

4-25-17 CITY COUNCIL WASTE MANAGEMENT POLICY WORKING GROUP

Leslie Pool: I'm Leslie Pool and I'm the Chair of this work group, The City Council Waste Management Policy Working Group, and it is Tuesday, the 25th of April and it's just past 9:30, I'd say 9:34, and joining me here today are Council Member Alter, Council Member Kitchen and Council Member Garza. And I'd also like to introduce Larry Schooler, he's going to moderate for us today. Mr. Schooler would you like to give us a rundown of how the meeting will proceed?

Larry Schooler: Sure. Good morning everyone. Let's try that again. Good morning everyone. I know how excited everyone is to be here talking about this topic. For those I don't know, I'm Larry Schooler, and I'm a facilitator here at the City of Austin. I work in the Communications and Public Information office and my role here is what it sounds like, it's to facilitate the dialogue today. I think one of the reasons I was asked to be here is because we've designed this meeting a little differently than some of the Council committee meetings you might have attended in the past, so whereas on other occasions we might have had people come up to the podium and speak for three minutes at a time, today's meeting and the subsequent meetings of this group are designed to be conversational so there will be some staff presentations just so everyone is on the same page informationally, but the intention is for me to enable everybody to participate in a much more informal way than you might be used to. So in terms of process for today there will be introductions, even though everyone has name cards, I think it's useful, especially for those watching us on TV, to know who's here and who you represent, so we'll do that in just a moment. We will then go into a couple of briefings from City staff, and you'll notice several departments there are seated at the table, and then at that point we will get into discussion and to whatever extent necessary, question and answer. I would ask you, unless the question is sort of critical clarifying like, 'I don't know what that acronym stands for' or 'I didn't catch what he just said,' please hold the questions until they finish the presentations just so we can be sure we get through them all. But, in general I would say that as long as everybody is able to participate we'll have a good meeting and so what that means is just letting everybody who is speaking finish their thought, and making sure to respect everybody's right to their own points of view, and to allow yourself to be open to information from parties that you may have disagreed with in the past but might find common ground with during the course of these meetings. So, I look forward to working with you all and certainly if you have suggestions about how we're running things, I'm certainly open to them. I'm very informal, but look forward to being with you all through these meetings.

Leslie Pool: Thanks Larry. I'd like to go around the table starting with Andrew at the end over there. Give us your name and tell us who you are with and we'll go around the table. So, just a little primer, if you push the word PUSH this little red light turns on and then you are live.

Andrew Dobbs: Thank you very much. I appreciate that.

Leslie Pool: But, it's hidden so you really can't just see it.

Andrew Dobbs: Yeah, you got to kind of do a little thing there.

Leslie Pool: You have to work at it.

Andrew Dobbs: Thank you Council Member, I'm Andrew Dobbs and I'm with Texas Campaign for the Environment.

Eric Goff: Eric Goff with the Compost Peddlers.

Adam Gregory: I'm Adam Gregory with Texas Disposal Systems.

Andrew Bosinger: I'm Andrew Bosinger with Synagro.

Phil Gosh: Good morning I'm Phil Gosh, with Organics by Gosh. Could I ask you a quick question?

Leslie Pool: Let's get around the table first.

Phil Gosh: Okay.

Paul Daugereau: I am Paul Daugereau with Waste Management of Texas.

Delia Garza: I am Delia Garza, I represent Southeast Austin District 2 on the Austin City Council.

Ann Kitchen: Hi. I'm Ann Kitchen and I represent District 5, middle Central South Austin.

Leslie Pool: Leslie Pool. District 7.

Alison Alter: Alison Alter, I represent District 10.

Gerry Acuna: I'm Gerry Acuna and I represent the Zero Waste Advisory Commission.

Andy Andradi: Andy Andradi. Central Texas Refuse.

Josh Blaine: Josh Blaine. I also sit on the Zero Waste Advisory Commission.

Steve Shannon: Steve Shannon with Waste Connections.

Kerry Getter: Kerry Getter, Balcones Recycling.

Leslie Pool: And I'd like the staff to introduce themselves please.

James Scarboro: Good Morning. James Scarboro. City of Austin Purchasing office.

Daryl Slusher: Daryl Slusher. Austin Water.

Sam Angoori: Sam Angoori. Austin Resource Recovery.

Robert Goode: Robert Goode, Assistant City Manager.

Leslie Pool: That's great. Mr. Gosh you had a quick question.

Phil Gosh: Yes, I just wanted to clarify something.

Leslie Pool: Turn your light on. Now it's on.

Phil Gosh: I just wanted to clarify something. I wanted to ask for forgiveness. I made a statement that was incorrect during Council and just wanted to apologize for that. There's a copy of the email that I wanted to give you. My intent was to give accurate information and that information was not accurate, and it had pertained to violations of anti-lobbying and there are none of those out there. So, I wanted to apologize for that.

Leslie Pool: Very good. Thank you. I appreciate that.

Phil Gosh: You're welcome.

Leslie Pool: Does everybody have a copy of the agenda in front of you? I just want to thank everybody for coming today. As you know the Waste Management Policy Working Group has been formed to try to find the best path forward toward achieving our zero waste goals and to resolve what seems to be a log jam over waste management contracts, and we'd like to resolve this stalemate in a way that's fair and reasonable and in a way that keeps us moving forward in a positive direction so we can truly be a zero waste city, and I see this happening with input from everybody around this table. So, we're estimating, just a little bit of information on the timing for these sessions, we're estimating two additional meetings required to gain sufficient information to make recommendations. We'll be writing a report, the report will go to the full Council by our June 1 deadline so we're on a tight time schedule. This means that we won't likely be taking any action on policy questions during the course of these meetings, and of course with four Council members here this is not a quorum, and in fact this is

purely an advisory work group so the actual actions will be taken by the full Council. So, we don't yet have those two meetings scheduled but my colleagues and I and staff will be exchanging availability dates after this meeting. So, this is the first working group, at least for this Council, that we've ever had on waste management policy. This is an experiment of sorts, to see what we might be able to learn from this exercise. We certainly don't expect to solve every policy conundrum in just three meetings but I hope you will agree with me this is, we hope, a good start and I and my colleagues and I hope you as well, will be happy to play a part in resolving, play a role in this process. So, Mr. Schooler, do you have anything you'd like to add?

Larry Schooler: No.

Leslie Pool: Okay. Great. So, I'd like to move into staff briefings and among the staff who would like to go first?

Sam Angoori: I'm going to go first. Sam Angoori with Austin Resource Recovery. As you know, four recent contracts relating to waste management have not been approved by the Council. These are two Austin Water contracts relating to biosolids management, the dumpster contracts to service City buildings and facilities and City sponsored special events, and also dispose of special wastes. The last contract was a contract for organics processing for the expansion of the curbside service. And we have determined that there are policy issues that Council will need to, or should, address before we bring any more of those waste management type contracts and we're prepared to make a presentation of the list of those policy issues. And we're hoping at the end of this process we have a clear direction from the Council, and we certainly thank you for the opportunity. I appreciate this setting and discussion and with that I'll turn it over to Jessica King to do the presentation.

Jessica King: Good morning Council members. Jessica King. I'm shorter than this microphone will tolerate at this point, I apologize. I am currently in an acting capacity in the Communications and Public Information office but I've served as Austin Resource Recovery Strategic Initiatives Division Manager and we've worked closely with several other departments, especially Austin Water and Austin Energy, in developing this presentation, as well as, of course, the Purchasing office. So, part way through this presentation I will turn over portions to Daryl Slusher with Austin Water and James Scarborough with Purchasing office. Today we are here to talk about waste management policy. We'll provide a quick overview of the department, Austin Resource Recovery Services; there have been some questions and some clarification opportunities that we wanted to have right here to explain what the department does in terms of providing services to the community. Focus in on the different types of City waste management contracts that are currently in place and that we have questions about, and then discuss the various waste management policy questions. We've organized them into basically three categories. So, in previous memos you may have seen just a spattering of questions, just all lumped together, but what we've done now to help facilitate the conversation, is prioritize based on what we really are seeking direction on first and foremost, and then moving into the details of each component. And then we have some other policy issues that are brought up, often times normally the different types of solicitations, and so we'll get into those different types of solicitations as we go. So first and foremost, overarching view of what our department does; Austin Resource Recovery provides primarily residential curbside services, and that is articulated in City Code Chapter 15-6-11, so the services that we provide are to single family, duplex, triplexes, and fourplexes. Those are the primary customers, and that really wasn't articulated clearly until 2015, so that was an Ordinance passed very recently by the previous Council and is now in place. And so our primary customers are single family, duplex, triplex, and fourplexes. Of course there were some grandfathered properties that you'll see but for the most part we provide trash cart service, yard trimmings through craft paper bags and organics eventually, as we move forward through a cart service. We also provide every other week recycling cart service, and then brush and bulk collection on the twice a year basis. Keep in mind, we are equipped only to provide cart level service, we do not have the equipment or resources or manpower to handle dumpster service. We don't have the trucks, anything in order to do dumpster service, therefore we have to contract with private companies in the city to help us provide those services to commercial scale uses. So, if you look out into the community, anything with a dumpster is essentially provided by a commercial private hauler, and all, or many of them, are sitting here at the table today. So, we also have clean community services, street sweeping, including at special events, litter control, also including at special

