



**ZERO WASTE ADVISORY COMMISSION  
MEETING MINUTES  
05/14/2014**

Zero Waste Advisory Commission

Regular Meeting Minutes  
May 14, 2014

The Zero Waste Advisory Commission convened in a regular meeting on May 14, 2014, at 301 West 2<sup>nd</sup> Street, Council Chambers Room in Austin, Texas.

Chair Rick Cofer called the Commission Meeting to order at 6:35 p.m.

Board Members in Attendance:

Rick Cofer, Cathy Gattuso, Dave Sullivan, Fayez Kazi, Jeff Paine, and Rachel Hering

Staff in attendance:

Bob Gedert, Vera Labriola, Jessica King, Gena McKinley, Natacha Delusca, , Matt Christenson, Marcus Elliot, Michael Sullivan, Donald Hardee, Ron Romero, Phil Tindall, Jannette Goodall, Myrna Rios, Jerikay Gayle, Aiden Cohen, Jason McCombs, Elizabeth Corey, Richard McHale, Vidal Maldonado

**1. CITIZEN COMMUNICATION**

1 citizen signed up to speak for citizen communication.

- Mr. Andrew Dobbs, Texas Campaign for the Environment, commented on the importance of URO compliance and enforcement.

**2. APPROVAL OF APRIL MINUTES**

Minutes for the regular meeting of April 9, 2014, were approved on Commissioner Gattuso's motion, Commissioner Hering's second on a 6-0-0 vote. All 6 Commissioners were present on the dais.

**5. a. Staff Briefing**

**Office of Sustainability Overview of Key Initiatives**

Lucia Athens, COA Chief Sustainability Officer, provided an overview report of initiatives, technologies, measurement methodologies and benchmarking in the areas of sustainability and climate protection in the Austin community.

Four citizens signed up to speak about the agenda item.

- Andrew Dobbs, Texas Campaign for the Environment, posed questions about carbon footprint and asked that Austin as a city maintain prioritization of these initiatives, noting that platinum LEED certification should be harder to attain.
- Josh Blaine, Ingredients Grocery Store and Austin Zero Waste Association, commented on the negative impact of waste incineration.

- Robin Schneider, Texas Campaign for the Environment, discussed the lack in cost effectiveness of taking a view of CO2 reductions with “tailpipe solutions” as opposed to a more systemic approach and perspective to climate change.
- David Hogan, Central TX Zero Waste Alliance, and Interfaith Environmental Network, presented a slideshow of materials management stages from manufacture to dump and described using imbedded energy to enhance the sustainability of the material waste lifecycle.

Commissioner Gattuso asked Ms. Athens for a response on the comments made by citizens above and asked Ms. Athens to work with ARR Director and the above speakers to incorporate the systemic approaches discussed above into her strategy. Ms. Athens discussed technology changes that might occur that could positively change approaches to sustainability that aren’t known today. Commissioner Paine asked that Ms. Athens keep cost in mind due to a high cost of living in Austin.

Chair Cofer discussed the special events ordinance with Ms. Athens and what work around could be done and built upon in that area. Chair Cofer asked that an ordinance be passed for special events before a change in government occurs since the ordinance was initially proposed in 2008. Ms. Athens discussed cost model of special events and implementing sustainability around them.

### 3. OLD BUSINESS

#### **Discussion and Action—Private Hauler Program- Proposed Changes to Ordinance and Rules**

Matthew Christiansen, Code Compliance Division Manager, spoke about licensing and fees as well as language modification for clarity. Marcus Elliot, Code Compliance, spoke about administrative rules and specific language of sections of the ordinance and what sections of the city code is referenced by said language. Commissioner Paine asked Mr. Elliot about ordinance section 10.1.2.4 (§15-6-42) methods of compliance and issues around vehicle sidewalls rendering many vehicles involved illegal, and whether many haulers driving said vehicles would even know that their vehicle was not up to code. Mr. Christianson responded about alternate methods of compliance and how this could help mitigate issues and that alternate methods would be applied as they are in building codes. Commissioner Paine asked what an appeal process would look like and Mr. Christianson and Mr. Elliot gave a description of how the process works.

