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>> Pool: I know I promised to start at 9:30 and I'm going to try to keep our start and stop times, but I want to wait for councilmember Garza and councilmember kitchen to get here. Meanwhile councilmember alter will go around and meet everyone and we'll kick this off shortly. >> Pool: All right. It looks like, councilmember kitchen, we have a spot here for you.

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I'm going to put on my glasses to see what time it is. Okay. I'm Leslie pool and I'm the chair of this work group of 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 councilmember alter, councilmember kitchen and councilmember 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? >> Sure, good morning, everyone. >> Good morning. >> I know how excited everyone is to be here talking about this topic. For those that don't know I'm Larry schooler, a facilitator here at the city of Austin. And my role here is what it sounds like, to facilitate the dialogue today. One of the reasons I'm here is we've designed this meeting a little differently than some of the council committee meetings you might have attended in the past. Whereas on our occasions we might have people to 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 is 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 will notice several departments that are seated at the table. And then at that point we'll get into discussion and to whatever extent necessary question and answer. I would ask you unless the question is sort of critical

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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. 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 party 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 ticket-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 y'all through these meetings. >> Pool: Thanks, Larry. I would like to go ahead and go around the table, starting with Andrew at the end there. Give us your name and tell us who you are with and we'll go around the table. >> Is it on? >> Pool: Just a little primer. If you push the word push, this little red light turns on and then you are live. [Laughter]. >> Appreciate that. >> Pool: But it's hidden so you really can't see it. >> You have to do a little thing there. Thank you, councilmember, I'm Andrew Dodds with Texas campaign for the environment. >> Eric Goth with the compost peddlers. >> Adam dr.gregory with Texas disposal systems. >> Good morning, I'm Phil gosh with organics by gosh. >> I am Paul godro with waste management of Texas. >> I'm Delia Garza, I represent southeast Austin, district 2 on the Austin city council. >> I'm an kitchen, I represent middle Austin. >> Leslie pool.

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>> >> I'm jeerry Acuna and I represent the zero waste commission. >> Josh Blaine, I also sit on the zero waste advisory commission. >> Is it on? >> Not yet. >> Steve Shannon with waste connections. >> Kerry go ahead card, balcones recycle. >> I would like the staff to introduce themselves. >> James Scarborough, city of Austin. >> Darryl Slusher. >> Robert Goode, assistant city manager. >> Mr. Gosh, you had a quick question? >> Yes. I just wanted to clarify something -- >> Turn your light on. Now it's on. >> I just wanted to clarify something. I made a -- I wanted to ask for forgiveness. I made a it statement that was incorrect during council and I just wanted to apologize for that. There's a copy of the email that I wanted to give to you. My intent was to give accurate information and that information was not accurate. And it had pertained to violations of anti-lobbying and those -- there are none of those out there. So I wanted to apologize for that. >> Pool: Very good. Thank you, I appreciate that. Does everybody have a copy of the agenda in front of you? I want to thank everybody for coming today. As you know the waste advisory policy working group has established to refine our zero waste goals and refine what seems to be a log jam over waste management contracts. And we would 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 subsidy. And I see this happening with input from everybody around this table. So we're estimating just a little bit of information on

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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 those meetings and of course with four councilmembers 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 that 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. Previous Mr. Schooler, do you have anything you would like to add? Okay, great. So I'd like to move into staff briefings. And among the staff who would like to go first? >> I'm going to go first. Sam [indiscernible], Austin resource recovery. As you know, four recent contracts relating to waste management have now been approved by count. These are two Austin water contract relating to biosolids management and dumpster contracts to service city buildings and facilities. And the city sponsored special events and also dispose of special waste. And the last contract was a contract for organics processing for the expansion

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of the curb side service. And we have determined that there are policy issues that council 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 that at the end of this process we have a clear direction from the council. And we certainly thank you for the opportunity and appreciate this, this setting and discussion. And with that, I'll turn it over to Jessica king to do the presentation. >> Good morning, councilmembers. Good morning, councilmembers, 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 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 Darryl Slusher with Austin water and James Scarborough with the purchasing office. Today we are here to talk about waste management policy. We'll provide a quick overview of the departments, 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

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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. So we'll get into those different types of solicitations as we go. First and foremost, overarching view of what our department does, Austin resource recovery provides mainly curb side services and that is articulated in city code 15-6-11. So the services we provide are to single-family, duplex, tri plexes and four-plexes, those are the primary customers and that wasn't really articulated clearly until