events, dead animal collection, and then we have our recycle and reuse drop off center which includes a household hazardous waste facility. The management contracts that we are looking at, the waste management contracts that we are looking at, Austin Resource Recovery manages certain contracts, largely processing, first and foremost, of the materials that we are responsible for collecting, so again, single family, duplex, triplex, and fourplex. You'll hear me say this over and over again just to make sure everybody understands that. We have a landfill contract that started off as a thirty year contract, we're obviously several years into that, and that is contracted through Texas Disposal Systems. We have a recycling processing contract with Balcones Resources and Texas Disposal Systems. Our pilot program is currently for composting of organic material, largely food waste material, is with Organics by Gosh for the pilot material. And then we have not yet determined... a contract was brought to you a few weeks ago for composting for the expansion. The expansion is planned FY17, about 38,000 additional households, and 52,000 additional each year, so expanding to the full city. The current contract under the pilot program has different materials that are, actually has fewer materials that could be accepted under the potential contract moving forward. So, we learned a lot through our pilot program, and part of the reason we are seeking a new contract for the processing of organic materials, specifically with food scraps included, is to transition us away from yard trimmings only, which impacts Water Utility, you'll find out later. And then move into a food-based composting program for all of our curbside customers that include different materials that are not currently accepted by the pilot program. So, City waste management contracts that we also have, we have a residential dumpster contract with Waste Management right now. Those are largely used for triplexes and fourplexes where you see higher volumes of trash that can be managed by cart levels. So we do contract that out through a bidding process and the service challenges largely include, again, the high volumes, but really it's frequent bulk set outs. We see a high volume of that, and then general illegal dumping in those areas. City facility dumpsters, obviously to be determined, but City facilities that you're looking at, City Hall, One Texas Center; basically where you see City employees office, and then you have recreation centers, libraries, and other department facilities that are scattered throughout the community. The Downtown Service Contract District, so this is one area where, by Code, the City Council established a boundary which we, I believe has been or will be, provided to you, but there is a boundary established by Council Ordinance in 2005 and propagated by the Downtown Austin Alliance. The Downtown Austin Alliance had concerns about the number of dumpsters, the health and safety concerns, and sanitation concerns in the alleys, and requested that the City take management responsibility of that, and through that process we contract out through a competitive solicitation process to hire a third party contractor to manage all the materials in the downtown area. That currently is managed by Texas Disposal Systems. Other waste management contracts also include Convention Center, Aviation and Austin Energy. For Convention Center and Aviation, they have their own trash, recycling and organics collection. Often times most departments will be included in a master contract but these two particular facilities went above and beyond what we had at the time, and so our existing citywide facility contract only included City trash and recycling, it did not have organics material, but as you know, the airport, as well as the convention center, are serious leaders in our efforts to go zero waste and be sustainable facilities, and so they've taken great strengths to move forward with a comprehensive waste management contract, and so those two particular facilities have their own contract in place right now. Austin Energy also has a special waste Class 2 non-hazardous, if you'll recall in December, 2015, that contract was brought back to Council. This is partly why we're here again, in 2015 that contract was denied for extension and so the question became, "What should Austin Energy do with their materials?" The step that staff took was to incorporate it into a full citywide consolidated contract, but as you all know, which is one of the reasons why we're here, going through the details of that contract and whatever the policy concerns are, we hope to address here in this meeting, or series of meetings. For this conversation, just to lay some foundation, waste management contracts that we are talking about apply to material generated by the City in the course of regular, and I also say emergency, business because often times while we have special storm events, it's only at those times with storm and emergency activities that people will realize that the City is out there doing their regular work. We consider it regular, that's part of our duty, but I wanted to clearly identify we have emergency services that we also provide service to. So, our regular office discards, materials collected by our trucks and whatever course of business that we have. Processing contracts to manage trash, recyclables,

compostables, household hazardous waste, biosolids, other special wastes; these are all the different types of waste management contracts we are looking at during the course of the conversation. Throughout this presentation, I will do my absolute best to minimize the number of just letters that I say, but if I don't please catch me. So, in your agenda you'll see Agenda Items identify 4,5,6, and 7. Those are the ones that we're gonna be focusing on in the different types of waste management policy questions. So, we've clumped them into different categories and the solicitation process is by far, from staff's perspective and I believe from the vendors' perspective too, something that we are seeking clear guidance on, so the questions that I've composed over the course of time by various vendors and by the City is:

- Should the City competitively solicit waste management contracts? and
- For City waste management contracts in particular, should Council waive the Anti-Lobbying Ordinance for future solicitations?

We'll go through a variety of questions as we go into details of that. Other solicitation details are:

- Should materials be directed to, or away from, certain landfills in future solicitations?
- Should some contract or services be consolidated?
- Should the City set diversion requirements for City waste management contractors? And this dialogue will give us an opportunity to better understand what that expectation looks like.
- Is there a preferred way to manage used utility poles? Or just recognizing that utility poles are part of a Class 2 waste stream and so they're one part of a *large* volume of waste.
- Is there a preferred policy for biosolids management?

Previously, we have two commissions here, well, one commission certainly, Zero Waste Advisory Commission and Water Wastewater Commission met in a joint working group and they passed a biosolids, or they made recommendations on biosolids management policy, and so we will bring that back to you through the course of this conversation. Service questions in particular:

- Whether or not Austin Resource Recovery should be providing special event services?

And then going through the different types of solicitation types that we're actually asked about. So, let's dive in.

Should the City competitively solicit waste management contracts? Currently all contracts are currently competitively solicited per the Charter requirements, and the Charter is identified there: 'Before the City makes any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition unless exempted by State statute.' So what does that mean? Basically over the last few solicitations we've had one vendor suggest that the City could use their existing contract for waste management to provide these different services – dumpsters, biosolids, composting – instead of actually seeking bids and going through competitive solicitation process, but in order to seek these services directly instead of competitively seeking bids, the City would need to apply the public health and safety exemption. We don't do this on a regular situation; such an exemption normally involves a situation where there is urgency or emergency situations, storm events or unexpected situations, so we really largely keep that focused in on emergency situations and try to limit the, or make sure that we competitively solicit broadly as part of Charter. The State has an exemption for us but that exemption is largely again only used for urgency and emergency situations. Should we, so the biggest policy consideration is should we competitively solicit these contracts? Various PROS and CONS to that. This could shorten the process to procure services, I'm sure the City would love that part, but negotiations always take time so it's not as if you can send us to one particular vendor and then expect an immediate contract after that, there is still negotiation expected. This would likely reduce controversy on future solicitations after initial discussions surrounding the decision of course, and this would dramatically reduce Council time devoted to these types of issues, which staff is definitely in favor of I'm sure. CONS: Eliminating the competitive solicitation process could actually limit options to us. Negotiating with one or

two service providers could impact partnerships between haulers and processors. These are two in particular important points because as we develop and build our zero waste infrastructure competition, as all of these service providers have stated as we've grown our Zero Waste infrastructure, is critical to keeping costs low and making sure services are available to all customers, so competition is the key to success for us, and that's what we built the Master Plan, the department's Master Plan, and the Zero Waste Strategic Plan upon. There are also cost considerations generally just for the City but also for future businesses, other businesses, if a contract is not competitively bid. Sometimes we are, the City as a government entity, helps small growing businesses build their infrastructure and so there are ways to help support those growing businesses.

Should Council waive the Anti-Lobbying Ordinance? For the purpose of this conversation the Anti-Lobbying Ordinance is waived and I'd like to put it on record that at the conclusion of this conversation and the conclusion of this work group, we will have to revisit whether or not we want to continue keeping the Anti-Lobbying Ordinance waived. But vendors who currently submit proposals cannot speak with Council or staff about the bid unless they do so at a posted public meeting or other exemption. Vendors can submit limited complaints regarding the solicitation process and because, the way the Ordinance is written that's very broad, so we do receive complaints about the solicitation process. And then a competitor who has not submitted a proposal is able to speak freely with Council, so if one particular vendor does not submit a proposal then they are able to speak at-large to Council, whereas the vendor who has submitted a proposal is not, they may only speak in a public audience at a posted public meeting. I learned that the hard way.

Should Council waive the Anti-Lobbying Ordinance specifically? So if Council decided to continue competitive solicitation, should Council then waive the Anti-Lobbying Ordinance for these particular solicitations? So, all vendors would be able to speak freely with Council, this is a PRO, depending upon who you are on that, obviously. This largely impacts Council; staff could certainly continue to have conversations and could set certain policies aside, but for the most part vendors would be able to speak to staff, Council, and Council staff, publicly or privately, which could for other vendors level the playing field. This would eliminate a stated obstacle by one particular vendor who could eventually, if this is waived, has stated they would submit a bid if the Anti-Lobbying Ordinance is waived. So, a CON is that this could increase vendor lobbying and that largely impacts Council, which is why this is a Council decision. Staff cannot waive the Anti-Lobbying Ordinance, Council has to. And then this could favor vendors that employ lobbying teams, so again, as you have smaller businesses growing who may not have the financial stability to hire a lobbying team to lobby on their behalf, this could impact those smaller companies. Another large issue, should, so we're moving into the details, and one primary detail is:

Should materials be directed to or away from certain landfills in future solicitations? The one picture we have, other than the cover, is a map of all of the landfills in our Capital Area Council of Governments Region and as you can see there are four identified on the map, and they're small, and we've also in very small font, unfortunately, I wish I could see it a little bit larger from here but we've identified the miles and the distance from each location because sustainability is a big concern for the City. So, in terms of the landfills that we have, we have the Williamson County landfill that is in the Capital Area Council of Governments, and the reason I talk about that particular Council of Government is because during a Zero Waste Advisory Commission meeting there was an interest in really kind of articulating the area, how far we wanted to go, because if you did not articulate that area, you could go as far as Dallas, San Antonio or any other cities that have landfills, and so the Zero Waste Advisory Commission was very interested in limiting that area. So Williamson County landfill is managed by, I'm sorry, it's owned by Williamson County, managed by Waste Management. The Waste Management landfill is The Austin Community Landfill, closest to the city, owned and managed by Waste Management. Texas Disposal Systems landfill located in Creedmoor, owned and managed by Texas Disposal Systems. And then a proposed landfill, I

don't recall the owner at this point, I'm sorry but it's in the Lockhart area and it is projected supposedly according to websites, but there are conflicting arguments about that, expected to open sometime in June of next year. So, should materials be directed to or away from these landfills? Currently there is no policy direction from City Council. Staff scoured the resolutions and many Council members will remember a period of time when, one or two certain landfills, I'm sorry, the Waste Management landfill, the landfills located along Giles Road, those landfills were up for expansion and so during that discussion there was a Resolution passed at that time opposing the expansion, but there was no actual policy direction from Council not to utilize those landfills. For curbside service the City collection trucks haul the material to Texas Disposal Systems as part of its residential contract, for other City contracts the City solicits bids and the respondents are only limited to landfills with a valid operating permit. Using our contract the City can control the flow of material it generates or is responsible for managing, but the City cannot regulate where private haulers take material managed under a private contract. So there's been this back and forth conversation about flow control and we wanted to utilize this opportunity to clarify moving forward what we mean by that: Our contracts can identify where we want materials to go but the City cannot direct private haulers in their own private contracts with their private companies to tell them where they have to go. As generators of the waste the City can choose where its materials are managed and processed, so just the 3rd or 4th time I've said that, and we'll hear it again, I'm sure. So, should materials be directed on landfills, to or away from certain landfills? There are PROS to directing the materials to or away from the landfills, it would certainly clarify Council goals and some environmental goals. There have been some issues about just distance, the operation of the landfills, so creating either a criteria or articulating specific details about which landfills to or from, would be helpful. From a CON perspective, this could benefit some vendors and thus affect competition because as you start to move away we start to see cost increases because of the cost to move material around, so that's a factor to consider.

