

Meeting Date: October 11, 2011

Agenda Item 19

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop

SHORT TITLE AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES" TO AMEND THE SERVICE CHARGES FOR THE COLLECTION AND DISPOSAL OF REFUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

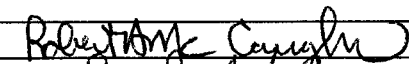



OR MOTION: _____

Summary of Purpose and Why: The Public Works Department received from Waste Management a notice of adjustment of hauling and disposal rates to be effective October 1, 2011. This change is in accordance with our Waste Management contract which allows an annual rate adjustment based on the Consumer Price Index and fuel prices. The contract allows an increase/decrease of 80% of the CPI-Transportation Index. The June 2011 CPI-Transportation Index increased 10.06% over the June 2010 Index. However the City's contract with Waste Management includes a not to exceed 7% adjustment clause. This capped 7% rate adjustment will be applied to all residential and commercial accounts Also, in accordance with the contract, there is a .55% or \$0.41 per ton increase in the commercial disposal rate.

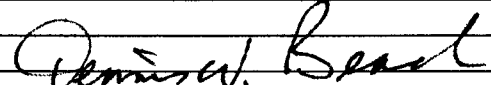
TABLED FROM 9/27/11 CITY COMMISSION MEETING

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Public Works Department
- (2) Primary staff contact: Robert McCaughan, Public Works Director Ext. 4097
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Public Works	9/16/11	Approve	
Finance	9/16/11	Approve	
Budget	9/16/11		
City Attorney	9/16/11		

Advisory Board
 Development Services Director
 City Manager



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading <u>9/13/11</u>	1st Reading _____	Results: _____	Results: _____
APPROVED			
2nd Reading <u>9/27/11</u>	_____	_____	_____
_____	_____	_____	_____



City Attorney's Communication #2011-1577


August 29, 2011

TO: Russell Ketchem, Supervisor
FROM: Jill R. Mesojedec, FRP, Paralegal
VIA: Gordon B. Linn, City Attorney *GL*
RE: Ordinance Amending Section 96.13, "Service Charges"

As requested in your e-mail to me of August 29, 2011, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO INCREASE THE SERVICE CHARGES FOR COLLECTION AND DISPOSAL OF REFUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please carefully review the Ordinance to ensure that it meets with your desires. If I may be of further assistance, please feel free to contact me.



JILL R. MESOJEDEC

/jrm
l:cor/pw/2011-1577

Attachment

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO INCREASE THE SERVICE CHARGES FOR COLLECTION AND DISPOSAL OF REFUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 96.13, "Service Charges," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 96.13 SERVICE CHARGES.

There is hereby levied and assessed against each and every person, firm, partnership, corporation, or other legal entity owning, occupying or using any building, structure, residence, duplex unit, triplex unit, multiple dwelling unit, or commercial establishment within the corporate limits of the city and upon each and every condominium association and cooperative association a service charge or charges for the collection of refuse by the city in accordance with the following schedule. In addition, a special services fee to cover the city's cost for bulk waste pickup, collection of illegally dumped material, and recycling shall be added to each residential customer account.

(A) Garbage and horticultural trash.

- | | |
|---|---|
| (1) Residence, duplex, and triplex without bulk containers. | |
| Residence | \$14.97 <u>\$16.03</u> per month |
| Duplex per unit | 14.42 <u>\$15.44</u> per month |
| Triplex per unit | 13.86 <u>\$14.84</u> per month |

For residential accounts using can service, which are billed by the unit, a charge of ~~\$2.64~~ 1.64 per unit per month, shall be imposed. An additional fee of ~~\$5.51~~ 5.90 per month shall be imposed for collection other than curbside and must be for a minimum of three months. This fee may be imposed where the design of the property prohibits the service vehicle from entering the location for the collection of waste, thus requiring walk-out service. Properties may request this service by writing to the City Manager or his designee. This fee may be waived by city where all occupants of a dwelling unit are physically incapacitated and unable to transport their garbage curbside. Proof of physical incapacity or inability must be provided to the City Manager or his designee and he may impose such reasonable conditions as may be required for waiver and certification.

