

## **SUBJECT**

Resolution 2010-011 Rescinding Prior Activities Related to a Pilot Trash and Recycling Services District and Directing the City Manager to Pursue Other Alternatives for Mitigating the Effects of Trash Collection Services and Improving Diversion Rates.

## **EXECUTIVE SUMMARY**

On February 2, 2010, City Council held a public hearing regarding the proposed Trash Services Pilot District. Following the hearing, Council directed staff to prepare a resolution which would end further consideration of the proposed District. Council's consensus was that it will not pursue Trash Districting, and will direct staff to do no further work on the proposal. Staff will also close out the Request for Proposals process by declining to implement the negotiated contract.

## **BACKGROUND / DISCUSSION**

Over the past two years, City Council has been examining a variety of issues related to Trash Services in Fort Collins. Through a series of work sessions during 2008 and 2009, City Council considered a variety of actions aimed at addressing a two part problem statement:

"In what ways can the City reduce the impacts of trash collection services in Fort Collins, addressing issues of the cost of street wear, air quality, neighborhood aesthetics, noise, and other neighborhood impacts?"

"Are there ways that the City might also improve diversion rates for recyclables?"

In May, 2009, City Council adopted several changes to the City Code related to Pay-as-you-throw trash pricing, reporting requirements and a requirement for haulers to offer customers large-sized recycling poly-carts. These code changes were implemented between September 2009 and January 2010.

Council also directed staff to develop a proposal to implement a Trash Services Pilot District in the northwest portion of Fort Collins. On July 21, 2009, the City Council adopted Resolution 2009-075, directing the City Manager to complete a Request for Proposals (RFP) process for services with a trash hauler, and develop a proposed contract for those services, along with a proposal for a trash and recycling collection services fee to be imposed within the Pilot District.

On February 2, 2010, City Council heard a report on the outcome of the RFP process and was made aware that the City Manager had signed a contract with Waste Management of Northern Colorado to provide service in the proposed District. The contract was agreed upon, contingent upon City Council approval of the Trash Services Fee and appropriation of funds to provide the service.

In addition to hearing the report on the outcome of the RFP process, City Council conducted a Special Public Hearing on February 2 regarding the proposal. Approximately 400 residents attended the hearing and 73 spoke to the Council, largely in opposition to the proposal.

Following the Special Public Hearing, City Councilmembers discussed the proposal and their individual opinions of it. Each of the Councilmembers spoke in opposition to the proposal, and expressed a desire that staff prepare a resolution ending further consideration of the Pilot Trash District for Council action. City Councilmembers expressed a desire to take no further action toward implementation of a system for City trash and recycling collection services in the Pilot District and to cease any further expenditure or use of City resources in analyzing or developing plans or proposals for districted trash and recycling collection services in Fort Collins.

This Resolution formally directs staff to stop work on the proposal and states Council's intent not to pursue Trash Districting in the future. The Resolution also directs staff to not pursue any other form of City-owned or managed trash collection utility.

### **STAFF RECOMMENDATION**

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Staff recommends adoption of the Resolution.

### **PUBLIC OUTREACH**

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Staff conducted outreach on the proposal through a variety of methods, including media, web articles, CityNews, web feedback form, email, Cable Channel 14, Twitter, and radio.

On February 2, 2010, City Council conducted a Special Public Hearing regarding the proposal. Approximately 400 residents attended the hearing and 73 spoke to the Council, largely in opposition to the proposal.

RESOLUTION 2010-011  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
RESCINDING PRIOR ACTIVITIES RELATED TO  
A PILOT TRASH AND RECYCLING SERVICES DISTRICT  
AND DIRECTING THE CITY MANAGER TO PURSUE OTHER  
ALTERNATIVES FOR MITIGATING THE EFFECTS OF TRASH  
COLLECTION SERVICES AND IMPROVING DIVERSION RATES

WHEREAS, in Resolution 2007-008, the City Council directed City staff to conduct a trash services study to examine ways in which the City can reduce the impacts of trash collection services in Fort Collins, including street wear, air quality, neighborhood aesthetics, noise, and other neighborhood impacts, and to identify ways that the City might improve diversion rates for recyclables; and