2010. So that was an ordinance passed very recently by the previous council and is now in place. So our primary customers are single-family, duplex, tri plex and four-plexes. There are some grandfathered properties that you will see, but for the most part we provide trash cart service, yard clippings 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 a 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, to do dumpster service therefore we have to contract with private companies in the city to help us provide those services T commercial scale use. So if you look out into the community, anything with a dumpster is essentially provided by a commercial private hauler. And all -- 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 vents, dead animal collection, and then we have our

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recycling, reuse dropoff center that includes the household hazardous waste facility. The management contracts that we're looking at, the waste management contracts that we're 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, tri plex and four-plex U hear me say that over and over again to make sure everybody understands that. We have a 30 year contract that we're obviously several years into that and that is contracted through Texas disposal systems. We have a 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 -- 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 this 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. 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 will find out later, and then move into a food-based composting program for all of our curb sides 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

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four-plexes where you see higher volumes of trash that can be managed by cart levels. We do contract that out bothria bidding process and the service challenges include again the high volume, but it's frequent bulk setouts. We see a lot of that and general dumpings in those areas. City facility dumpsters obviously to be determined, but city facilities, city hall, one Texas center, basically where you see city employees office, and then you have recreation centers, libraries, other department facilities that are scattered throughout the community. I'm sorry. The downtown service contract district. So this is one area whereby code the city council established a boundary which I believe has

been -- will be provided to you. But there is a boundary established by council ordinance in 2005. And propagated by the downtown Austin alliance. Downtown Austin alliance had concerns about the number of dumpsters, the health and safety concerns, the 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 city facility -- citywide facility contract only include 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.

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So they've taken great strengths to move forward with a comprehensive waste management contract. So those two particular facilities have their own contracts in place right now. Austin energy also has a special waste class for non-hazardous. If you recall in December 2015 that contract was brought back to council. This is partly where 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 of 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 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. Processes contracts to manage trash, recyclable, compostable, household hazardous waste, other biosolid waste these are other types of contracts that we're looking at during the course of the conversation. Throughout this presentation I will do my absolute best to minimize the numbers of just letters that I say, but if I don't, please catch me. So in your agenda you will see agenda items identify 4, 5, 6 and 7 and those are what we're going to be talking in with the policy questions. So we've clumped them into different categories and the solicitation process is by far from staff's

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perspective, and I believe from the vendors' perspective too, something that we are seeking clear guidance on. So the questions that have been posed over the course of time from various vendors and the city is is should the city 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 and the details of that. Other solicitation details are should materials be directed to or away from certain landfills in future solicitations. Should some contractor 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 billion for biosolids management. Previously we had two commissions here, one commission certainly. Zero waste advisory commission and water and wastewater commission met in a working group and they made recommendations to biosolids management policy. 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 also the types that were asked about. So let's dive in. Should the city competitively solicit waste management contracts? Currently our contracts are competitively solicited per the k-marter 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

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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 competitive seeking bids, the city would need to apply the public health and public safety exemption. We don't do this on a regular situation. Such exemption normally involves a situation where there is urgency or emergency situations, storm events or unexpected situations. We really largely keep that focused in on emergency situations and try to limit the -- 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. And 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 on 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 allow and making sure services are available to all customers. So competition is the key to success for us and that's what we've

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built the master plan, the department's master plan and the zero waste strategic plan upon. There are also cost considerations 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 would 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 a 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? If council decided to continue competitive solicitation should council then waive anti-lobbying ordinance for these particular solicitations? So all vendors will be able to speak freely with council. This is a pro depending on who you are on that obviously. So 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

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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 that 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 this could affect vendors who have lobbying teams. So as you have companies growing that may not have the financial ability to hire a lobbying team to lobby on their behalf, this could impact those smaller companies. Another large issue -- so we're moving into the details. And one primary detail is should details be directed to or away from certain rails in some solicitations. The one consideration we have in the cover is a map of all of the landfills in our council area of government region. 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 seed it a little bit larger from here, but we've identified the miles and 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 that 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. So the zero waste advisory commission was very interested in limiting that area. So Williamson county

landfill is managed by -- sorry. It's owned by Williamson county, managed by waste