- (2) Residences, duplex, triplex, and multiple dwellings with:
 - (a) Non-compactor type bulk containers, per pickup: ~~\$5.46~~ \$5.85 per cubic yard plus rental and maintenance charges as set out in Schedules A and B below
 - (b) Non-compactor type bulk containers, per pickup: ~~\$2.22~~ .95 per cubic yard special service fee
 - (c) Compactor-type bulk containers, per pickup: ~~\$18.43~~ \$19.75 per compacted cubic yard plus rental and maintenance charges as set out in Schedules B and C below
 - (d) Compactor-type bulk containers, per pickup: ~~\$8.88~~ 3.80 per cubic yard special service fee
 - (e) Non-compactor special pickup per cubic yard: ~~\$8.09~~ \$8.66
 - (f) Compacted special pickup per cubic yard: ~~\$27.49~~ \$29.42
- (3) Multiple dwellings without bulk containers. ~~\$9.36~~ \$10.03 per unit per month
- (4) Commercial establishments without bulk containers. ~~\$26.67~~ \$28.61 per month for two garbage receptacles plus ~~\$13.34~~ \$14.31 per month for each additional garbage receptacle.
- (5) Commercial establishments with:

- (a) Non-compact type bulk containers, per pickup: ~~\$18.06~~ \$19.39 per cubic yard plus rental and maintenance charges as set out in Schedules A and B below.
- (b) Compactor-type bulk containers, per pickup: ~~\$62.85~~ \$67.53 per compacted cubic yard plus rental and maintenance charges as set out in Schedules A and B below.
- (c) Non-compact special pickup per cubic yard: ~~\$20.46~~ \$21.96

...

(7) Trailer parks. The charge for collection shall be ~~\$12.47~~ \$13.35 per month per pad space for each trailer park regardless of whether any pad spaces are occupied or vacant. Trailer parks using bulk containers shall pay the rental and maintenance charges as set out in Schedule A and Schedule B, plus ~~\$5.46~~ \$5.85 per cubic yard per pickup of the bulk containers. The charges provided in this chapter for trailer parks shall be billed at the end of each month to the operator of the trailer park.

...

Schedule A

Monthly Rental and Maintenance Charge

Container Size	<i>Residence, Duplex, Triplex and Multiple Dwelling</i>		<i>Commercial</i>	
	18.21	<u>19.48</u>	19.33	<u>20.68</u>
2 cubic yards	18.21	<u>19.48</u>	19.33	<u>20.68</u>
3 cubic yards	22.83	<u>24.43</u>	24.15	<u>25.84</u>
4 cubic yards	27.37	<u>29.29</u>	29.00	<u>31.03</u>
6 cubic yards	31.91	<u>34.14</u>	33.79	<u>36.16</u>
8 cubic yards	36.48	<u>39.03</u>	38.63	<u>41.33</u>

Schedule B

Additional charge for short rollout of containers, (commercial establishments) size two to four cubic yards

One time per week ~~\$19.33~~ \$20.68 per month per container

The charge for each additional rollout per week shall be increased by the amount of ~~\$19.33~~ \$20.68 per rollout.

Residence, duplex, triplex and multiple dwelling rollout of containers size two to four cubic yards.

One time per week ~~\$18.21~~ \$19.48

The charge for each additional rollout per week shall be increased by the amount of ~~\$18.21~~ \$19.48 per rollout.

Additional charge for long or inclined rollouts, (commercial establishments) size two to four cubic yards.

One time per week ~~\$29.00~~ \$31.03 per month per container

The charge for each additional rollout per week shall be increased by the amount of ~~\$29.00~~ \$31.03 per rollout.

Any container (commercial establishments) requiring casters shall be charged an additional ~~\$5.77~~ \$6.17 per month maintenance, per container.

Any residence, duplex, triplex and multiple dwelling requiring casters shall be charged an additional ~~\$5.47~~ \$5.85 per month maintenance per container.

Additional charge for long or inclined rollouts for residence, duplex, triplex and multiple dwelling, size two to four cubic yards.