Should some contracts or services be consolidated? Based on conversations with Council and Zero Waste Advisory Commission, four specific areas of services were consolidated under the most recent contract sent to you about two to three months ago. So we have four criteria:

- trash, recycling, and composting *from* City buildings;
- emergency situations such as storm or flood events;
- and then City co-sponsored events;
- and then Class 2 non-hazardous waste: utility poles, contaminated soils, air filters, pipe insulation, basically any waste generated through the course of regular business in the operation of an energy plant.

And so as you can see, just the reason we identified it this way is because you'll see a commonality between 1, 2 and 3 in particular. You have trash, recycling, and composting, consistent similar types of materials, the generation and where they're generated from, that was part of the reason for the consolidation. There is commonality between those different types of materials. So, should some contractors or services be consolidated, the PROS and CONS going through that: consolidating services under one solicitation can assist with sustainability reporting. That has been a big challenge as the City tries to understand its lead-by-example initiatives. We have data all over the place and to co-locate that data under one service provider to better understand the trash generation and the management of that material would help us tremendously in determining whether or not the City as an entity is moving towards zero waste. This will ensure our zero waste goal is applied consistently, also, so that we're sure that every contract has the same types of materials that can be accepted, in both its recycling and composting in particular, and that we are able to track and document the data that, and the service levels, the frequencies, associated with the contracts. CONS: Independent contracts for waste management could result in inconsistent rates, services. So if you have every department, and we have many

departments obviously in the City, but if every department in every different facility contracted for their own service then you could have inconsistent rates, different service standards, data reporting challenges, and then just the magnitude of contract compliance, that will be difficult, to say the least, for our contract management team. There's also niche material that could require special collection and monitoring.

Diversions requirements for City waste management contractors. Currently, City departments are required to separate recycling and composting from landfill trash, and then the contractors process the materials they are asked to separate, so, if it's recyclable, set aside, then it's to be recycled, compostable shall be composted, and so forth. Diversion rates, specifically, that term is a very important term, those terms are placed upon the generator, so that means us, if we're generating, making the waste, the expectation is for us to set the material aside and achieve a certain diversion rate, is placed upon the generator. That is consistent with the Universal Recycling Ordinance. Haulers are only expected to move and process the materials. There seems to be some challenge in understanding what the diversion rate or diversion requirements are that we are looking for, so hopefully through the course of this conversation we can get some clarity on that. So, if we do set diversion requirements for City waste management, there are pros and cons to consider:

It could increase diversion rates, that would be great.

Places the burden of diversion on the vendor instead of the generator so there would need to be some monitoring and auditing.

And then it could increase the cost because that cost is now borne, and that service is now borne by the service provider.

Does Council have a preferred method to manage utility poles? So utility poles are Class 2 non-hazardous waste streams. By weight utility poles specifically, just that particular waste, constitutes 2% of Austin Energy's entire waste stream. So utility poles specifically have been landfilled or beneficially reused under previous contracts, and then currently under the system that Austin Energy is using, Austin Energy's Class 2 non-hazardous waste is being sent by a contractor to Texas Disposal Systems. In considering the management of used utility poles, there are 3 options really, it's down to those 3, and staff has done some research on this: beneficial reuse requires sometimes some storage but in that storage responsibility taking the reuse looks like selling it to another landowner for posts on farms, fencing posts, and there are obviously service providers here who can probably go into greater detail of the different types of reuse opportunities. Whether or not that reuse opportunity, and that market is here in Austin, we are unsure of, so a clear understanding of documentation would be really important, whatever we do in regards to the contract. Incineration, or waste to energy is another option. Other cities who consider themselves to be zero waste might use incineration for waste to energy, so they'll take the land, the utility poles, grind them, chip them up, and make them into fuel chips to then be sent to an energy facility. And then there's, of course, landfill disposal, it is the lowest on the hierarchy of best use. Of course incineration is not ideal in this community, as we've been told by various members of the community, but those are the three that are currently available to us.

Is there a preferred policy for biosolids management? I am going to actually send this over to Austin Water. Daryl Slusher.

Daryl Slusher: Daryl Slusher, Austin Water, and we have also Judy Musgrove, our Division Manager of Process Engineering. I'm going to skip this slide and come back to it, I apologize, a communications mistake in the early morning, so I'll go to this one. We have a, we're talking about our biosolids, our Hornsby Bend sludge treatment facility. We came with a contract late last year that wasn't approved by the Council but we did go to a working group of the, we went to the Water, Wastewater Commission, Zero Waste Advisory Commission and then they established a working group, and these are some of the principles they recommended, and we're willing to abide by all of them. Probably, I won't go through all of the detail of each one, but probably the most important one is

the Class A compost. Now currently we're doing both composting, including Dillo Dirt, and then land application, and so this would end the land application, if we go that way, and we're willing to do that, I'll talk a little bit more about that in a minute, but I just wanted to point out that what we're doing now is best practices around the country, around the world. Just a few cities I wanted to name that do land application: Portland, Boulder, Denver, Eugene, Oregon, Fort Worth, so obviously we're in good company on that but we are willing to go to 100% compost. And so on this, should there be a particular quality or should Austin Water be allowed a range of compost materials? We would like to recommend the range. And should Dillo Dirt continue to be produced? We would like to get a policy call on that, but we are proud of the Dillo Dirt Program and would be happy to continue doing it. We just want to hear from y'all on that. And then I just want to show you, before I go back to that first slide, this is a picture of the situation now, it doesn't cover the whole area but the point is we wanted to, we would like sell just a couple of these piles. Those are piles of composted Dillo Dirt. We would... it's been there curing a long time, and I'm trying to say this as nice as I can, it just keeps coming in all the time, and so, what we would like to do to give us more area to work the piles, we would like to sell a couple of them. And I'll go back to that first slide here, so we would just sell a couple of them and maybe come back and sell two more after that. We think, we can't say in advance how much that would be, but we think it would probably be against the Council limit, and we just want to respect this process here, that's why we would only sell two, but we wanted to make sure there are no objections by the Council to us doing that, by the four members here. And with that I'll turn it back to Jessica.

Leslie Pool: I think Council Member Alter may have a question for you, Mr. Slusher.

Alison Alter: I was just wondering to whom you would be selling it, in general?

Daryl Slusher: We would put it out for bid, anybody can bid, so we wouldn't determine anyone in advance.

Jessica King: Okay, last question, again focused more on the department's operations.

Should ARR continue to provide waste management services for special events? Events that are not City, official City co-sponsored events, and what I mean by that is passed by Resolution by Council, contract for trash and recycling service with their preferred vendor. So basically, as you all well know, there are thousands of events in this city and if you are a, if you are not co-sponsored by the City Council, by a Resolution, then you contract, you go through your standard process of contracting with a private hauler in the area to help you with your waste management. If the event is a City co-sponsored event, again, articulated by Resolution, then ARR offers, but we do not require, service to the events that are co-sponsored. That means that when they are going through their permitting process, we tell them 'you have a choice to use City services or you can utilize a list of service providers that are licensed in the community.' They are therefore eligible for various services that the City provides, including access to the contracts that we have. So our special events services include coordinating dumpster service and providing litter abatement services, including managing trash and diversion containers and street sweeping. Providing these services enables the City to waive the fees for these services, and I apologize, I like to make sure this is clear, the City there in that particular bullet should be capitalized, and what we should have said at the beginning is when we say city in a small case, we're looking at the city at large, but the City capitalized is an organization, our departments. So I reference Resolution 2009, because in 2009 the City Council began considering a Green Events Ordinance. During the course of that conversation Council determined that we were not providing recycling services for our own City co-sponsored events, and during that conversation there was discussion about the amount of services required to ensure adequate diversion, the least amount of contamination. So the number of people monitoring containers, all the services essentially that we provide to these co-sponsored events, we were testing what it would take in order to develop an Ordinance, for, to be used at-large, for the entire community. So the question is now, whether or not we should continue doing that. We recognize that providing those services is considered competition by the service providers, and so the PROS is that it allows the vendors to compete

among themselves for those services and removes the City from this type of competition. If ARR is no longer directed to offer those services though, this would eliminate the ability for the Council to waive fees for those events. And there is, just as a clarification, the opportunity to utilize a rebate program that our department has but, as you well know, with the budget there are limited funds to apply those rebates, and thousands and thousands of events, so we just wanted to make it clear that that event rebate is currently in place and special events that are not City co-sponsored are eligible for those rebates. This would open that door also if City co-sponsored events were to utilize that rebate and no longer receive City services.

So, the next major issue are the various **Solicitation Types**. A Council member requested a clearer understanding of the different solicitation types so I'll send that over to James Scarboro.

James Scarboro: It's just one slide. Good morning Council Members, James Scarboro, Purchasing office, it is my pleasure to discuss my favorite topic, Government Procurement. I will do my best to keep it at the high level as much as I would like to get into an academic conversation. The two processes, and these are really processes, that the City employs for competitive procurement above the formal threshold established by the State, \$50,000, are the Invitation For Bids and the Requests For Proposals. Of the two, the Invitation For Bids, or the IFB, is the more objective process, as it is the like for like competition, so essentially you'll see the characteristics listed below. It's the most objective formal process. Award is based on compliance with specifications and low price. The City must have detailed specifications in order to compare like, or the same products. Offerors have no, or very little, ability to vary from the specifications, and we typically use this process when we are purchasing goods or very standardized services. It is the least flexible process and there are no negotiations allowed, however, like I said, it is the most objective. The RFP process, again, I'm fighting my inclination to go academic, is a less objective formal competitive process, but it allows for consideration of qualitative differences between the offers; it allows us to compete unlike things. So the way that you compete unlike things is to identify like characteristics or criteria of those things and then evaluate on those criteria.