Bob Gedert, Austin Resource Recovery Director, discussed the ordinance with language provided by the City Attorney. Commissioner Sullivan questioned the language of §15-6-11-C and asked for clarification. Chair Cofer asked why the ordinance language cannot just state that properties with more than 4 units will not be served by the City. Mr. Gedert said that he didn’t recommend a change to more restrictive language because it could result in impacting over 6000 properties that currently receive services from city. Chair Cofer and Mr. Gedert continued to discuss specifics around scope of city service in the language of the ordinance and importance of maintaining safety.

Two citizens signed up to speak on this agenda item.

- Adam Gregory, Texas Disposal Systems handed a document to the Commissioners and posed issues about the ordinance as he referenced a handout from the ARR

Annual Report. He asked that cart based limitations be included in the code changes or that the commission not approve the ordinance changes.

- Eric Goff, Compost Peddlers, commented on Director's discretion over his business dealings. Mr. Goff would like ordinance language to still allow his business to continue providing service and to specifically include organics and services that enhance the community. The specific language Mr. Goff would like to add to §15-6-11-C is: "but may use other private haulers for services not currently or universally offered by the City of Austin. These services may be defined by rule, and include organics." Mr. Goff's speaking time was extended and Commissioners Sullivan and Paine continued discussion of composting/organic services.

Mr. Gedert responded to both citizens points, clarifying services provided and the limits or unintended consequences that new language for cart-based only services could instill.

Commissioner Paine, Commissioner Sullivan, and Chair Cofer suggested refining language to support entrepreneurial efforts. Mr. Gedert noted that the intent of the proposed changes is to support and preserve an existing chain of authority. Commissioner Kazi noted that the purpose of this item is to clarify and codify the ordinance. Mr. Gedert restated the need for preservation of existing authority.

The motion was approved to recommend the proposed ordinance and rule changes except:

1. Clarify §15-6-11-E and §15-6-11-F to state "the City of Austin shall not directly provide non-cart based service to properties of 4 or more dwelling units unless subcontracted through a private hauler."
2. Amend §15-6-11-C by adding "but may use a private hauler for services not universally provided by the City which may be defined by rule and include organics."

with the following friendly amendment on motion by Commissioner Kazi, seconded by Commissioner Hering on a 6-0-0 vote. The friendly amendment from Commissioner Sullivan was made to strike "may include organics" from the motion. This was accepted by the maker of the motion and commissioner Hering, who seconded the motion.

#### **4. NEW BUSINESS**

##### **a. Discussion – City Auditors' Integrity Unit Report Regarding Ethics Allegations**

Chair Cofer noted that this item is posted for discussion, and thanked City Clerk Jannette Goodall for coming. Chair Cofer noted that he had asked that an ethics officer and a representative from the Auditor's Office be extended an invitation, and noted that they were not in attendance. Chair Cofer noted that the City Attorney had advised ARR staff not to discuss this issue, and due to no City of Austin staff being able to address this today, that he would then open the meeting to citizen discussion.

Seven citizens signed up to speak on this agenda item:

- Andrew Dobbs, Texas Campaign for the Environment, disagreed with the CAIU report and the procedures that were followed. Mr. Dobbs stated the conflict of interest rules were too broad and he would pursue this issue further.
- Robyn Schneider, Texas Campaign for the Environment. Melanie McAfee donated time. Ms. Schneider asked the Commission to put an action item on next agenda that the **City Auditors' Integrity Unit (CAIU)** report be retracted and apologies issued.

