



Zero Waste Advisory Commission

Regular Meeting Minutes November 18, 2015

The Zero Waste Advisory Commission convened in a regular meeting on November 18, 2015, in Council Chambers in City Hall in Austin, Texas.

CALL TO ORDER

Vice Chair Gattuso called the Commission Meeting to order at 6:41 p.m. noting that traffic has been heavy and some Commission members may arrive late.

Board Members in Attendance: Shana Joyce (arrived 7:02 pm), Jeff Jiampietro, Heather-Nicole Hoffman (6:50pm), Stacy Guidry, Amanda Masino, Cathy Gattuso, Kendra Bones, Joshua Blaine, Kaiba White

Staff in attendance: Bob Gedert, Michael Sullivan, Erin Benoit, Donald Hardee, Ron Romero, Kathleen Garrett, Gage Loots, Richard McHale, Jessica Frazier, Donald Hardee, Richard Avila, Amy Slagle

1. CITIZEN COMMUNICATION

No citizens signed up to speak during the opportunity for citizen communication.

2. APPROVAL OF OCTOBER MEETING MINUTES

Commissioner Bones made a motion to approve minutes for the regular meeting of October 14, 2015. Commissioner Blaine second. The minutes were approved unanimously 7-0 with Commissioners Joyce, Acuna, Hoffman and Valera absent.

NEW BUSINESS

4d. Discussion and Action - Austin Energy Class 2 Waste Contract

This item was taken up out of order.

6 citizens signed up to speak on this item.

Bob Gedert, ARR, presented background on the item and explained with apology that staff was about 6 months behind on the projected schedule for consolidation, and City Council had previously noted that if an extension was required, it would need to come before ZWAC and City Council, as it would not be an automatic extension.

Kathleen Garrett, Austin Energy spoke of the need extend this contract, or some contract, in order to dispose of waste. She noted that she found no regulatory violations since 2003 recorded by Texas Commission on Environmental Quality or the Environmental Protection Agency regarding the landfill in question owned by Waste Management. She feels this waste is not a risk in the landfill in question, but it could be hauled to San Antonio landfill, but she would like to reduce carbon footprint by keeping the hauled waste local. She noted that regarding reuse of the poles there is no requirement for this in the present contract, and added that Republic

noted they will do this if requested, but she has been hesitant to do that due to the modification process needed as a new agreement structure is being developed.

Commissioners discussed material oversight, bidding process and timeline, changes to existing agreement, delays and how to expedite the process.

Gage Loots, Austin Energy, estimated 9 months as being in line with the purchasing process it would take for a new contract. Mr. Loots recommended a new solicitation, but noted the will and priorities of the Commission could be clearly proposed within any extension of the current one. Ms. Garrett noted she had the impression Republic would accommodate a change to the existing agreement for no additional cost. Mr. Loots said that a scope of work is in process, and may be almost complete. Mr. Gedert noted that but 9-12 months for total execution of the contract is an estimate he would use.

Commissioner Guidry asked how the process could be expedited or prioritized.

Mr. Loots noted that there are items we have no control over, like state statutes, but an extended contract could end early if it will be replaced by a preferential contract. Mr. Loots and Ms. Garrett replied that this is longer due to the combination of scopes, classes, and entity reviews. Mr. Gedert noted that there was a commitment to have a replacement contract in place, but staff has been trying to research the reach into other City departments of a class 2 waste stream with complications that were not anticipated two years ago.

The Commissioners discussed contract consolidation and exit clauses.

Ms. Garrett stated that it is a similar timeline to rework the current agreement as it is to bid out a new one, and that she could not find a legal or regulatory reason to exit this agreement.

Commissioner Guidry discussed at-risk communities fighting the operations of the landfills, questioned fairness issues with the two bids received.

Mr. Loots noted in reviewing bid history from 2013 this process was in line with the tenets of public procurement.

Commissioner Bones asked if we can extend the current agreement while we work to the point of the new bids. Mr. Loots noted that it does sync up roughly and AE is able to move into the new consolidated contract without having to finish the one proposed for extension.

Commissioner Guidry asked if the Republic contract is more expensive and if TDS is already recycling 47% of the poles, does it behoove the City to take a closer look at this issue.

Ms. Garret noted that TDS reuse does not meet the state definition of reuse according to Mr. Gedert, that storage does not equal diversion. Mr. Gedert noted the highest and best use hierarchy and if it could be demonstrated the poles are being reused and not stacked at a landfill that would be best use. Commissioner Guidry noted in 20 years the poles can be reused, so stacking isn't burying them in a landfill.

Mr. Gedert noted that above ground storage of tires could be considered storage, and EPA has tightened definition to exclude this type of storage and stated there are multiple points of history on this concept. Mr. Gedert noted any beneficial reuse is better than landfilling and we should stipulate in agreements that reuse is required. Ms. Garrett discussed legal liability and stated that she had no allegiance to either company, but requires a place to dispose of waste.

Jon Anstey, Republic Services, addressed the Commission, stating they value the partnership they have with the City of Austin and looks forward to continuing the contract if the extension is granted.