So award is based on 1. evaluation criteria, and [2.] price. City's requirements can be more generalized, allowing for the offerors to propose an approach that best meets the City's needs. The offerors will typically propose approaches that allow them to highlight their expertise, or their method of approach. We typically use this when we are purchasing services or more complicated, larger contracts, solutions, if you will, and then it's a more flexible process and it does allow us to enter into negotiations. So, of the questions that we have observed on these two processes over the last number of items that have gone to Council, we don't really see discussions or debates so much associated with the differences between the IFB and the RFP, rather we see concern regarding the visibility of the proposals and the content of any resulting contract. That's an element of the RFP process; it's not the entire process but it's an element of the process. So, we can look at solving a problem by removing the entire process or we can look at solving the problem by addressing the element of the process that creates the consternation. So we're looking at possible ways of making proposal contents more available, as well as the contract contents, but to clarify, the contents of the proposals are available to Council members and their staff. You just sign the non-disclosure agreement and you can see the contents. But to the extent then that we discuss information that has been identified by the offerors as confidential, they determine that they're confidential, or that they're subject to trade secrets or what have you. For us to do something different with that content, would involve requesting an opinion from the State. So, we are examining how we can address that particular element of the RFP, but in terms of whether we choose a competition by a low bid process or a competition by evaluation criteria process, ultimately they're just processes, and we endeavor to meet the business needs of our customer and the City, and thus far they have wanted processes that allow for consideration of qualifications, best approach, when they articulate their needs to us they say things like the least amount of this, or the most impact of that, or the best value, or the best qualified. These are subjective differentiations that we cannot take into consideration when we perform an IFB, so that's why we have chosen the RFP process, but if there's an element

of that process that can be improved and maybe cut down on some of the concerns with the process, we are glad to investigate that, and I'm glad to answer any questions that you have in this regard.

Larry Schooler: Before we get into questions from either Council members or the group, I did want to acknowledge Jessica and the team of presenters for doing a great job with such a thorough topic, and I wanted to see if I could clarify something that was confusing to me and it might have been confusing to others. If you go back to slide 11, where the Pros and Cons were laid out, about competitive solicitation, I think what you were trying to say there is if the City no longer competitively solicited management contracts, these are the pros and cons, is that right?

Jessica King: That's correct.

Larry Schooler: And then the same thing on slide 28 referring to providing services at special events, I assume there again you were saying if we no longer provided those services, then those are the Pros and Cons?

Jessica King: Yes.

Larry Schooler: Well Council, certainly, if you all have questions of staff I think it would be appropriate to take those first. Council Member Pool.

Leslie Pool: I think that would be great and I am really, really interested in hearing from the folks around the table too, but yes, Larry, heave ho.

Larry Schooler: At this point I think we'd focus on questions rather than getting into discussion, just to make sure everybody is very clear on what staff presented, so if anybody would like to ask a question. Mr. Shannon.

Steve Shannon: Excuse me, it's not a question, I'd just like to clarify something in regard to Mrs. King's proposal. Our company, Waste Connections, has a Type 4 landfill located on FM 812. It is a construction and demolition debris landfill. We provide services to many third parties there for their LEEDS recycling projects and we also perform, in addition to disposal, recycling activities at that facility.

Larry Schooler: Thank you sir.

Jessica King: So I'm sorry, just to clarify, that map largely included municipal solid waste, MSW landfills.

Larry Schooler: Okay, Andrew. And by the way there are two Andrews and an Andy so someone's going to have to change their name.

Andrew Dobbs: I'm Dobbs, most of my friends call me Dobbs, so you're more than welcome to do that. So, James Scarboro, I'll ask you this, I may have other questions later but just because it was the last thing you talked about, that if we were to waive confidentiality we would have to get an opinion from the Attorney General, did I hear that correctly?

James Scarboro: If we were to seek to uncover or make public the contents of a proposal that the offeror indicated as confidential, we would need to then go and request...

Andrew Dobbs: Sure.

James Scarboro: ...because they requested...

Andrew Dobbs: Then the key point there is that the offeror has marked it as confidential. If you said we will only negotiate with you if you are willing to publicize this at X date or throughout the process, then they would, as long as they agreed to that, we would be able to see it, right? And obviously the City has all the leverage because y'all are the ones with the money, right? So if we wanted to have competitive bidding processes that at some point, prior to execution, had the ability for the people of the City of Austin to see where their money was being spent,

the City could insist that its vendors, or its potential vendors, make public their contract prior to execution, correct?

James Scarboro: Absolutely.

Andrew Dobbs: Okay, excellent. I just wanted to make sure.

James Scarboro: To clarify that point, absolutely, we would welcome the opportunity to have all of the contents of the proposals be publically available because you really kind of need to see what made the most highly rated proposal, most highly rated, and to do that you would need to contrast its contents with the others that were not most highly rated, but companies request that certain content be kept confidential and for us to exclude that in entirety, one of the possible consequences is that companies may choose not to compete. And if that's the policy direction from Council, then we can certainly take that, we can certainly make that happen, but that is part of what we're looking at. The way that the statute is articulated now would make it so that companies could request that this part of their offer be confidential, that part not, this part...

Andrew Dobbs: It would be a cost benefit analysis for them...

James Scarboro: Right.

Andrew Dobbs: ...where they would determine then maybe this 10, 20 million dollar contract is worth revealing this portion of it, or rather forego all that money and all that opportunity in order to keep it secret here.

James Scarboro: Sure.

Larry Schooler: Council Member Garza and then Kitchen.

Delia Garza: First, is how do we get more women in the waste management business? (Laughter) And minorities?

James Scarboro: I'm assuming that's rhetorical.

Delia Garza: Real question. There was the, one of the first slides said that... it's slide 9 and it says 'what is required by our charter' and so I'm confused at the question, 'Should the City competitively solicit waste management contracts?' because my understanding was... the slide says it's required by our Charter. So is the question should we change our charter? Or is it an interpretation question of what the Charter says?

James Scarboro: That question may need to be clarified by the law department, but essentially we are to seek competition whenever possible except when there are instances where State law allows us to not seek competition because there is an exemption from the competitive requirement. So, when there is an exemption, we can determine whether to identify a source and bring that before Council for authorization or to identify a source through some kind of comparative analysis, and that comparative analysis often times is through competition. And so, when we don't have a source and we don't have a company in mind, because of criticality of timing, or because of past experience, or because of what have you, when you don't know which company that you're going to bring forward, then you need some way determine which company to bring forward, and often times the best way from our perspective is to have a competitive process. But to answer your question, the charter requirement just acknowledges that there are exemptions allowed in State law and that we can observe those but, to get into more detail, I would defer to Law in that regard.

Delia Garza: Can Law chime in on that?

Cindy Crosby: Good morning, Cindy Crosby, Assistant City Attorney, Law Department. And so the Charter would not need to be changed. The language in the Charter explicitly says that we can take advantage of the exemptions if they're available by law. The exemptions under chapter 252 of the Local Government Code are purely voluntary, so the City has chosen as a policy matter to not necessarily use an exemption every time that there's one available, but to seek competition and to put it out to bid. So we don't have to change the Charter. It's just a

decision on how much or how strict we want to be on the use of the exemption. And Council Member Pool, if I could jump to the other question, that was brought up just a second ago, regarding the confidentiality of bid contents, I was trying to find the section on my phone and wasn't quick enough, but there are some, there is some language also in the Local Government Code that makes it mandatory that you can't release the trade and confidential information, so I think that language is mandatory and I can have that information for you later this morning, or in the next meeting and have something prepared for you.

Delia Garza: Maybe a better way to phrase that question as we're having this discussion is, because we should always competitively solicit, I think the answer to that is yes, but maybe it's more framed in a way, should we, it sounds like you're trying to say is, use more of the exemptions available already. Is more the policy question. The policy right now is, there is exemptions, we just don't use them.

Cindy Crosby: They are being used, as I understand from Ms. King's presentation, in the emergency situation, and so there's a laundry list of exemptions in that chapter of the local government code, one of them is public calamity, the floods are an example where staff had to immediately retain vendors. There's also a public health and safety exemption that is very broad because you can really almost classify anything as public health and safety and that does not require an emergency situation. So, because the City's policy has been to promote competition and solicit as much bids or information as possible, we haven't used that particular exemption.

Delia Garza: And was that a policy direction from Council or was that more at a staff level?

Cindy Crosby: I'll have to turn that over to staff. I don't know.

Robert Goode: I'll try to answer that. I think we have a very clear and defined single source procurement process which makes it challenging to jump over a lot of hurdles internally to do sole source, so that clearly is a practice that we've had for years and years to competitively bid whenever possible because of that requirement internally, there's all kinds of hurdles to jump over to define a sole source procurement.

Delia Garza: I guess, is staff looking for more direction from Council? Cuz it sounds like staff has kind of done that on their own, which is fine in cases like that, you can't come to Council for little fact based issues.

Robert Goode: Yes, we are asking for that because there have been some vendors that say 'why don't you just come to us and directly provide services', which we could do, we could certainly do that. We've chosen not to, as staff we've chosen to competitively bid, so that process decision has been challenged recently by some vendors who say 'you could use some of these ways to sole source, you could bid some of the things, why are you choosing to always bid?', and that's what we are asking for direction on; we have chosen do competitively bid processes.

Larry Schooler: Before we go to Council Member Kitchen, several hands that have gone up several times, so let me go to Mr. Gregory and then to Mr. Getter and then back to Mr. Dobbs.

Adam Gregory: Thank you, I just want to make sure that the position we've taken is not mischaracterized. The question, 'should the City competitively solicit waste management contracts?' is obviously yes. We've not even taken the position in every case that the exemption should be used. It's really too simple of a question to do the topic service. Our position has been, is that when there is an existing contract that is the product of a competitive solicitation, and has been approved by Council, and there are terms within that contract that allow for additional services, that doesn't even get into the realm of talking about the exceptions, because that's part of the competitive process that's been approved by Council. So, the question is 'should terms within existing contracts that came from a competitive solicitation, are approved by Council, should there be a policy not to consider those at all?'