One time per month ~~\$27.37~~ \$29.29 per month per container

The charge for each additional rollout per week shall be increased by the amount of ~~\$27.37~~ \$29.29 per rollout.

Schedule C

Compactor-Type Bulk Containers Maintenance (Commercial establishments)

2 cubic yards	\$57.94	<u>\$62.00</u>
3 cubic yards	72.46	<u>\$77.53</u>
4 cubic yards	87.90	<u>\$94.05</u>
6 cubic yards	101.41	<u>\$108.51</u>
8 cubic yards	115.91	<u>\$124.02</u>

Compactor-Type Bulk Containers Maintenance (Residence, duplex, triplex and multiple dwellings)

2 cubic yards	\$54.72	<u>\$58.55</u>
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3 cubic yards	68.40	<u>\$73.19</u>
4 cubic yards	82.97	<u>\$88.78</u>
6 cubic yards	95.73	<u>\$102.43</u>
8 cubic yards	109.43	<u>\$117.09</u>

**Schedule D
Rolloff Services**

15 yard maintenance	\$143.80	<u>\$153.87</u>
15 yard per pull	241.39*	<u>\$258.29*</u>
30 yard maintenance	160.80	<u>\$172.06</u>
30 yard per pull	378.96*	<u>\$405.49*</u>
Packers	295.01	<u>\$315.66</u>

* Does not include disposal charges. Disposal charges will be charged separately at rates in effect at the time of service for the specific type of material.

...

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

/jrm
8/29/11
l:ord/ch96/2011-397



WASTE MANAGEMENT INC. OF FLORIDA

2700 Wiles Road
Pompano Beach, FL 33073

July 21, 2011

Mr. Dennis Beach
City Manager
City of Pompano Beach
100 West Atlantic Avenue
Pompano Beach, FL 33060

Dear Mr Beach:

Attached are the new Solid Waste and Recycling Collection rates effective October 1, 2011. The rates were adjusted in accordance with our contract terms with respect to changes in Disposal, CPI or Fuel where applicable. Supporting documentation is included for your review.

Should you have any questions, please contact me at 772-260-3997.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Leitman', written over the word 'Sincerely,'.

Steven Leitman
Pricing Manager

cc: Tony Spadaccia
Lesley Sanatan

PUBLIC WORKS

AUG - 1 2011

RECEIVED

From everyday collection to environmental protection, Think Green® Think Waste Management.

Waste Management
POMPANO RATE SCHEDULE
EFFECTIVE: October 1, 2011

Transp. Index Change	18.04%	\$	75.17	= Tipping Fee 2011
80% of Change Max 7%	7.00%	\$	74.76	= Tipping Fee 2010
			\$0.41	= Change

TYPE OF SERVICE	Current Rate	06/10 vs 06/11 80% Transp Index Adj.	Disposal Adj.	Revised Rate
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RESIDENTIAL:

SINGLE UNIT	\$14.97	\$1.05	\$0.01	\$16.03
DUPLEX UNIT	\$14.42	\$1.01	\$0.01	\$15.44
TRIPLEX UNIT	\$13.86	\$0.97	\$0.01	\$14.84
BACK DOOR SERVICE (added for 2004/5)	\$5.51	\$0.39	\$0.00	\$5.90
RESIDENTIAL CONTAINER PER YARD	\$5.46	\$0.38	\$0.01	\$5.85
RESIDENTIAL COMPACTOR PER YARD	\$18.43	\$1.29	\$0.03	\$19.75
TRAILER PAD	\$12.47	\$0.87	\$0.01	\$13.35
MULTIPLE DWELLING CANS	\$9.36	\$0.66	\$0.01	\$10.03

MONTHLY CONTAINER MAINTENANCE:

2 CUBIC YARDS	\$18.21	\$1.27	\$0.00	\$19.48
3 CUBIC YARDS	\$22.83	\$1.60	\$0.00	\$24.43
4 CUBIC YARDS	\$27.37	\$1.92	\$0.00	\$29.29
6 CUBIC YARDS	\$31.91	\$2.23	\$0.00	\$34.14
8 CUBIC YARDS	\$36.48	\$2.55	\$0.00	\$39.03