Commissioners asked why no materials have been diverted in the past two years, and discussed diversion opportunities and hauling.

Mr. Anstey said there was no requirement to recycle the poles, and there is no outlet to store, sell or reuse them, but offered if TDS would like to stack them at their landfill as they have expressed interest in them, Republic would be happy to transport to there. Mr. Ansey noted that this is industrial manufacturing special waste, and therefore rules for reuse and recycling don't apply other than to the poles. Mr. Ansey described contaminated soils, power plant construction debris as main components, affirming that the poles would be the only items recyclable.

Andrew Dobbs, Texas Campaign for the Environment, recommended that the Commission deny extending the contract as zero waste should be the priority, stating the city needs oversight and accountability. Mr. Dobbs said storage of poles is an obvious higher and better use than landfill, mentioned a Waste Management fine, and stated that permits from TCEQ are not a stamp of what is environmentally friendly. Mr. Dobbs stated that consolidation of contracts is a policy decision and staff does not make policy, they enact policy set by public officials, and he has not seen the resolution that directs this.

Commissioner White asked if an acceptable solution is a contract modification for six months is acceptable while staff works on a new one. Mr. Dobbs replied that we cannot tolerate legitimizing facilities that cause harm to their neighbors.

Bob Gregory, Texas Disposal Systems, (Adam Gregory, Michael Whalen and Ryan Hobbs donating their time) presented a set of documents to the Commission and stated that the bind for city staff was created by city staff. He referenced a Carter Burgess report and environmental assessment, and noted that he disagreed with extending this contract. Mr. Gregory asserted that the contract allows for special waste, and said this contract matter should have been resolved months earlier.

Commissioners discussed collection and storage of poles, chemicals on the poles, and special waste clause in contract.

Mr. Gregory noted TDS has used some poles for car barriers but simply hasn't come to use the majority yet, noted that the chemical treatment penetrates into the wood and is not able to be removed, and that TDS has the closest to a consolidated contract that anyone has.

The Commissioners, Mr. Gedert, and Mr. Gregory discussed bidding processes and options. Ms. Garrett discussed legal matters around the contract regarding risk management and liability.

Mr. Gedert recommended adopting a 12 month extension with possibility of execution of a replacement contract. Mr. Gedert noted that staff could push hard for an accelerated schedule, and that if Republic is stating there is no impact to city to haul to San Antonio, that could be an option as well, but noted carbon footprint concerns.

Commissioner Blaine made a motion to oppose approval of the recommendation, Commissioner White second. The motion was unanimously approved.

3. OLD BUSINESS

a. Discussion and Action - Appoint Members and Assign Staff to Committees

Commissioner White noted that the goals of the C&D and URO committees were reversed on the backup document and the staff liaison noted he would correct the typo.

Commissioner Hoffman made a motion to accept committee placement as read with exception of Commissioner Blaine now being Commissioner of the Construction and Demolition Ordinance Committee. Commissioner Bones seconded the motion and it passed unanimously.

b. Discussion and Action - Efficiency and Cost of Service Audit Update

Commissioner Hoffman asked if the Commission could see the previous audit. Mr. Gedert noted that to his recollection the audit was more about program and process and he did not recall a cost efficiency component. Commissioner Bones requested to see a strategic outlook in the audit, addressing where programmatic efforts have been focused and what can be done to create more efficiency.

Commissioner Joyce noted weekly vs. biweekly collection, to review data on this and how to improve and encourage recycling. Mr. Gedert noted that he is and would continue to address and review options and citizen feedback how to go to weekly recycling and how to make it as affordable.

Andrew Dobbs, Texas Campaign for the Environment, spoke on the item, and acknowledged staff for their hard work and commitment to zero waste. Mr. Dobbs noted that the Commission can take action, vote, and bring in an external audit to this department, noting that he feels it could be beneficial and the department has nothing to hide. Mr. Dobbs noted that outside eyes might help see something the department is missing. He cited comparisons to San Antonio costs for costs of recycling, composting and other services, and stated that Austin customers pay 67% more. He recommended that the commission direct staff to bring external auditors to the January meeting for selection of one to perform this audit.

Commissioner Hoffman asked what a \$50,000 audit would buy. Mr. Gedert responded that while he has no resistance to an outside audit, Law, Audit, and Budget staff would need to be consulted, and anything over \$5000 requires bidding and a formal selection process according to city policy, and anything over 58,000 requires Council action. Mr. Gedert stated that the process toward an outside audit requires a developed scope of service. Mr. Gedert further endorsed the idea that Chair Acuna had noted to bring results to the January meeting and to start to form a scope of work from that. Mr. Gedert noted that bringing three auditors for interviews at next meeting would not be approved by the city attorney, and an “apples to apples” comparison to San Antonio is not workable, as Austin supplies many other services than are included in their rates. He reiterated that developing a scope of work was his recommendation.