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management. The waste management landfill is the Austin community landfill closest to the city, owned and managed by waste management. The Texas disposal's landfill located in read more owned and managed by Texas disposal system. And then a proposed landfill, and 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 some time in June of next year. So should materials be directed to or away from these landfills? Currently there's no policy direction from city council. Staff scoured the resolutions and many councilmembers will remember a period of time when one or two certain landfills, the -- 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 the time opposing the expansion. But there was no actual policy direction from council not to utilize those landfills. For curb side service, the city 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 private contracts. 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

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materials are managed and processed. So just third or fourth time that 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 materials away from the landfills that 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 any specific details about which landfills to or from would be helpful. From a con perspective this could benefit some vendors and 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 the zero waste commission, four policies were sent to you about three or four months ago. We had four materials, trash material contracting from city buildings, emergency situations such as storm and 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. So as you can see the reason we identified it this way is because you will see a commonality between one to and three 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's

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

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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 into the city as an entity is moving towards zero waste. This will ensure our zero waste goal is applied consistently also so that we ensure that every contract has the same types of materials that can be accepted through 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 and services. If you have many -- every department in every facilitate 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 is also niche materials that could require special collection and monitoring. City for -- diversion requirements for city waste management contractors. Currently city departments are required to separate recycling and composting for landfill trash and the contractors are asked to separate. If it's recyclable, set aside that it's to be recyclable. Compostables shall composted and so forth. Diversion rate specifically, that term is a very important term. Those terms are based upon the generator so that means us. If we're generating make the waste, the expectation for us to set the material aside and achieve a certain diversion rate is placed upon the generator. That is based upon the recycling ordinance. Haulers are only expected to move and process the material. There seem to be some challenge in understanding what the diversion rate or diversion requirements are that we're looking

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for. So hopefully through the course of this conversation we can get some clarity on that. Should the city -- 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 of burden of diversion on the vendor, instead of the generator. And 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 two percent 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, non-hazardous waste is being sent by a contractor to Texas disposal systems. In considering the management of used utility poles, there are -- there are three options really. It's down to those three and staff has done some research on this. Beneficial reuse requires sometimes some storage, but in that storage responsibility take 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 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 or waste to energy and so they will take the utility poles, grind them, chip them up and make them into fuel chips to then be sent to

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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, Darryl Slusher. >> Darryl Slusher, Austin water, and we also have Judy Musgrove, process engineering. I'm going to skip this slide. I apologize for the communications mistake in the early morning. I'll go to this one. We're talking about our biosolids, our Hornsby bend sludge 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, the zero waste advisory commission and they established a working group and these are some of the principles they recommended. And we're willing to abide by all of them. I won't go through all 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 more about that in a minute. I want to point 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. We're in good company on

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that, but we are willing to go to 100% compost. So on this should there be a particular quality or should Austin water be allowed a range of compost materials, we would 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 want to show you this is -- 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 to sell just a couple of these piles. Those are piles of composed dillo dirt and we would -- at least it's been there curing a long time. And 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. I'll go back to that first slide here. So we would just sell a couple of them, maybe come back and sell two more after that. We can't say how much in advance that would be, but we think it would probably be against the council limit. We want to respect this process here, that's why we would only sell two, but we wanted to making sure there were no objections by the council to us doing that by the four members here. >> And with that I'll turn it back to Jessica. >> >> I think councilmember alter may have a question for you, Mr. Slusher. >> Alter: I was just wondering to whom you would be

selling it in general? >> We would put it out for bid and anybody could bid, so we wouldn't determine any one in advance.

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>> [Inaudible]. >> Pool: I think your mic may not be on. Just check. >> It's on. I'll speak loud. There we go. So 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. Contracts for trash or recycling service with their referred vendor. So basically -- as you all well know, there are thousands of events in the city and if you are -- if you're not co-sponsored by the city council by a resolution, then you contract, you go through our 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 event 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 those 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

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large. But the city capitalized is an organization, our departments. So I reference resolution 2009 because in 2009 the city council considered organ considering a green events ordinance. During the course of that consideration council determined that -- of that conservation council determined that we were not providing those 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 this clear that that event rebate is currently in place and special events that are not city co-sponsored are eligible for those events. This would open that door also if a 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 councilmember requested a clearer understanding of the different solicitation types so I'll send that over to James Scarborough. >> Morning,

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councilmembers, James Scarborough, purchasing office. It's my pleasure to discuss my favorite topic, government procurement. [Laughter]. I will do my best to keep it at the high level as much as I would love to get into an academic conversation. The two processes -- 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 will 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. Offers 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 it -- like I said, it is the most objective. The rfp process -- again, I'm fighting my inclination to go academic -- is a less competitive process, but it it allows for consideration of qualitative differences between the officers. It allows us to compete unlike things. So the way that you compete unlike things is to identify like characteristics of those things and evaluate on that criteria. So the award is based on one, evaluation criteria and price. The city's requirements can be more generalized, allowing for the offers