Kerry Getter: Thank you, Kerry Getter, Balcones Recycling and Balcones Resources. With respect to the confidentiality issues and RFP's, we have not responded to an RFP in a couple of years, but I can tell you in our

most recent experience, we were required to submit financial information on our company, which is not something that I care to disclose to the general public. We were required to disclose the purchasers of our material. I am not particularly thrilled with the idea of sharing that information with my competitors. What we do as a company has been the accumulation of about 35 years of hard work and we do our best to differentiate ourselves and to develop different markets and to simply throw that out for public consumption, we would deem as being unfair. One of the other qualifications, or requirements of the particular RFP was to disclose pricing that we received, and that was met with some skepticism by other participants in the process, so much so in fact that the City Auditor came to our office to verify whether or not the information we were representing was correct, and after spending a good part of the day there and looking at our records, they came away saying that, yes, you absolutely are correct and what you said was true, is absolutely true. We do not however, feel like sharing something like that, who we sell to, where we sell material, how much we get for it, is of particular benefit to the public. Again, this has been our life's work and we also have non-disclosure agreements signed with several of our buyers and we have contracts, and I think someone from the attorney's office mentioned earlier that putting those things out for public consumption causes a lot of questions. We're happy to share that with City staff, but, and we have in fact with the Auditor's office and others. So I want to say that with respect to RFPs and the disclosure of that sort of information, it's very unsettling that that discussion be taking place.

Larry Schooler: Before I continue down the list of speakers, and I now see more hands, Council, I just want to check in on process, I mean Mr. Getter was, you know, obviously sharing his point of view on the subject at hand. There are about 15 subjects at hand to discuss, and I don't know whether all the hands remaining are questions or not, but it just seems to me like it would be productive to focus just on questions until the questions are complete and then decide which topic we're gonna take up for discussion, because as I said there are quite a few. Is that okay with you all?

Leslie Pool: I think that works fine and that gets everybody's questions out on the table so that we can at this information-sharing piece of our deliberations get questions surfaced and answered to the best of our ability. We'll have time for additional conversations about policy and philosophy, but let's right now focus just on the questions and answers.

Larry Schooler: So let me turn back to Council Member Kitchen at this point.

Ann Kitchen: I just have a quick question for staff, which you can point me to the information, you don't have to answer it right now. With regard to confidentiality, I'd like to see a list of what's typically kept confidential, whether it's the same or not. And those are in your solicitations, I'm sure. And then I'd like to understand how that relates to the existing law. I'm familiar with the law, that it talks about trademarks and other competitive information and those kinds of things, and I'm assuming that we are keeping, or allowing to be kept confidential, all those things that are in the law. My question really is, is do we, do we go beyond what's stated in the law in terms of what we designate as confidential. So you can provide that information to me. The other question I have is a very quick question too, which again you can provide in back up... I'm wanting to understand, when we're talking about the question of should we competitively bid, it seems to me that question is really, when should we competitively bid, when should we consider an addition to an existing contract, how often do we just, have, what's the right word, re-up to those contracts? In other words... because I know we often have an initial term and then options for continuation of those terms. So, you know, how long is the whole term, from initial to the re-ups, you know? And then what do we do at the end of that term, in terms of competitively bid? All of those are nuanced questions I think that there may be a different policy response to. So, the question I'm asking, if you could just provide to us, what's the typical length of these, both initial and continuations, and then, I think that would be the main question I would wanna know. And then I would just characterize this – I think this policy question includes those nuances to it. In other words, when should we competitively bid, and when should we consider adding onto an existing contract, and when should, and how long, should existing contracts with existing scopes continue?

Larry Schooler: And that sounds fairly similar to what I heard the points Council Member Garza was making as well. All right, so before I get to hands, I just want to make sure the hands for right now are questions rather than points of discussion. I know that Andrew B. had his hand up at one point – oh, I'm sorry Council Member Alter. Excuse me.

Alison Alter: I don't think you can see me over there. I have several questions, but I'll try to limit myself so we can hear more from those who came to speak with us today. I'm trying to understand for the, 'should the City waive the Anti-lobbying Ordinance for future solicitations' questions, what information do we not have that we would like to have? Because it seems to me that the answer to that question hinges on 'what is it that we need to have that we don't have', and I would like a fuller understanding of that, and I think that's a question both for staff, and I know that there are vendors who have also raised some questions on this who may have another perspective on the kinds of information that we should be having when we make these decisions. Because there's no reason to lift this ordinance if there's not information that would help us make better decisions. But I think we need to have a fuller understanding of what that is.

Robert Goode: And I'll try to answer that. I think the place that we've seen ourselves in the last few solicitations is, a vendor that has chosen not to bid gets to continue to talk to you all and staff. The folks that have bid, don't. So that's not a very level playing field. So that's what the suggestion or the question is – should we level the playing field and just waive it so – for one, everybody could bid, because I know there's one vendor that doesn't want to bid with that in place. That way everybody could bid, that's one. And then everybody could talk to you, that's the second part.

Alison Alter: But what do we, what information, you know, very specifically do we not have?

Robert Goode: When one vendor says something about another vendor and the vendor has bid, he or she can't talk to you about it and talk about that "that's wrong" or "that's inaccurate." That's the problem. So you'll get more information from all the participants.

Alison Alter: But I guess what I'm trying to understand is there a way that we can do this that doesn't have to be lifting the ban that everyone can come to Council and lobby, but that the City, whether it's the commissions as a go-between for Council, or that there's some forum where this information can be shared that doesn't involve us randomly being lobbied by whichever company has the most money to afford to have a lobbyist. And so that's kind of part of what I'm trying to understand here, and I don't know if Commissioner Acuna, you wanted to respond to that.

Gerry Acuna: You know, we have obviously as a commission have been approached by numerous companies when it comes to solicitations. And as far as the Anti-Lobbying Ordinance is concerned, it's my opinion – and again, I'm gonna stress *my* opinion – that parts of this ordinance are very, very meaningful. I think it came about probably in 2007 or so, I think Mr. Goode, you were here at that point, but, well, predated you. But around 2007 we did have an influx of lobbying occurring with the large scale contracts, and it was a necessary ordinance at that point, and it's worked wonders, but as anything else in life, the pendulum has swung a little bit too far. Is there a way to balance this? Is there a way that we can take into consideration the Anti-Lobby Ordinance and at the same time accomplish what the goals of staff are, the goals of what need to be done? And I know that as a group, as a commission, we have discussed some possibilities and one of the things that we discussed was perhaps working jointly together. I mean, as a joint commission-staff group that can set out the policy issues, make sure those are addressed number one. Number two, is it possible to set up the scoring matrix, at the end of the day, that we know will answer those policy questions and, at the same time, bring us the best, most qualified vendor. We've discussed that. The other item was, since these contracts, I mean, there's not rocket science there, there is some proprietary information when it comes to, for perhaps a Dillo Dirt formula. Do we need to know that? No, we really don't need to know that, but we want to know that these contracts are bid and the policy issues that this Council has set forth are being respected and part of this. So is there a way that we can take this Anti-Lobbying

Ordinance and kind of balance it again? Yes, there are. I think that hopefully within the next meeting or two we'll have some, some more articulated ideas that, on how we can accomplish that.

Larry Schooler: Council Member Alter, I think Commissioner Blaine may want to weigh in as well, if that's all right.

Joshua Blaine: Josh Blaine, also on the Zero Waste Advisory Commission, and I think sitting on that commission I can answer your question and add a few things. So, one thing that is interesting to see in writing here, that was not clear to us as a commission or to the staff as recently as a few months ago, was that a vendor who's got a submitted proposal can speak on a contract that's pending, in a public meeting.

Gerry Acuna: Correct.

Joshua Blaine: That was not clear to us, and that caused a lot of difficulty, right? So the information that we didn't have, we couldn't ask directly and get the answers to make a good recommendation. So some of the friction that we experienced as a commission was misinformation, and they came back the next month and we got the information we needed. The vendor answered our questions, and we were able to make a recommendation on the contract favorably. So, in some ways, at least from my perspective, part of the solution has already been identified. Yes, somebody who is under negotiation, who's a vendor, who's got a proposal can come to a ZWAC meeting that's publicly posted and speak. Maybe what needs some clarification is, does that particular contract and that particular vendor and that particular issue need to be on the agenda with potential action? Or is it enough for them to come and speak citizen communication, or be called to the dais, or to the lectern, to answer a specific question related to an agenda item? That could possibly use some clarification. But as a Commissioner, that was very frustrating. To answer your question further, there are certainly instances where proprietary information has specifically been redacted as delineated in a contract or in some agreement related to the negotiations. I understand, and I certainly don't want to create an environment where businesses whose infrastructure is absolutely necessary for our zero waste goals to not be able to put bids and feel comfortable doing business in this city. We've seen with the C&D ordinance – I'm chairing that committee – we're running into some issues where we don't have the infrastructure. And we need the, we need the private industry to be comfortable. Having said that, also as a zero waste advocate and somebody on the Commission who's looking out for our zero waste policies, it is also really important that we know where our materials are going. So we had a really good example in E-recycling conversation at our last meeting, about E stewardship requirements. So, basically third-party certification knowing that these materials aren't just getting dumped on some developing countries – you know, sort of a NIMBY basically, on an international scale. I think when we're looking at materials management, it's not unreasonable for us to ask for, where is this material going, but maybe it's not specific, maybe it's just a third party verification that would we put in there.

Andrew Dobbs: I do have a question here also, but I wanted to start out by saying...

Larry Schooler: Andrew, before you continue though, Council Member Alter had, I think, some other questions, and I need to get to those.

Alison Alter: Thank you. So at the risk of bringing out the elephant in the room, I would certainly like to understand better, and I think that the public deserves to understand better, why it is that one company is choosing not to bid in these cases. You know, that needs to be stated, and I guess I would invite TDS to share that, because I don't think we can answer these questions without understanding what it is that has led them not to do that. And if we were to reshape our Anti-Lobbying Ordinance in any way for this particular area, we as a community – and I have some understanding of that, but I don't know that the public does – we need to understand why it is they have chosen over and over again not to bid, which makes the process less competitive and affects the market and affects the services that we're able to deliver. So, we need to understand that, and I think tied to that is, you know, if we're not bidding competitively in a market where we don't have the infrastructure for all of our zero waste needs, what is it that is being proposed as the alternative, because we need to have a market, we need to have the competition so that we can reach our zero waste goals so long as we

as a city have decided that we are not going to be in the business of delivering this via our own infrastructure, which I don't see a viable way forward. So, I would invite TDS, and I apologize to the Chair if I'm going out of turn, but I think we, we need to understand that before we go further with these questions.