WHEREAS, in 1999, the City Council adopted Resolution 1999-139, establishing the goal of diverting 50% of the community's waste stream from landfill disposal by 2010; and

WHEREAS, the Fort Collins Climate Action Plan identifies recycling and waste diversion as a vital strategy to reduce greenhouse gas emissions; and

WHEREAS, having numerous heavy trash vehicles on City streets impedes the attainment of these goals and also accelerates the deterioration of City streets; and

WHEREAS, at least three residential trash haulers currently provide service within the community, resulting in at least three trash trucks and three recycling trucks using residential streets to provide residential collection services each week, causing increased street wear, air pollution, noise and other neighborhood impacts; and

WHEREAS, at its December 9, 2008, work session, the City Council evaluated the feasibility of contracting services for single-family residential trash and recycling collection in order to address these issues and expressed interest in the development of a trash services pilot district for a portion of the community; and

WHEREAS, on May 5, 2009, the City Council adopted Resolution 2009-046, directing the City Manager to develop for City Council's formal consideration on July 21, 2009, a detailed proposal and contractual arrangements for one or more pilot trash services districts within a portion of the City that would meet the following criteria:

1. be of sufficient size, duration and scope to provide a clear test of the policy's effectiveness in achieving the City Council's goals for limiting the impact of trash vehicles on the community;
2. offer new opportunities to meet the additional goal of increasing the community's waste reduction and recycling rates; and

3. allow trash haulers to submit competitive proposals for the opportunity to provide service within the designated pilot area and otherwise comply with the statutory requirements for initiating municipal trash services; and

WHEREAS, City staff reviewed the possibilities for pilot trash services districts, considered the relevant characteristics of various areas of the City and the objectives articulated by the City Council for such a program, and recommended that the City Council establish a single pilot trash service district within a specified area; and

WHEREAS, on July 21, 2009, the City Council adopted Resolution 2009-075, which directed the City Manager to carry out certain actions related to development of the proposed Pilot Trash and Recycling Services District (the "Pilot District") more specifically described in the Resolution; and

WHEREAS, among the actions to be taken by the City Manager was completion of a Request for Proposals process for services with a trash hauler, and development of a proposed contract for those services, along with a proposal for a trash and recycling collection services fee to be imposed within the Pilot District, all to be reported to the City Council and presented for City Council consideration; and

WHEREAS, the City Manager carried out the actions specified in Resolution 2009-075 and, on February 2, 2010, reported the outcome of those efforts to the City Council at a special public hearing regarding the Proposed Pilot District, pursuant to the schedule for consideration that had been established in Resolution 2009-110 on December 1, 2009; and

WHEREAS, at the hearing, after considering the specific terms and conditions proposed for service in the Pilot District and hearing the objections and concerns expressed by numerous members of the public in connection with the proposal, each of the members of the City Council expressed a desire to take no further action toward implementation of a system for City trash and recycling collection services in the Pilot District; and

WHEREAS, in light of the City Council's desire to cease any further expenditure or use of City resources in analyzing or developing plans or proposals for districted trash and recycling collection services in Fort Collins, the City Council wishes to rescind the actions it has taken toward creation of such a district and direct the City Manager to take no further action in pursuit of trash districting in the City.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby rescinds Resolution 2009-075, as amended by Resolution 2009-110.

Section 2. That the City Council hereby directs the City Manager to cease any further expenditure or use of City resources for the analysis or development of plans or proposals for districted trash and recycling collection services in Fort Collins.

Section 3. That the City Council further directs the City Manager to continue to evaluate and present for City Council consideration other ways in which the City might be able to promote increased waste diversion rates and reduce and mitigate trash and recycling collection-related street wear, air pollution, noise and other neighborhood impacts in Fort Collins; provided, however, that such recommended courses of action shall not include the creation of trash collection districts or the creation of a trash collection utility owned or managed by the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of February A.D. 2010.

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Mayor

ATTEST:

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City Clerk