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to propose different approaches to meet the city's needs. The offers will typically propose approaches that allow them to highlight their expertise or their method of approach. We typically use this when we're 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 content more available as well as the contract contracts, but to clarify, these -- the contents of the proposals are available to councilmembers and your staff. You just sign the nondisclosure agreement and you can see the content. But to the extent that we then discuss information that has been identified by the offerers as confidential, they determine that they're confidential or that they're subject to the trade secrets or whatever. 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

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the rfp, but in terms of whether we choose a competition by low bid process or a competition by evaluation criteria process, ultimately their 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 qualification, 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 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 could be improved, maybe cut down on some of the concerns with the process, we're glad to investigate that. And I'm glad to answer any questions you have in this regard. >> Before we get into questions from either councilmembers 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 cans, is that right. >> That's correct. >> And 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. >> Yes. >> Well, council, certainly if you have questions of staff, I think it would be appropriate to take those first. Councilmember pool. >> Pool: Yeah, I think

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that would be great. And I am really, really interested in hearing from the folks around the table too, but yes, Larry, Ito. >> I think at this point we would 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? >> Excuse me, it's not a question. I would like to clarify something in regard to Mrs. King's proposal. Our company, waste connections, has a type 4 landfill located on F.M. 812. It is a construction and demolition debris landfill. We provide services to many third-parties there for their Leed recycling projects and we also perform in addition to disposal, recycling activities at that facility. >> Thank you, their. >> I'm sorry, just to clarify. That map largely included menu solid waste and sw landfills. >> Okay, Andrew? And by the way, there are two Andrews and an Andy, so someone has to change their names. >> I'm Dobbs. Most of my friends call me Dobbs. You're welcome to do that. Jim Scarborough, I'll ask you this. I may have other questions later, but just because it was the last thing you talked about. You talked about if we were to wave confidentiality we would have to get an opinion from the attorney general, did I hear that correctly? >> If we were to seek to uncover or make public the contents of a proposal that the offer indicated -- offerer indicated as confidential, we would then need to go and request. >> Sure. The key point there is that the offerer has marked it as confidential. If you said we will only negotiate with you if you're 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,

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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 contracts both prior to execution, correct? >> Absolutely. >> Excellent. I just want to make sure. >> To clarify that point, absolutely. We would welcome the opportunity to have all of the contents of the proposals be publicly available because you really kind of need to see what made the most highly rated proposal most highly rated. To do that you would need to contrast its contents with the others that were not most highly rated. But the companies requested that that content be confidential. And for us to exclude that in entirety, one of the possible consequences that companies may choose not to compete -- and if that's the kind of policy direction from council, then 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 this part of their offer be kept confidential, that part not. This part confidential, that part not. >> It would be a cost benefit analysis for them where they would determine, you know, maybe -- you know, maybe this 10, 20-million-dollar contract is worth revealing this portion of it. Or I would rather for go all that money and all that opportunity in order to keep it secret. >> Councilmember Garza and kitchen? >> First is how do we get more women in the waste management business? [Laughter]. >> Garza: And minorities.

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>> I'm assuming that's rhetorical. >> Garza: Real question. 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? >> That question may need to be clarified by the law department, but essentially we're -- 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. 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 to determine which company to bring forward. And often times the best way from our perspective is 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 get into more detail I would defer to law in that regard. >> Garza: Can we? Can law chime in on that? >> Good morning, sinity sin -- Cindy crossby, city law

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department. The language in the chart either ex-sis Litty says we can take advantage of the exemptions if they're available by law. The exemptions under chapter 252 of the local governme codnte 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, for you seek competition and -- 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 councilmember pool, if I could jump to the other question that was brought up just a second ago carding the confidentiality of bid contents. Is trying to find the exemption on my phone and wasn't kick enough. 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. >> 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 question, but it's more framed in a way it sounds like what you're saying is use more of the exemptions available already. Is more the policy question. The policy right now, there is exemptions, we just don't use them. >> 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