SHORT, EASY ROLLOUT, PER ROLLOUT, PER WEEK

(10-20 FEET, STRAIGHT ROLLOUT, PAVED AREA)	\$18.21	\$1.27	\$0.00	\$19.48
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LONG, DIFFICULT ROLLOUT, PER ROLLOUT, PER WEEK

(> 20 FEET, AROUND CORNER, OFF PAVEMENT)	\$27.37	\$1.92	\$0.00	\$29.29
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CASTERS

	\$5.47	\$0.38	\$0.00	\$5.85
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MONTHLY COMPACTOR MAINTENANCE:

2 CUBIC YARDS	\$54.72	\$3.83	\$0.00	\$58.55
3 CUBIC YARDS	\$68.40	\$4.79	\$0.00	\$73.19
4 CUBIC YARDS	\$82.97	\$5.81	\$0.00	\$88.78
6 CUBIC YARDS	\$95.73	\$6.70	\$0.00	\$102.43
8 CUBIC YARDS	\$109.43	\$7.66	\$0.00	\$117.09
SPECIALS (Non-compacted special pickup per cubic yard)	\$8.09	\$0.57	\$0.00	\$8.66
SPECIALS (Compacted special pickup per cubic yard)	\$27.49	\$1.92	\$0.01	\$29.42

* Multifamily Container rates were increased to include an \$2.22 per loose yard, \$8.88 per compacted yard "Special Services" charge which Southern collects and remits to the city. This charge is not included in Revenue. This rate is per letter from Pompano Beach dated 11/10/2009 up from \$.93/\$3.72 in prior years.



Facility: Reuter Recycling
Computation of Tipping Fee Increase
Effective: October 1, 2011
For the City of Pompano Beach

FINAL

Series ID	Index Measurement	
	WPUSOP3130 Producer Price	CUURA320SA0 Consumer Price
<u>Index as of</u>		<u>Index as of</u>
9/30/2009	<u>142.90</u>	10/31/09 <u>222.416</u>
9/30/2010	<u>144.20</u>	10/31/10 <u>223.631</u>
Percent Change	<u>0.91%</u>	Percent Change <u>0.55%</u>

(P) = preliminary

Tipping Fee Adjustment % :

Producer Price	0.91%
Consumer Price	<u>0.55%</u>
Total Change	1.46%
divided by	<u>2</u>
Average Change	0.728%
percentage of change approved	<u>75.00%</u>
Tipping fee adjustment %	<u>0.55%</u>

Fee Structure

September 30, 2010 base fee	\$ 74.76	\$ 74.76
Tipping fee adjustment %	0.55%	
Tipping fee adjustment	<u>\$ 0.41</u>	\$ 0.41
October 1, 2011 base fee	----->	<u>\$ 75.17</u>

Rebate

Rebate - October 1, 2010	\$ 839,086	\$ 839,085.68
Tipping fee adjustment %	0.55%	
Rebate - adjustment	<u>4,581.41</u>	\$ 4,581.41
Rebate - October 1, 2011		<u>\$ 843,667.09</u>

Databases, Tables & Calculators by Subject

FONT SIZE:

Change Output Options: 2008 2011

To: Formatting Options

From: Include graphs

Data extracted on: July 19, 2011 (2:28:03 PM)

Producer Price Index-Commodities

Series Id: WPUSOP3130
 Not Seasonally Adjusted
 Group: Stage of processing
 Item: Consumer durable goods
 Base Date: 198200

Download:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2008	140.1	140.2	139.9	140.5	140.3	139.7	139.6	140.2	140.3	144.8	144.2	144.4	141.2
2009	144.3	144.3	144.1	144.4	144.2	144.7	143.3	143.8	142.9	144.8	145.4	144.9	144.3
2010	145.4	145.2	145	144.8	145	144.3	144.2	144.3	144.2	145.8	145.6	145.3	144.9
2011	145.7	146	146.4(P)	146.6(P)	146.4(P)	147.0(P)							

P : Preliminary. All indexes are subject to revision four months after original publication.