Larry Schooler: Would you like TDS to respond at the moment?

Alison Alter: If that is okay with the Chair and with the facilitator, yes...

Larry Schooler: Well, it's certainly y'all's meeting, not mine, but...

Alison Alter: ...or we can have that be the first thing at the next meeting if that's preferable.

Leslie Pool: I think it's a good question, I would really like, though, to get everybody's questions out on the table if we could, so we'll hold on to that. I've got some kind of substantive things that I want to get out as well.

Larry Schooler: Okay.

Leslie Pool: We have another 40 minutes, so...

Larry Schooler: And I'll, just for the record, say that Mr. Gregory is entitled to respond to those questions, and we'll do so when we get to that time, but let me see – Council Member Alter, were your questions complete, or did you have others that you wanted to ask at this point?

Alison Alter: I have other questions, but they are probably more for things that move us forward, that I'd like to have some answers from staff, from a broader perspective. But they can wait.

Larry Schooler: Okay. Yes.

Andrew Bosinger: Andrew Bosinger with Synagro. I don't have a straight question per se, but a suggestion for the Council members. A lot of the things that we're talking about, you know at Synagro we do business with about 600 local governments around the United States. And we do purchasing processes and...

Larry Schooler: Let me step in Andrew, because I understand that you probably have a very important suggestion to make. I want to honor the Council's wish to focus on questions at the moment.

Andrew Bosinger: It's a question that the Council may consider asking. How about that?

Larry Schooler: Okay.

Andrew Bosinger: And that is, what's best practice? We're talking about Austin, but what's working elsewhere? And if you ask your staff that, I think you'll get some – and ask some of the other people sitting around this table that, I think you'll get some very valuable information and examples of how anti-lobby works, how confidentiality works. It doesn't mean that's the right answer for you, but it's a good perspective that's been vetted thoroughly in other jurisdictions around the country, and there's some really good information and examples out there.

Larry Schooler: Okay.

Alison Alter: I just wanted to add, that was the direction of some of my other questions, was to understand what's going on in other cities, both in perspective of the Anti-Lobbying Ordinance, but also in terms of the market for waste management in general.

Larry Schooler: Council Member Pool, did you want...

Leslie Pool: I've got some questions that I want to surface, and I just want to correct something, I think I said we have another 40 minutes, but I think we actually said that we would be done at 11. Council Member Alter and Garza had to – they have something else that they need to attend, but Council Member Kitchen and I are able to stay until 11:30, so I welcome y'all to stay. I would like to use the time to get the questions out so we can continue

to move forward and make good use of our time. So I'm gonna stay until 11:30. So, let's continue going around the table for questions, and then I'll be the last one to put my questions in.

Larry Schooler: Okay, very well. So, other questions at this point? Mr. Dobbs.

Andrew Dobbs: Thank you very much. And real quick, I just wanted to clarify, because I think it's distorted the conversation slightly, and I want to make sure it wasn't misunderstood. I don't necessarily advocate for waiving confidentiality on RFP responses because I understand that there is a lot of very sensitive information. I was more referring to final contract language, and the contracts have been negotiated. There may be some sensitivities there, but I think we can talk about that, and I don't know what – there's a question there about, what are the opportunities there and what are the risks and rewards of doing that, and what are the practices elsewhere, because as I understand, there are a lot of other cities where they see the contracts before they're negotiated – before they're executed. So that would be an interesting question. I was also gonna ask about best practices elsewhere, but I think that there's a specific concern here that we should be looking for as we explore this, and so my question is to seek this, which is, how do we balance the fact that sometimes a bidder on a contract, on *one* contract, is the vendor for other services and is a stakeholder on other issues? And so if we have a hard and fast anti-lobbying ordinance like this, and they're in a negotiation phase, or in a bid phase on this contract over here, and issues come up on these other issues over here, they're incapable of effectively representing their interests. How do we balance that? And then, what are the time periods that are being involved with this, because, you know, I know that, I've heard TDS and others say this, that you know, there's a concern that if the City were to hold the contract open for an extended period of time that this could tie their hands for a very long time. How do we balance that, what are the options there, what are the best practices as said? But those are the kind of specific things that I see as being key elements of the challenges within the Anti-Lobbying Ordinance today.

Larry Schooler: Other questions from the group? Yes sir Mr. Gosh.

Phil Gosh: I had a question on the disclosure of our bids. How, just speaking for small businesses, how do you protect, if you share information, and that information may be used against you. How can you be transparent but yet also protected as a small business?

Larry Schooler: That seems like an open question. You're not asking that of staff; you're putting it out for discussion.

Phil Gosh: I'm putting it out for discussion.

Larry Schooler: Okay, very well. We'll get back to that. I saw a hand over here. Mr. Shannon.

Steve Shannon: Yes sir. I'll try my best to articulate this, it's a question. One of the concerns about waiving confidentiality when the City is considering various solicitations, RFPs, I think that there's always a situation where if the negotiations with the preferred vendor fall through, then they can negotiate with subsequent vendors. And if all of the information is public information, I get it where Council can see that, but if it's all public information then those vendors in their order of negotiation have the benefit of knowing what the other vendors have offered.

Larry Schooler: I hear the point that you're making...

Steve Shannon: So the question is, how would the City handle that situation?

Larry Schooler: The situation of the...

Steve Shannon: The situation of all the information is available to all of the proposers as they may enter into negotiations with the City. Now they know what the other vendors have said.

Larry Schooler: I don't know, James if you feel comfortable answering that.

James Scarboro: I would probably prefer to respond by providing something in writing in that regard. But in general, when you are conducting competitive negotiations... see an RFP under 252 allows for identification of competitive offers and it allows them to revise their proposals, so that's one form of negotiations. And another form of negotiation would be after the authorization, and I think that's what the gentleman was referring to. So, depending on the type of competition, negotiation we're referring to, the answer is going to differ. But generally speaking we only negotiate what's in a proposal, so if there are contents in another proposal we really shouldn't be negotiating those contents into the resulting contract that was provided by another offeror. But that probably deserves a more detailed response and we're glad to provide that.

Steve Shannon: Thank you.

Larry Schooler: Mr. Blaine.

Joshua Blaine: Thanks. I have three questions, I'll start with the one related to that. Executive Session. Is that something that commissioners can utilize to get around this? Is it similar in the sense that if there are redacted, confidential elements, that if we have an Executive Session then we can see that information and make a decision?

James Scarboro: I'm going to have to toss the ball to Law on that one. How Executive Sessions are applied is their discretion.

Lee Simmons: Good morning, Lee Simmons, Assistant City Attorney. I would have to look into that. I'm not aware of whether or not there is discretion related to that particular question, but I'd be happy to provide a response to you.

Joshua Blaine: Okay. It just seems like one more tool that might be used. My next two questions are, first is a little more specific, and I asked this a long time ago, I don't think I ever got an answer, but I'm curious – this is probably to ARR. Do we have a cost estimate for waiving fees on those co-sponsored events? How much we're not bringing in from fees, and then how much within the contracts that's costing us to provide those services? Is that number out there, and if not could we get it?

Jessica King: Commissioners, Jessica King. That number is out there; it's actually part of the fee waiver approval process that Council considers. So we will document that information and bring it forward at our next meeting.

Joshua Blaine: Thank you. And the then last question is more of an existential question. I'm wondering if any numbers have been done; if our Master Plan is executed according to plan, which of course we're already behind, but let's say we hit 2040, do we have estimates for how much landfill space we would need between now and then? Has anybody done those numbers?

Sam Angoori: Sam Angoori. No I have not.

Larry Schooler: And by Master Plan you're referring to the Austin Resource Recovery Master Plan?

Joshua Blaine: Yes sir.

Larry Schooler: Okay. Council, I just want to check to see whether it makes sense for all of the questions that need more research, if those could be, if the answers could be posted for the benefit of everybody to see? So we'll work with staff on that. Yes ma'am, Council Member Alter.

Alison Alter: We also have a process for submitting questions or information so that it's not just that they're being sent to our four offices, so if some other office is trying to follow this, that they're also able to access some of that material, so for instance when I post my question trying to understand the City comparisons with respect to the market for waste management, or for how we're using the Anti-Lobbying Ordinance, I suspect that some of the vendors may be working in other markets and have useful information that they may wish to share, and I would

like to have that, not just from the City staff but from the business perspective cuz they may have access to resources that we do not.

Larry Schooler: One possibility for that beyond just the Council message board is the use of Speak Up Austin which has the capability to host a public discussion online about this or any other topic, and it could be utilized for this working group. I've already sort of mocked up a discussion board in case the Council, in case the Working Group wanted to make use of it. So that could be one way to circulate discussion amongst the group in between meetings, and certainly anyone who's not in the meetings to participate as well. Mr. Gregory.

Adam Gregory: I look forward to answering your question when it's appropriate but I do have some questions. We've discussed about the confidentiality of RFPs. I think that discussion lends itself to another question, maybe an alternate solution. Is there a law or rule that requires the City to practice what we have practiced, the policy of requesting authorization to negotiate and execute a contract all at once? Because if there's nothing that's requiring that, it seems to me to be having the effect of asking for approval of a contract before that contract exists, and does not provide the Council the opportunity to check the staff's work per se, and ensure that the contract they're negotiating and signing is consistent with City policies. Also, I would ask if there is a policy that prevents presentation of a Scope of Work and scoring criteria for a solicitation to a Boards and Commission prior to issuance, so that Boards and Commissions might have a better opportunity to do their job and provide input when they can still, when they can still have a role in providing input.

Larry Schooler: You're saying, share the criteria before the proposals are scored. Is that what you're saying? Not after they're scored.

Adam Gregory: No, prior to the solicitation even being issued, so the Board or Commission can do their job and ensure that the solicitation itself is consistent with City policies and community values.

Larry Schooler: So, two different questions there. One, can the Commission look at scoring criteria before the Request is issued...

Adam Gregory: And the Scope of Work...

