

CITY COUNCIL WORK SESSION 8-15-17

Item B1. Waste Management Policy Working Group Recommendations

Leslie Pool: All right I'll jump over to the Joint... to the Waste Policy... Waste Management Policy Working Group and that was, you all remember, Councilmembers Alter, Garza, Kitchen, and I chaired that, and we were charged with coming up with some recommendations, or to unravel some... some of the quandaries that we were presented with as far as how we handle our Zero Waste and how we achieve our goals. So first, I want to remind you all that we have video transcripts of presentations. All are up on our page, austintexas.gov/workinggroup; has everything on there including all of the stakeholders. So our job was to refine our Zero Waste goals and try to break the log jam that caused several of the waste management contracts to crater, both at the Zero Waste Advisory Commission meetings and at the Council. We had eight policy questions that Austin Resource Recovery and Austin Water brought to us to try to resolve. So let me run through those with you. And let me also say we had some really, really good input from people in the industry and other stakeholders who sat at the table with us. Over that four meetings in April and May we learned a lot and, as I said before, there were a whole lot of folks sitting around that table. And just so you know at the front end we didn't resolve every single issue. We didn't reach consensus on every item. But we did make some headway on the policy issues. There will be some issues coming back to us after we have some additional stakeholders and after the Zero Waste Advisory Commission and Austin Water look at some of these issues, including the Anti-Lobbying Ordinance. So let me go to the Recommendations and I'll start with the Anti-Lobbying Ordinance. That was Policy Question No. 8. You'll remember that we suspended that Ordinance for ARR contracts so that all of the stakeholders could come to the table and talk about the various issues confronting us and them and that there wouldn't be any chance for penalties or issues being taken wrong. Our recommendation is that the Ordinance remain suspended until Council has voted on the revisions. The Law Department has been working on those revisions with our Purchasing folks and I'm expecting late September... and could I ask staff if the target date for the Anti-Lobbying Ordinance coming back to Council for review is still late September? Morning, Mr. Scarboro. Thanks for coming up to help.

James Scarboro: Good morning, Councilmember.

Leslie Pool: So the question is do you have an updated timeframe for the work that you are doing, the Purchasing Department is doing with the Law Department with regard to the Anti-Lobbying Ordinance and the changes that we're considering for that?

James Scarboro: Yes ma'am. We... the Purchasing Office convened a team of representatives both from our office and from Law to review the Ordinance and the issues that were raised in the Work Group and we have put together a revised draft based on the objectives that were communicated from the Work Group. That revised draft has been passed over to Law and so they're doing some final edits now. I have not received any updates as far as timing but I do believe that we are on a flight path to meet the September Council meeting.

Leslie Pool: Okay, great. So I'm not going go into too much detail but we're specifically looking for clarification from staff on communication, which is when vendors can and cannot communicate with us or with staff; clarification on enforcement, appeals, and complaints; and we also recommended in this

section of the Ordinance that having an option to have a third-party reviewer, for example, the Ethics Review Commission, to come in and make a determination rather than staff.

So I'm gonna jump around a little bit. If you are looking at the report I want to draw your attention to the very last page under Other Recommendations, the second bullet. It says, "The draft revisions to the Ordinance will require continued participation from the stakeholders," and judging from the engagement that we've had with many of the stakeholders, I'm sure they'll want to weigh in. So I just wanted to communicate here officially and publically that we do expect to have more input from the stakeholders. And if we go back to Policy Question No. 1, I'll run through all of these really quickly. We were asked "Should the City continue to competitively solicit waste management contracts?" This was an easy one. The answer was yes, with some procedural revisions. Top of the list of the recommendations is to broaden our reach so that vendors just outside of the city limits can participate without losing points in the matrixes... matrices. And we want staff to create a process for ZWAC and Water Wastewater Commission to provide input on those draft solicitations to ensure they align with our environmental policies, such as our Zero Waste. So that's a pretty important change to Policy Question No. 1.

No. 2 – "Direct waste to or away from certain landfills." This is one the Council will need to consider. There are a number of policy decisions to be made with regard to this. We opted to have staff create a Landfill Criteria Matrix that reflects our environmental priorities and to include considerations such as the impact on community, social equity, and existing levels of hazardous waste at each landfill. And then knowing all of that we can look at that and decide if we want to make some specific recommendations when we do RFPs for where waste would be hauled.

No. 3 – "Should some City contract services be consolidated?" This is another one for Council review and this is... this is a tough one for us on the task force so we recommended a cost analysis to help us guide this determination. And we'll be getting that information from staff as well.

