemed similar to the Contractor.

The Contractor shall cooperate fully with the Performance Review, and provide within thirty (30) days of request, all operational, financial and other information deemed reasonable or convenient by City or the firm selected by the City for purposes of conducting the Performance Review. The Contractor's failure to cooperate or provide all requested information shall be considered an event of Default.

B. Changes to Operations. In conjunction with the review of a particular Performance Review, the City reserves the right to require changes to the Contractor's operations, which the City determines to be necessary or appropriate by reason of the findings or results of the Performance Review to carry out the intent of the terms and conditions of this Agreement, or to modify the Contractor's Service Fees pursuant to Article X.X.

C. Determination of Default. If, after the City has reviewed the results of a particular Performance Review including problem areas, frequency of occurrence, recommended improvements and compliance therewith, and has considered any evidence presented by the Contractor in connection therewith, the City determines to its satisfaction that any significant event of Default has occurred, then this Agreement may be terminated by the City at its option pursuant to Article X.X of this Agreement and without prejudice to any other remedy to which it may be entitled to either at law, in equity, or under this Agreement by giving written notice of termination, either by mail or personal service, to the Contractor not less than thirty (30) days prior to the date upon which the termination is to become effective.

Attachment 2. Draft Operations Reporting Requirements

A. General

Annual reports shall be submitted no later than July 15 for the previous calendar year, beginning July 15, 20XX. Quarterly reports to the City shall be due on the 15th day of the month following the previous calendar quarter. Monthly reports to the City shall be due on the 15th day of the month following the previous calendar month. Annual and quarterly reports shall be provided electronically in software acceptable to the City.

B. Monthly Reports

Monthly reports to the City shall be due on the 15th day of the month following the previous calendar month and shall include:

1. Include separately for Container, Bin, Debris Box, Compactor Service, Green Waste, and Used Oil and Oil Filters the number of tons (gallons or number of filters) Collected and Delivered to the Disposal/Recycling facility.

C. Quarterly Reports

Quarterly reports to the City shall be due on the 15th day of the month following the previous calendar quarter and shall include:

1. Detailed review of the number and type of complaints received over the past quarter, including how they were resolved and the elapsed time between receipt of the first complaint and final resolution of the complaint. Contractor shall propose, and City shall approve in advance the format to be used for this portion of the quarterly report.
2. Provide summary narrative of problems encountered with Collection and processing activities and actions taken. Indicate type and number of notification tags left at Customer locations. Indicate instances of property damage or injury, poaching or scavenging, significant changes in operation, market factors, publicity conducted, and needs for publicity.
3. Provide a copy of log of praises and complaints and resolutions of complaints, including a summary of the type and number of complaints. Provide written record of all calls related to missed pickups and responses to such calls.

The quarterly report may include the monthly report, that is due that month, in one document.

D. Annual Reports

Annual reports to the City shall be due on July 15 of each year, beginning July 15, 20XX, and shall include:

1. Reviewed financial statements by a City approved. All review costs will be paid for by the Contractor.
2. A summary of the prior year's monthly Gross Rate Revenues, Contractor Fee, AB 939 Fee, any other payments to City, and Monthly Remittances.
3. Account data submitted electronically in software acceptable to the City, including the number of accounts, account names and addresses of collection locations per each service category.
4. Public education and information activities undertaken during the year, including distribution of bill inserts, Collection notification tags, community information and events, and other activities related to the provision of Collection Services. Discuss the impact of these activities on Recycling and Green Waste participation and amounts collected for single-family, multi-family and commercial Customers. A public education plan will be submitted within 30 days of contract execution. Annual updates will be provided to the City.
5. Include separately for Container, Bin, Debris Box and Compactor Service the number of tons Collected and Delivered to the Disposal facility. Indicate number of service accounts by service classification level for single-family, multi-family and commercial Customers. Indicate number of Bins and Containers distributed by size and Customer type.

The annual report may include the monthly and quarterly reports, that are due in that month, in one document.