Larry Schooler: ... and the Scope of Work.

Adam Gregory: ... the operative portions of the bid document.

Larry Schooler: And then separately, can we have separate items for authorization and execution of a contract. I think the answer is yes, but I certainly will defer.

James Scarboro: Yes, with lots of clarification, and likely will involve a written response. The request to authorize a contract and then negotiate the definitization of the terms of the contract is not a statutory or a regulatory requirement, it's a practice, it's what the staff has engaged in with the Council over the years. So to the extent that we have some policy direction on when we apply that and don't apply that, that would be good. With regard to displaying the contents of a Scope of Work and the evaluation matrix, it's possible, absolutely, but it would have to be under certain circumstances because we have to guard against driving requirements into the Scope of Work from parties that may then benefit from the resulting contract, cuz if you have, your requirements, essentially the meat in the sandwich, and then you display it, you have to make sure that those requirements are reflecting the needs of the City and that those that would be involved in developing those requirements are not kind of developing those requirements so that they have the best chance to compete for it, or so that they have a chance to limit the competition to just their products and services, so we have to be very careful when we do that. So, again, probably something we should provide you in writing.

Larry Schooler: Yes sir.

Adam Gregory: On that topic I'd like to point out that Mr. Angoori has committed recently to do that and we actually were very pleased to see the first instance of that take place at last month's ZWAC meeting with the contract for electronic waste management. And I think both Josh and Gerry were pleased to have the opportunity to review the solicitations beforehand, and I just, I'll get into some editorial, I think it would very much go a long way to preventing potential conflict if we could ensure that the solicitation is consistent with City policy prior to the issuance of that solicitation, and again on the other side, I just think it's very good governance and good policy for contracts, once negotiated, to actually be approved rather than the current practice which, I'm sure you've read many, many agendas, but is for approval generally of negotiation and execution with a preferred vendor or any other vendors, so there isn't any specific information that's being approved, it's just saying, yes, you may go ahead with this RFP process and negotiate what you want and choose who you want. It seems to me there's a serious lack of transparency in that process and that could be something that applies to the entire City, not just the waste management sector.

Larry Schooler: And we can get into that further. Sam, I don't know if you could comment on what drove the decision to share criteria associated with the Request For Proposal, with the ZWAC. It sounds like, according to Mr. Scarboro, that's somewhat rare, but you chose to go that route. I see James' hand.

James Scarboro: I want to clarify that we can share this information, we just have to be careful. Sharing it in a controlled and constructive environment is one thing, sharing it individually, passing it out among some but not others, that's different. So we just have to make sure that the environment is conducive to the most amount of transparency and going to generate constructive feedback on the scope and not anything else. So, the process that ARR underwent recently with regard to conveying the contents is actually, we would consider a best practice and something that we think might be a part of the solution going forward for their solicitations.

Larry Schooler: Did you have anything you wanted to add?

Sam Angoori: One of the reasons, just basically what James just said, you know, best practices, and we want to have everybody around the table and talk about issues, talk about contracts, as much as we possibly can, and that was really the only reason. As I've always said, I need everybody around the table. We all are a team and I need everybody there to make decisions. Now I also have said to our commissions that, as of now, this is the kind of thing that we're going to do as a team to work on things, however, I'm not going to give you the RFP for you to write it for me. I made that clear to them, and they know that. However, before we go out, you know, we're going to bring the contracts, or RFPs to discuss.

Larry Schooler: Thank you for that. Andrew from... oh, very good. So looking for any other outstanding questions from the group. Did you, Council Member, I know you wanted to go. Okay she's going to go last. Mr. Gosh and the Mr. Gregory and then back.

Phil Gosh: Mine's kind of more of a general question. Just as the overall goal that Council Member Pool mentioned earlier, we're on a zero waste journey and so how do we work together with respect and integrity and promoting that teamwork? It takes a team to make that happen, and so how can we work really together, that's helpful and productive for everybody and where it's a safe environment? So, I don't have all the answers to that, but I am committed to that. I think it's important that we're all on the same team, and how do we... what we are doing is stewardship and it's important, and it's a privilege to be a part of that. So how do we do that in a safe way?

Larry Schooler: Mr. Gregory.

Adam Gregory: Yes, my question was simply that we have additional questions that we hope to be discussed and considered, and I'm sure some of them can come up in discussion, but is there a formal process for presenting those questions and requesting that they be considered? How should we go about that? That's my question.

Leslie Pool: So Mr. Schooler and I talked about that when we kind of put together the agenda, and he has mentioned that he has mocked up a Speak Up page so that people can go in there and put information out; that is available to the public. I get the idea that you all may want just an email to send information to that would then be shared back, that is separate from the Speak Up page. Am I kind of reading the group correctly? All right. We will get that email to you. I don't know if it will be District7@austintexas.gov, or if it'll be Mr. Schooler, I don't know yet, but we will make that decision and get that information to you. Right now I know that we are getting emails with information regularly, and they come to the four members who are on, Council members who are on this work group, but I want to make sure everybody gets, sees everything that is coming to us, so that's what we're going to try to figure out.

Larry Schooler: Council Member if I may, though, I think what I hear Mr. Gregory asking, isn't just the advance of comments over email and online, but essentially to broaden the scope of the Working Group.

Adam Gregory: That's absolutely right.

Larry Schooler: So, I think what he's asking is, how do I propose other discussion questions or topics for the Working Group to consider?

Leslie Pool: So we are governed by the Resolution that was passed by the Council. We did try to make it fairly broad, or as broad as possible, so go ahead and send me those, your request to broaden, and we'll run it up the flagpole and see if it fits underneath the germaneness of the Resolution that we passed, but we are governed, both in the amount of time that we're spending and the elements of what we're talking about.

Adam Gregory: I understand, and it is the remaining questions on, I've separated the questions that we sent to you, and by the way everyone, we have two dozen copies of what we've provided to the Working Group and anybody can have it if they'd like it. There are some additional questions, and you have them, and I certainly believe they are all within the scope of the Resolution in establishing the Working Group.

Larry Schooler: All right. Commissioner Acuna, Chair Acuna.

Gerry Acuna: Can I add one other question that I think would be absolutely beneficial to this group? Is it possible for staff to gather a history of the department? And when I say history of the department, what we were 20 years ago and where we are today are totally different, for obvious reasons. Is it possible to get a history of that? At one time we were absolutely the most independent and City-owned, City-managed company. We basically owned our own landfill and had our processing facilities, and it's all changed, and anyway, here we are today. Can we get a history of that, and what that might, what those questions might pose tomorrow? Where we were, where we are, and what it would do for us tomorrow.

Larry Schooler: And you're speaking of Austin Resource Recovery.

Gerry Acuna: That is correct. Yes, Austin Resource Recovery.

Sam Angoori: So if I may, I have, one of our staff's been working on the history of the department the past couple of months or so, we're not quite done. I don't know exactly what the status is, but we'll be done with it but I don't think it will be within the next month or so.

Gerry Acuna: Okay.

Sam Angoori: But we are working on it, I've already started working on that.

Gerry Acuna: Thank you.

Sam Angoori: Sure.

Larry Schooler: Council Member Pool.

Leslie Pool: Okay, I think along the lines of what Mr. Acuna is asking for it would be interesting to get maybe a one-pager with inflection points on there where specific decisions were made, and policies were established, and then how that's filtered from, let's say, 2000 to 2017. Maybe if we can confine the timeline to something within the recent past it would help to orient everybody. Is that something you think maybe you could provide in the shorter term, maybe two weeks? To pick out the inflection points and show where policies have made significant changes to...

Sam Angoori: Sure. I'll talk to my staff and we'll see what we can do. But I was looking at and was thinking about the history of the department...

Leslie Pool: All the way back to 1839?

Sam Angoori: Yeah.

Adam Gregory: To the garbage strike of '53. That actually happened, I don't know if anyone knows about that.

Daryl Slusher: Council Member Pool, I just wanted to say that at Austin Water we would be willing to provide something along those lines as well.

Leslie Pool: I think that's a great idea.

Daryl Slusher: Especially for Hornsby Bend.

Leslie Pool: Yes, and the Dillo Dirt, the development of, the establishment of that as a commodity and how that's worked over time.

Daryl Slusher: Right.

Leslie Pool: I think that would be great. History is always good. Thank you for that Mr. Acuna. All right, let me just go down a couple of questions that I don't think others have picked up. The ARR Master Plan was mentioned and I would like to know, maybe this is part of what the history could be, if you could give us a sense of how far out has the Master Plan for Austin Resource Recovery gone. And then the role of Boards and Commissions in reviewing, or receiving, or commenting on contracts. That has definitely come up in this conversation and specifically I think we need to get a handle on Executive Sessions in our citizen commissions. I know how it works for Council and I'd like to understand if there are different requirements or expectations for people who are not elected officials in an Executive Session. Just so you know, my intent on there is I would like to be able to have Executive Sessions for citizen commissions, so maybe more specifically the question is, when can or can they not occur, because I think that's a valuable tool and it would also require a little bit of training so the commissioners that might be in the Executive Session would understand exactly what the responsibility is in keeping that information confidential. If we open the door to confidentiality to a commission then there needs to be an expectation that the confidentiality would be maintained. Looking at the Special Events Ordinance, "brought recycling services to..." again, so that was the Resolution, on page 27, it was from 2009, from 2009, that, for example, would be an element in the history of Austin Resource Recovery and the delivery of services. We touched on Dillo Dirt. On slide 22 we're talking about the limited options for managing used utility poles. I'd like to know, these days how toxic are they? I know they used to be lathered in tar, or whatever that awful smell was from my childhood. I remember that smell; gave me a headache. So how toxic are our utility poles, cuz that will go to us understanding what a beneficial reuse is. So, we need a better understanding of what happens once poles are moved and disposed of. I'm looking at slide 18 where, that was question 5b, should some contracts or services be consolidated? And so then, my question there is would consolidation prevent subcontracting or private contracts? For instance, if we went to one mega-contract, and then could elements of a mega recycling, biosolids, composting, trash pickup, hauling contract be subcontracted underneath that by a prime contractor. Not saying that I think that's a good idea, I just want to understand how consolidation would work. The Cons for consolidation, under that first bullet it says that independent contracts for waste management services could

result in inconsistent rates and service standards, so, I just want to understand how that would play out. And, slide 15, on the 4th bullet, this is in again question 5a, should materials be directed to or away from certain landfills? So I'd like to get a briefing and documents to understand our landfills and make sure that we know where all of them are. I think, which gentleman was it that mentioned, Mr. Shannon mentioned that there's a landfill, but I understand that's for the trade...