No. 4 – "Should the City set diversion requirements for waste management contracts?" And the answer on that one was yes. We do believe that it's best for City departments to handle their own diversion rather than consolidating them all into one overarching contract. So we generate the waste and we should be responsible for ensuring recyclable materials don't end up in the landfill. This will come back for Council review. On this point we recommended that staff explore whether to include options for building point incentives into contracts for vendor-based participation. That might be harder for the City to track but we'll see what staff recommends to us.

No. 5 was what to do with the old utility poles. 'Reuse and store until other uses are found' was what we came up with. We'd like more research on the reuse of utility poles and what proper storage plans look like and what we might be able to take advantage of while we determine what other reuses.

No. 6 was "Should ARR provide Special Events services?" This is also another difficult decision. This will come back for Council review. Our recommendation is for us to leave as-is for now and conduct a cost of service study. Basically we didn't have enough information or enough time to get the additional information.

And No. 7 – "Is there a preferred policy for managing biosolids?" We recommend the adoption of recommendations of a Joint Working Group of Water Wastewater Commission and the Zero Waste

Advisory Commission. You may remember seeing this document here with the inverted pyramid. I'll pass it around. Again, I'll give y'all additional copies. Y'all have it? You guys are so good. Well I do have some additional copies if anybody needs them. So last year, the contract for handling biosolids was on our agenda several times and each time it stalled out or it was withdrawn and Council asked the two Commissions to come up with recommendations to help us guide this policy. The Council Working Group accepted it and added some additional recommendations. And I also want to just make sure everybody is clear: we also recognize the real importance of continuing, sustaining and maintaining the Dillo Dirt program and so we're gonna work to do that. We're looking for a contract in late 2017/early 2018 and that will come back to Council for approval. There was interest in having the Zero Waste Advisory Commission and Water Wastewater Commission also see the report and weigh in and give us their recommendations on it, and I know that ZWAC has planned to take it up. They were gonna take it up this month but I think they're taking it up next month. And I'm hoping that Water Wastewater Commission will be able to take it up, too, if that's what they desire. One more thing about Dillo Dirt. Austin Water is anxious to put out the RFP because the responses to the previous RFP are no longer valid. I think that's... James, is that correct on the RFP for Dillo? The RFP is no longer valid? We need to reissue that. At the time that staff gave its presentation at one of our Working Group meetings we had 16 compost piles at Hornsby Bend that needed to be removed and they were really huge and we need to... we learned that it takes 560 dump trucks just to remove one pile. So this is a critical health and safety issue and there's already been one fire this year, and if anybody has any questions about that there may be some staff here who can answer that question. But the bottom line on that is we really do need to address these compost piles... make sure that we're managing them properly and then that we also open it up for any of the vendors who wish to haul them away. So the other members of the Working Group, if there's anything you all want to add or weigh in... and if it's possible to kind of take the temperature of folks in the room about if this sounds good as far as the additional information that we're gonna request from staff. Trying to get that Dillo Dirt contract RFP reissued and work on the Anti-Lobbying Ordinance. If that sounds good to everybody we will move in that direction. And if there are any of the Working Group members that wanted to offer any insights or anything... I just want to thank everyone for all the work, and especially our staff. They helped us tremendously in pulling together these recommendations and working through all the various permutations that the issues took. And that's... that's all I've got. All right. Anything else on that? Okay?

Greg Casar: One quick question.

Leslie Pool: Sure.

Greg Casar: And I know that you've touched on this briefly but if you could just summarize for me to best understand the proposed changes to the Anti-Lobbying Ordinance – are they for... just to repeat, and I think you did say this, but just for my own clarity, are they across industries or just for waste? And if they are just for waste, what is the best rationale or explanation for why it should be different there?

Leslie Pool: Yeah. Thank you for bringing that up. The bottom line is whatever changes are made will affect across the board. We're not doing a carve-out just specifically for Austin Resource Recovery contracts. We're specifically looking at how penalties are assessed and applied, and there's a debarment element in there that I want to look at and make sure that that's being handled properly. But the short answer is whatever changes we make, the Council decides, but the changes to the Ordinances will apply to all the contracts.

Greg Casar: Thank you.

Leslie Pool: You're welcome. And thanks to James Scarboro and our Legal staff for working on that Ordinance and to Robert Goode for helping kind of guide and lead this, and to Austin Water especially, for the support and input on the Dillo Dirt issue. All right. That's all I have on that and unfortunately I still have the gavel. Is there anything else on this? Is there anything else that we need to take up? Any other briefing? Where are we? Councilmember Alter.

Alison Alter: I just had a quick comment on 54 and 72...