- Daniela Ochoa Gonzalez, former ZWAC Commissioner, read prepared remarks regarding the CAIU report and asked that Auditor's Office retract the report and to issue a public apology for her professional record. She was granted a time extension by Chair Cofer to no objection. She stated that she believed there was no conflict of interest in her actions on the commission.
- Sayuri Yamanaka, Bilingual Community Organizer, was not signed up to speak on this item, but asked for an exception which Chair Cofer granted to no objection. She discussed working with Ms. Ochoa Gonzalez and spoke of her contributions to society on issues of sustainability.
- Mitchell Harrison, Austin resident and husband of Ms. Ochoa Gonzalez discussed harm caused to Ms. Ochoa Gonzalez' career and commented on the absence of City Auditor at this meeting and at the Ethics Review Commission. Mr. Harrison disagreed with the process followed by the City of Austin in this investigation.
- Michael Whellan, Texas Disposal Systems spoke. Gary Newton donated his time to Mr. Whellen. Mr. Whellen discussed the CAIU report and stated that that all commissioners are at risk using the interpretation of conflicts of interest offered by the Auditor. Mr. Whalen presented a slideshow disputing the CAIU report, the processes followed in the report and its conclusions. He requested that the City Auditor retract the report, apologize to Ms. Ochoa Gonzalez, and provide a report on how it will update and improve its investigative process. Mr. Whellan provided a document to the Commission regarding conflicts of interest.

Chair Cofer commented that he anticipates this issue will be on ZWAC agenda in future. Commissioner Gattuso requested that the item be placed on the agenda for discussion and action for June meeting.

#### **b. Discussion and Action – Proposed Changes to Universal Recycling Ordinance and Rules**

Gena McKinley, Austin Resource Recovery Program Manager, presented an ordinance formation process and history and asked for support from commissioners for amendments to URO and implementation of organics diversion timeline. Chair Cofer is off the dais 9:17-18. Mr. Gedert presented a set of fiscal impact statements that detailed resources needed to implement the ordinance over varying timelines.

Eleven citizens signed up to speak on this item.

- Carter Hobbs, County Line restaurant, spoke and presented on organics diversion (Darryl Wittle donated his time to Mr. Hobbs)
- Skeeter Miller, County Line Restaurants, Greater Austin Restaurant Association, spoke as an advocate for city-wide composting and the high cost of running a restaurant. Mr. Miller said regulations can shut down a business. Mr. Miller advocated for 2020 implementation. Commissioner Paine and Chair Cofer discussed cost and timeline of organics diversion in restaurants.

- Josh Blaine, Ingredients Grocery Store, stated that he doesn't believe in delaying timeline for implementation, because businesses will only implement when forced to. Mr. Blaine stated that any delay is a step backwards.

Vera Labriola, Austin Resource Recovery Commission Liaison noted that the meeting must be adjourned at 10:00 p.m. unless a vote is taken to extend the meeting. The motion to waive the rules and allow the Zero Waste Advisory Commission to meet after 10:00 p.m. was approved on Commissioner Sullivan motion to extend the meeting to 10:30 p.m., on a 6-0-0 vote.

- Andrew Dobbs, Texas Disposal System, discussed zero waste goals and advocated for no delay and immediate implementation of organics diversion, or at least 2017 or 2018.
- Gerald Stone, El Mercado Mexican Restaurant, pilot program participant. Discussed steep learning curve. Mr. Stone is in favor of larger entities implementing this program first and favors a 2019 or 2020 implementation.
- Eric Goff, Compost Peddlers, discussed investing in preparation for this program. He believes that competition will bring down cost over time, and advocates for implementation in 2017.
- Robyn Schneider, Texas Campaign for the Environment, advocates for immediate implementation, asks that input not result in delay, and says businesses don't need to do anything until 2016.
- Darrell William, Steakhouse at Domain, discussed supply and demand and says there isn't a current hauling infrastructure in place and advocates for 2020 implementation. He was granted additional speaking time from Chair Cofer to no objection.
- Cis Myers, formerly of Texas Recycling Alliance, says one size can't fit all, notes that McDonalds doesn't produce a lot of organic waste, and asks for fiscal notes on cost to customer for compliance and retrofitting. Ms. Myers advocates for 2020 implementation.
- Hoover Alexander, Hoover's Restaurant. Mr. Alexander continued composting after pilot program. Mr. Alexander says the composite of all charges add up, and supports a 2020 implementation schedule to level the playing field and allow for more education.
- Heather Nicole Hoffman, Compost Coalition, Austin Zero Waste Alliance, discussed mass needed to reach affordability and doesn't agree that large business lessons will translate to small ones. Ms. Hoffman advocates for sooner implementation over later.