Steve Shannon: It's a Type 4, it's not a municipal solid waste, it's a type 4 for construction.

Leslie Pool: You know what, we didn't hear the answer to that. If you could push that button.

Steve Shannon: Oh I'm sorry. I'm normally plenty loud. It's a Type 4, it's not a municipal Type 1 facility like the other ones Mrs. King mentioned, but it is a landfill, and the only other landfill I'm aware of in Travis County that's a Type 4 construction and demolition debris landfill. We recycle there, and support a lot of the LEEDS service providers.

Leslie Pool: Who regulates that?

Steve Shannon: TCEQ.

Leslie Pool: Gotcha.

Adam Gregory: The difference in Type 1 and Type 2 is the admissibility of putrescible waste, like foods and liquids, and things like that. Things that tend to putrefy. That's a technical term.

Larry Schooler: I just would like to note the ease with which Mr. Gregory said pu-tre...

Adam Gregory: Putrescible.

Larry Schooler: Putrescible.

Adam Gregory: Yes sir. I was born into it.

Leslie Pool: It's in his DNA. Okay, so a better understanding of the different types of landfills. I'm assuming this map with the exception of Mr. Shannon's Type 4 landfill is accurate to the extent... great. Thanks. And Jessica you did a great job putting all this together.

Jessica King: That was many, many people, but yes, those are all Type 1, municipal solid waste. It's regular trash, recycling materials that are commonly utilized by the residential community.

Leslie Pool: Great. Thanks. And I just wanted to daylight what I think Jessica spoke to, and that's the competition that this City Council by policy has tried to affect with regard to distributing who is doing this work for us. We could continue a monopoly and have just one person do it all, or the City could do it all, it's expensive, but in previous Councils I think the motion and the movement has been away from a monopoly to allow for a diversity of people and frankly the development of some smaller organizations to come to the table and make a really good living and provide a needed service to the community. So where we have on slide 10 'should the City competitively solicit waste management contracts', and the opening paragraph talks about the City could use an existing contract, but then in order to seek these services directly, the City isn't looking at a broad contract to do everything, we have... our language is more broadly drawn, and so, and we want to have more competition in the city. So I think that will also be kind of a philosophy-policy discussion that we'll have.

Larry Schooler: I see Council Member Kitchen's light on, and Mr. Andrasi. Go ahead Council Member.

Ann Kitchen: Just one question I had and didn't ask before and that's on page 28. Just to provide further clarification to us on this, the question that 'should ARR continue to provide waste management services for special events'. The last Con says that 'if ARR is no longer directed to offer services this would eliminate the ability to waive fees for the events.' I would just like the citation, I assume that's based on an Ordinance, or a policy, or a

law. I'd like the citation back to that which creates that situation, and so, I mean y'all can provide that to me. I would like the source document that eliminates our ability to waive the fees for events, just so...

Robert Goode: To clarify, it's for the solid waste fees, not for all the fees that you all have ability to waive.

Ann Kitchen: I understand, but if I could just see what the source document is for that that would be great.

Robert Goode: Common sense is if we provide the service for free and you eliminate that option, which you certainly can, then they are going to have to contract for it, and pay for it.

Ann Kitchen: No, but...

Robert Goode: When you waive the fee what you're waiving for is we provide the service for free, and if you say ARR is no longer going to provide that service, which we don't really like this part of our job, then the event will have to pay for that service from a private...

Ann Kitchen: Oh, I thought you were referencing some other kinds of fees.

Robert Goode: No, that's the fee we're talking about. The fee to provide that service. We do it for free for co-sponsored events.

Ann Kitchen: Okay so you're not talking about... we waive other kinds of fees...

Robert Goode: We're not talking about that.

Ann Kitchen: So you're not talking about a fee, you're talking about the actual cost of providing the service. Okay.

Leslie Pool: Yeah, so if you could, I had a question on that too, if you could just give us a sense of how much money would a special event have to pay if we were to contract all special events and the City not own that. There was one last question that I had here. I'll find it in a minute if somebody else has something ...

Larry Schooler: Mr. Andrasi.

Andy Andrasi: I just wanted to comment on your comment about competition, Central Texas Refuse is a hauler and we do not own our own landfill so I think consideration needs to be given to that competitive component in these types of contracts where entities such as ourselves, organizations such as ourselves, and there's many independent haulers that aren't affiliated with landfills directly, that we are not in some way inadvertently shut out of the process.

Leslie Pool: And then the last thing, Cindy Crosby gave a good answer on slide 9 and I'd just like to get that in writing. She's not here. This had to do with different sections of the Local Government Code that requires some information be confidential and not others. If y'all could just get us legal memo on that, that would be helpful.

Larry Schooler: Council, if I may, I wanted to talk about next steps for this group. I know we won't be able to schedule another meeting at this time, because it requires the coordination of at least four, if not more, schedules but I just wanted to confirm that the Working Group is comfortable with the use of the online discussion board, the Speak Up Austin board for this group and anyone watching, any member of the public, to use for sharing their thoughts on these topics. And I also wanted to ask whether you had a feeling for what topic within this broader topic you'd like to discuss first with the group, because again, there are a myriad of topics here that warrant discussion. So I think it might be helpful for folks to be able to prepare for a particular item or items for discussion at your next meeting, if you can say that.

Leslie Pool: Gentlemen, what's your pleasure? Would you like to dig into the elements of the Anti-Lobbying Ordinance, for example, have a briefing on that? What direction would you like to go? Yes, Mr. Acuna.

Gerry Acuna: I would think that would be a wonderful start cuz that tends to be the focus of a lot of these contracts, a lot of the misunderstandings, is the Anti-Lobbying Ordinance and that would be a great start for us.

Leslie Pool: Okay. Yes.

Adam Gregory: I think that might be a good idea to do Anti-Lobby and Purchasing practices and policies together, and maybe reserve materials management or something, like the poles and biosolids and things for the other one. But it might be a good idea to do Anti-Lobby and discuss the practices, more practices than policies of the Purchasing, like the negotiate and execute provision of Scopes of Work to Boards and Commissions, things like that, basic policy stuff I think would be good, but that's obviously up to you guys.

Leslie Pool: Sure. Mr. Scarboro.

James Scarboro: Excuse me, could we get some clarification on that, because that could be a really long discussion. If there were specific practices that are tied to a given competitive process, or how the Anti-Lobbying Ordinance is applied, we're glad to respond to these, but that's a very broad request, and I wouldn't...

Leslie Pool: Our Resolution does constrain us, so I think the latter, which is how the contract process and the Anti-Lobbying Ordinance interact, and where you see elements of decision making and maybe policy changes.

James Scarboro: Okay.

Larry Schooler: Mr. Bosinger and then Mr. Dobbs.

Andrew Bosinger: I would concur that the first discussion, of the private sector, we'd like to understand, put the rest of the discussion in the context of Anti-Lobbying Ordinance and how that's going to drive confidentiality and other things is, in my opinion, a good place to start.

Leslie Pool: Thank you.

Larry Schooler: Mr. Dobbs. Council Member Kitchen.

Ann Kitchen: I was just going to add, within the scope of the information about the purchasing process, could you describe to us what happens when someone holds an existing contract that they're providing services under to the City, and yet they're going to bid on another contract, or a re-up of that contract. How is it handled in terms of their discussions with City staff on their *existing* scope of work?

Larry Schooler: Mr. Dobbs.

Andrew Dobbs: I think a lot of this has been covered, but I think that the two big areas; Anti-Lobbying Ordinance is the crux issue in a lot of this, and then confidentiality seems to have kind of risen to the top in terms of the discussion today, in terms of the other major issue, so I mean, if we could square both of those away, which I'm not holding out, but I think we could get down the line I think that would go a long ways towards setting a lot of people at ease and getting this process resolved.

Larry Schooler: I want to point out how difficult it is to come to a meeting like this and not get into an in depth discussion, and I admire the restraint that folks have been able to show in that regard. And I certainly intend, with the Council's permission, for the discussion to really move forward at subsequent meetings. Having said that, Council, a 90 minute meeting or two 90 minute meetings to complete the entirety of this work seems wholly inadequate, to me. So I don't know whether you'd like to determine that the next meeting should be, say, 2 hours, and that may be something you want to discuss internally before we make a decision here publicly, but I just would observe that there's enough here for two meetings just to talk about what's been laid out for the next meeting.

Leslie Pool: Do I seem to have a general consensus that an additional 30 minutes on the meeting wouldn't be a hardship for anybody?

Gerry Acuna: Or thirty more days.

Leslie Pool: Meet every day. We do expect to be doing work in between meetings as well; I mean we're not just waiting for the next meeting to take up any of the questions. So, please share among yourselves. We should have some kind of a sharing thing on the Speak Up, and on emails among yourselves, so that everybody is kind of reading the information, doing their homework in between the meetings, and I know I and my staff and my colleagues and their staff will be working really hard with our staff to try to move this ball down the court so that every time we meet we'll have something more that we will have accomplished.

Larry Schooler: And just for the public's clarification, on SpeakUpAustin.org you'll click on the Discussions tab at the top of the page. Eventually it will be moved to the home page, but for the time being, SpeakUpAustin.org, click on Discussions, and you should see a discussion related to this topic.

Leslie Pool: We'll get you notes from this meeting. I think Larry had some interns in the audience taking notes and questions so that we will get you a report from this meeting as soon as possible, and then we will have the dates for the additional couple of meetings. We're going to hold to just two more meetings at two hours each, and if we need to have another one, we'll take that up later. We'll try to stick with our pretty quick, accelerated process here. I want to thank you all so much for taking time out of your day to come. Any of you who parked in the parking garage, you know you can get it stamped, so, I think the stamp might be right back there. I want to thank all the staff for all the preparatory work that went into this. You guys rock. And thank you to all of our stakeholders who are here today. I really, really appreciate your energy and your interest and your expertise and we will be relying on that as we move this further toward policy resolution. Thank you all. I think we are done.