



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JANUARY 15, 2008

ITEM NUMBER: Item Number

**SUBJECT:** ORDINANCE AMENDING TITLE 8 OF THE COSTA MESA MUNICIPAL CODE TO CLARIFY SERVICE AREAS FOR FRANCHISED WASTE HAULERS

**DATE:** JANUARY 3, 2008

**FROM:** PUBLIC SERVICES ADMINISTRATION

**PRESENTATION BY:** PETER NAGHAVI, ACTING PUBLIC SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT:** DONNA THERIAULT, MANAGEMENT ANALYST, AT 714-754-5024

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## RECOMMENDATION:

Give second reading and adoption to the attached Ordinance (Attachment 1) to amend the Costa Mesa Municipal Code Title 8, Section 8-87(c)(1) to include the **single-family residential** service area for franchised commercial waste haulers to provide temporary dumpster service.

## BACKGROUND:

On December 4, 2007, City Council adopted Ordinance 07-19 amending Title 8, Section 8-87 of the Municipal Code to redefine the classes of franchised waste haulers (Council Action Minutes included as Attachment 2). Class A franchisees are now defined to include solid waste companies providing recurring and temporary dumpster service utilizing front loader and roll-off type vehicles, and authorizes them to collect, transport, remove, dispose and/or recycle any type of solid waste material generated by commercial, multi-family residential or industrial units. Class B franchisees are defined to include construction and deconstruction companies utilizing "affixed" container vehicles such as dump trucks, end dump and belly dump vehicles.

Ordinance 07-19 also provided for the assessment of penalties for failure by the franchisees to report gross receipts and pay franchise fees accurately and timely.

At the January 2, 2008 Council Meeting, Council passed the "first reading" of the attached Ordinance which modifies certain elements of the existing solid waste franchise system.

## ANALYSIS:

After the first reading of Ordinance 07-19, but prior to the second reading on December 4, 2007, one of the franchised commercial waste haulers notified staff that Ordinance 07-19 did not include **single-family residential** as an authorized service area for temporary dumpster service. Staff reviewed Ordinance 07-19 and agreed that the language should be clarified to include the **single-family residential** sector as a permitted service area for the temporary dumpster service provided by the Class A franchised waste haulers.

Attachment 3 is the edited copy of Ordinance 07-19 showing the amendment in underlined text.

The proposed Ordinance would add “**single-family residential**” to Section 8-87 of the Municipal Code and include it in the list of authorized service areas for the Class A franchised waste haulers to provide temporary dumpster service.

**ALTERNATIVES CONSIDERED:**

Council could choose to not give second reading and adoption to the proposed Ordinance. Staff does not recommend this alternative as it would require single-family residents to use only the Costa Mesa Sanitary District’s contract waste hauler for temporary dumpster service.

**FISCAL REVIEW:**

There is no cost to the City associated with the proposed amendment.

**LEGAL REVIEW:**

Legal staff has prepared and approved the proposed Ordinance as to form.

**CONCLUSION:**

Staff is requesting City Council to give second reading and adoption to the proposed Ordinance that amends Title 8, Section 8-87(c)(1) to include the **single-family residential** sector as a service area for franchised waste hauling companies to provide temporary dumpster service.

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DONNA THERIAULT  
Management Analyst

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PETER NAGHAVI  
Acting Public Services Director

**DISTRIBUTION:** City Manager  
City Attorney  
Director of Finance  
City Clerk  
Staff

**ATTACHMENTS:** 1 [Proposed Ordinance](#)  
2 [Council Action Minutes for December 4, 2007](#)  
3 [Edited Copy of Ordinance 07-19](#)