Commissioner Paine discussed being conflicted over 2019 schedule and believes that earlier implementation can work. Commissioner Hering agreed with Commissioner Paine. Commissioner Gattuso positioned that starting early is important, and doesn't count on early adaption on volunteer basis.

Gena McKinley, ARR, details the rebate that is in place now for early adopters. Jessica King, Austin Resource Recovery says incentives can't be applied once the ordinance is adopted.

The motion to waive the rules and allow the Zero Waste Advisory commission to meet after 10:00 p.m. was approved on Chair Cofer motion to extend the meeting to 11:15 p.m., on a 6-0-0 vote.

Chair Cofer discusses how the first year of an ordinance is an educational one, not a year for citing and that the 2<sup>nd</sup> year employs a "three touch" approach where three chances are given. Chair Cofer advocates for 2018 implementation, noting the two year buffer that is built in.

Aiden Cohen, ARR, discusses education and outreach effort and notes that nothing prevents hard enforcement and that it would be employed only for serious disregard of the mandate. He recommends a longer phase-in for the most effective approach with staff recommendation being 2019 or 2020, not before 2019. Commissioner Kazi discussed distribution with Ms. King, and Mr. Cohen discussed economic incentives. Discussion of business size related to scheduling continued between Ms. King, the Commission and Mr. Cohen.

The motion to adopt the staff recommendation, including the administrative rules and ordinance, with the final organics diversion implementation phase ending October 1, 2019, was approved with the following friendly amendment on motion by Commissioner Sullivan, seconded by Commissioner Kazi on a 4-2-0 vote. Commissioner's Cofer and Gattuso opposed. The friendly amendment from Commissioner Kazi was to move food permit holders with properties of 15,000 square feet or greater to be implemented starting October 1, 2016. This was accepted by the maker of the motion and Commissioner Kazi, who seconded the motion.

**c. Discussion and Action – Marketing Collateral Supply Agreement POSTPONED**

**d. Discussion and Action – Heavy Duty Vehicle and Equipment Purchases POSTPONED**

Mr. Gedert stated that he won't bring the above two items before City Council until ZWAC discusses. Commissioner Gattuso mentioned bringing a recommendation to the commission in the future recommending removing Styrofoam use from City properties.

**e. Discussion – Report on Final Recommendation of the Boards & Commission Transition Task Force for the ZWAC (supplied as backup document)**

**STAFF BRIEFINGS**

- a.** Moved to beginning of meeting.
- b. Five Year Budget Forecast**
- c. Director's Report** – Expanded Home Composting Program, Rebate Pilot for Recycling and Composting Services for Small Businesses, Shop Zero Waste Campaign, ARR 2013 Annual Report, Staff Hires and Promotions, Current and Upcoming Job Postings, Statistical Reports, and Performance Measures (all supplied to ZWAC as backup)

**6. FUTURE AGENDA ITEMS**

**Composting Voucher Program Update—July, Gas to Energy at Landfill Update—July  
Keep Austin Beautiful Briefing—June, Food Trucks—Recycling—Update—June  
Special Events Ordinance Update—June, Economic Development Impact Study**

**ADJOURNMENT**

Chair Cofer adjourned the meeting at 10:55 p.m. without objection.