12-Month Percent Change

Series Id: WPUSOP3130
 Not Seasonally Adjusted
 Group: Stage of processing
 Item: Consumer durable goods
 Base Date: 198200

Download:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2008	1.3	1.3	1.2	2	1.9	1.5	1.5	2.2	2.6	3.6	2.9	3.5	2.1
2009	3	2.9	3	2.8	2.8	3.6	2.7	2.6	1.9	0	0.8	0.3	2.2
2010	0.8	0.6	0.6	0.3	0.6	-0.3	0.6	0.3	0.9	0.7	0.1	0.3	0.4
2011	0.2	0.6	1.0(P)	1.2(P)	1.0(P)	1.9(P)							

P : Preliminary. All indexes are subject to revision four months after original publication.



Phone: (954) 786-4507

**City of Pompano Beach
PUBLIC WORKS DEPARTMENT**

Fax: (954) 786-4028

MEMORANDUM NO: 2012- 001

DATE: October 5, 2011

TO: Dennis W. Beach, City Manager

FROM: Robert A. McCaughan, Public Works Director *RAM*

SUBJECT: IMPACTS OF ROLLING BACK GARBAGE SERVICE CHARGE

Per the City Commission's direction at the September 27, 2011 meeting, the service charge has been "rolled back" to previous rate and incorporated in proposed revised City Ordinance 96.13. The attached spreadsheet calculates impacts of rolling back the garbage service charge by identifying existing and future programs along with the proposed and actual costs of each.

Based on the Commission decision to freeze the garbage rate beginning in FY10 and push the additional funding into the service charge, there is currently \$800K available to fund these programs. Two of the existing programs, a Public Works inspector position and multifamily recycling, have a recurring cost totaling \$138K. Depending on the multifamily recycling participation rate, the recycling cost could grow to \$630K annually leaving no funding to cover the existing programs or reserves for automated carts.

Our existing hauling contract with Waste Management expires in two years, and we are making preparations now to re-bid the contract. At that time, all rates in the contract, as well as the special service fee, will be reviewed and adjusted accordingly based on desired level of service(s) and negotiated agreement. Therefore, these service charges are only valid for another two years.

The box at the bottom of the spreadsheet, "Proposed Policies" identifies unfunded costs that may be incurred in the future depending on the City Commission's decision to implement changes to garbage collection.

RAM:reb

Attachment

Special Service Fee 2012 Rollback Impacts Calculation

Available Fund Balance \$800,000

Proposed Modifications	Proposed Annual Costs	Actual Annual Costs
POSITIONS		
Public Works Inspector	\$ 61,960	\$ 94,179
	(W/O Benefits)	(W/ Benefits)
EXISTING PROGRAMS		
Recycling Bins - Residential Curbside	\$ 7,000	\$ 5,520
Galvanized Garbage Cans	\$ 1,000	\$ 2,861
Receptacles - Wood	\$ 3,000	\$ 4,064
Receptacles - Concrete	\$ 16,000	\$ 16,939
Residential Compost Bins	\$ 3,000	\$ -
Residential Rain Barrels	\$ 1,000	\$ -
*Multifamily Recycling	\$ 150,000	\$ 44,020
Litter Control (3 Part-time Employees)	\$ 57,613	\$ 66,721
GPS Vehicle Tracking	\$ 6,000	\$ 2,560
GPS Activity Tracking	\$ 16,000	\$ -
FUTURE PROGRAMS		
Automated Carts	\$ 475,000.00	\$ -
PROPOSED POLICIES (Not Included in Totals)	\$ 231,725	
Collection Enforcement		
Public Works Inspector (2 positions)	\$ 100,947	\$ 161,332
	(W/O Benefits)	(W/ Benefits)
Vehicle & Equipment	\$ 52,328	\$ 6,746
	(Initial Costs)	(Reoccurring)
Weekend Bulk Trash Drop-Off		
Part-time Laborer Position	\$ 5,560	\$ 6,319
	(W/O Benefits)	W/ Benefits)
Educational Outreach	\$ 5,000.00	

* Assumed 23.8% participation rate to determine annual cost of \$150K
 50% participation = \$315K; 100% participation = \$630K