An annual or every-three-year audit suggestion was made by Commissioner Masino, as well as the relevance of obtaining certain peer city data for comparison. Mr. Gedert noted that there is a Budget Office audit of financials to Council authority every year, but not an analysis of cost efficiencies. He noted the City Auditor also audits progress based on Council Direction, referencing a recent zero waste audit he could present in his response as well as a safety audit and a 3rd one done about 4 or 5 years ago. Mr. Gedert described an annual list of audit items that comes out at direction of Council, and that ARR is in that rotation, and offered to bring information from these back at the January meeting from these background audits.

Commissioner Guidry responded by stating that the ZWAC is looking at more cost efficiencies and where we could streamline and cut the fat on these programs, and Mr. Gedert agreed noting that between now and January staff would research what the process is with Law, Budget and CMO on approaches, and he would bring those to the January meeting.

Commissioner Bones noted a desire to reference previous audit to come up with a strategic list in anticipation of bidding out a contract for an external audit, and asked the commission for their thoughts on a balance of these two approaches.

Commissioner Blaine stated that it was worth noting in a motion that ZWAC fully supports all efforts that can be made between now and January.

Commissioner Blaine made a motion to voice commission support to pursue as vigorously as possible an external audit for strategic and financial purposes and to also consider doing this with regularity until hitting zero waste goals in 2040. Commissioner Bones seconded the motion.

Mr. Gedert noted a point made in the discussion that a new diversion study will come from an outside consultant in February or March 2016.

Commissioner Bones made a friendly amendment to incorporate a more systematic approach to the audit to use in cooperation with other customs of the URO. There was no objection to the amendment and the Vice Chair declared it adopted in the motion. The motion passed unanimously.

4. NEW BUSINESS

a. Discussion and Action - Appoint a member of the Zero Waste Advisory Commission to the Joint Sustainability Committee per Resolution No. 20150604-048

A motion was made by Commissioner White, Commissioner Joyce second to appoint Commissioner Guidry to the Joint Sustainability Committee. Commissioner Blaine made a friendly amendment to appoint Commissioner Bones as alternate in the event that alternate members are allowed. Commissioner White accepted the amendment and the motion passed unanimously.

b. Discussion and Action - Adoption of 2016 Schedule of Meetings

Commissioner Joyce motioned to adopt the schedule of meetings for 2016, Commissioner Guidry second, and the motion passed unanimously.

c. Discussion and Action - Trash and Recycling Receptacles Agreement for Downtown

Richard McHale, ARR presented the item and asked for a favorable recommendation from the Commission.

The Commissioners discussed cost, emptying frequency and education efforts to reduce contamination rates as well as budgetary and bid questions. Mr. McHale noted outreach being done with businesses and pet waste often put in recycling bin, and there was ongoing efforts going on with this.

Commissioner Blaine asked about consideration in putting all 3 items types next to each other: landfill, recycling, organics. Mr. McHale noted that the request for Council includes organics so ARR has the option to add it later but there are some space limitations where three types might be a challenge.

Mr. Gedert confirmed the option to include organics, noting staff didn't find much food in the study they did, and location makes a difference with this. Commissioner White noted that if there isn't room for all 3 types of materials, we should reconsider placing containers there.

Commissioner White noted price and walking distance points, asking that recycling be an expectation in public spaces and asked about totals of containers in existence around the city.

Vice Chair Gattuso asked about contents of the waste stream for these containers. Mr. McHale said he could provide that data. Commissioner Joyce requested reminder sign as an idea in education efforts.

Commissioner Hoffman made a motion to recommend approval of the agreement, seconded by Commissioner White. The motion passed unanimously.

- e. Discussion and Action** - Consolidation of all City of Austin Department Waste and/or Diversion Contracts within next 180 days

1 citizen signed up to speak on this item.

Bob Gedert provided an overview of previous results of consolidation efforts.

Andrew Dobbs, Texas Campaign for the Environment, mentioned a memo from City Manager Marc Ott about contract consolidation, noting that is a policy decision but policy makers have not directed this as policy. Mr. Dobbs asks that more sunlight be shown on this, as he doesn't see a resolution directing this and says if this is done it needs to be tied to zero waste and diversion.

Commissioners discussed cost saving measures, asked for more data, what departments can better pair with for higher diversion, flexibility of bidding out based on different needs, how to increase diversion, and opportunities to introduce new diversion modes.

Commissioner Blaine made a motion that ZWAC recommend that Council clarify that our number one priority in looking at these contracts is diversion and that consolidation be used as a tool towards that. Commissioner Masino seconded the motion and it passed unanimously.

5. STAFF BRIEFINGS

a. Zero Waste Training for New Members

Commissioner Joyce left the dais at 9:37pm and returned shortly after.

- b. Director's Report** - Recycling Set-out Report, City Council Actions, Staff Hires and Promotions, Current and Upcoming Job Postings, Statistical Reports and Performance Measures

FUTURE AGENDA ITEMS

Approve Bylaws

Efficiency and Cost of Service Audit - Research and Report of Findings

Citywide Organics Collection Update

6. FUTURE AGENDA ITEMS

Update Bylaws

Adoption of 2016 Schedule of Meetings

Committees and Working Groups

Adjournment

Vice Chair Gattuso made a motion to adjourn the meeting. The meeting was adjourned at 10:15 without objection