TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PUBLIC WORKS

DATE: MAY 17, 2004 CMR:240:04

SUBJECT: POLICY AND SERVICES RECOMMENDATION REGARDING REQUEST FOR APPROVAL OF A CONSTRUCTION AND DEMOLITION DEBRIS REUSE AND RECYCLING ORDINANCE

RECOMMENDATION
The Policy and Services Committee (Committee) recommends that Council approve the Construction and Demolition (C&D) Debris Reuse and Recycling Ordinance (Attachment A).

COMMITTEE REVIEW AND RECOMMENDATIONS
On March 30, 2004 the Policy and Services Committee (Committee) discussed the request for approval of a Construction and Demolition Debris Reuse and Recycling Ordinance. (See Attachment 1: CMR 166:04). The Committee voted unanimously to accept staff’s recommendation to implement a Construction and Demolition Debris Reuse and Recycling Ordinance. The Committee also agreed that the item could return on the consent calendar when presented to full Council.

The Committee’s review included discussions regarding increasing the proposed administrative fee from $200 to $225 per applicant to attain full cost recovery; adding language changes in the ordinance to better define willful or negligent “standard” in the enforcement section; provide more detailed information on how staff proposes to address the enforcement function and giving some sort of recognition through signage to the people who are using or used the program.

Applicant Fee
Council member Jack Morton asked to raise the administrative fee received from each applicant to attain full cost recovery by the City to implement the proposed Construction and Demolition (C&D) ordinance. It was reported in the Resource Impact section of CMR: 166:04, when using a $200 per applicant fee, that an annual ongoing shortfall of $12,550 would occur. After further discussion, it was incorporated into the final motion that staff raise the fee from $200 to $225 per applicant to attain full cost recovery.
**Willful or Negligent “Standard”**
Council Member Cordell directed staff to further define the willful or negligent standard, so that it clearly enforces appropriate penalties to better-define violators. The attorney’s office has reviewed Council Member Cordell’s request and has made modifications to the ordinance (Attachment 2) to address her concerns.

**Enforcement Responsibilities**
Council Member Cordell also asked staff to prepare a detailed accounting of what specific City staff members will be responsible for ensuring compliance. Staff has prepared and attached a flow chart (Attachment 3) showing the enforcement responsibilities of specific staff members.

**Applicant Recognition**
Vice Mayor Burch asked if there could be some sort of recognition given to projects utilizing signage that are complying with the ordinance. Staff agreed and will include a sign recognition program that will be developed in conjunction with the implementation for the C&D program.

**ATTACHMENT**
Attachment 1: CMR: 166:04  
Attachment 2: C&D Ordinance  
Attachment 3: Flow Chart for the Construction and Demolition Enforcement Responsibilities

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