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solicit as much bids or information as possible, we haven't used that particular exemption. >> Garza: Was that a policy exemption from council or more at a staff level. >> I don't know. >> I will try to answer that. I think we are 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 -- that clearly is a practice that we've had for years and 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 soul source proper consumer. >> I guess is staff looking for a more direction from council? 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 a little, you know, fact based issues -- >> Yes, we are asking for that because there's 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 have chosen not to do that, as staff we have chosen to competitively bid. So that process decision has been challenged recently by some vendors to say you could use some of these ways to soul source, you could bid some of the things, why are you choosing to always bid and that's what we are asking for direction. We have chosen to competitively bid processes. >> Before we move to councilmember kitchen, several hands have gone up several times. Let's go to Mr. Gregory -- >> Thank you. I want to make sure that the position that we have taken is not mischaracterized. The question should the city competitively solicit waste management contracts is obviously yes. We have 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 when

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there is an existing contract that is the product of a competitive solicitation, it 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? >> Thank you. Karrie getter, balcones recycling and balcones resources. With respect to the confidentiality issues and rfps, we have not responded to an rfp in a couple of years. I can tell you in our most recent experience, we were required to submit financial information on our company. We -- which is not something that I care to -- to disclose to the general public. We -- we were required to -- 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 -- we would deem as being unfair. One of the other qualifications or requirements of the -- of

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the particular rfp was to -- was to disclose pricing that we received. And -- and that was met with some skepticism by other participants in the process. So much so, in fact, that -- 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 -- of a particular benefit to the public. Again, this has been our life's work and we also have non-disclosure agreements signed with -- with several of our buyers. And we have contracts. And -- and I think someone from the attorney's office mentioned earlier that -- that, you know, that putting those things out for public consumption causes a lot of questions. We're happy to share that with city staff. But -- but -- and we have, in fact. With the auditor's office and others. So -- so I want to say that -- that with respect to rfps and the disclosure of -- of that sort of information, it's very unsettling that -- that -- that that discussion be taking place. >> 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 of the hands remaining are

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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 going to take up for discussion. Because as I said, there are quite a few. Is that okay with you all? >> Pool: I think that works fine and that gets everybody's questions out on the table so we can -- at this information sharing piece of our deliberations, we can 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. >> So let me turn back to councilmember kitchen at this point. >> I just have a

quick question for staff. You can point me to the information. You don't have to answer it right now. With regard to confidentiality, I would like to see a list of what's typically kept confidential, whether it's the same or not. Those are in your solicitations, I'm sure. Then I would like to understand how that relates to the existing law. I'm familiar with the law that talks about trademarks and other competitive information and those kinds of things and I'm assuming that we are -- we are keeping or allowing to be kept confidential all of those things that are in the law. My question really 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 that I have is a very quick question, too. Which again you can provide in backup which is -- which is I'm wanting to understand when we're talking about the question of should we competitively bid, seems to me that question is really when should we competitively to an existing contract, how often do we just have -- what's the right word? Reup to those contracts. In other words, because I know we often have an initial term and then options for -- for continuation of those terms. So ... You know, how long is the whole term from initial

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to the reups, 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 that I think there may be a different policy response to. So the request he that I'm asking, if you could just provide to us, what's the typical length of these both initial and -- and continuations. And then -- then I think that would be the main question that I would want to know. Then I would just characterize this -- I think this policy question includes those nuances too to it. In other words when should we competitively bid and when should we consider adding on to an existing contract and how long should existing contracts with existing scopes continue. >> That sounds fairly similar to what I heard the points councilmember Garza was making as well. All right, before I get back to hands, I want to make sure the hand for right now are questions rather than points of discussion. I know that Andrew bee had his hand up at one point. I'm sorry, councilmember alter, excuse me. >> Alter: I have several questions, but I will 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, I think that's a question both for staff and I know that there are vendors who have also raised some question goes on this who may have another perspective on the kind of information that we should be having when we make these decisions. Because there's no reason to list -- to lift this ordinance if there's not information that would help us make better decisions.

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But I'm -- I think we need to have a fuller understanding. >> I will 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 -- what the suggestion or the question is should we level the playing field and just waive it. 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. Then everybody could talk to you, that's the second part. >> But what do we -- what information, you know, very specifically do we not have? >> When one vendor says something about another vendor and the vendor has bid, he or she can't talk to you about -- talk about that's wrong or that's inaccurate. That's the problem. So you will get more information from all of the participants. >> 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. So that's kind of part of what I'm trying to understand here. I don't know if commissioner Acuna you wanted to respond to that? >> You know, we have obviously as a commission have been approached by -- by numerous companies which it comes to -- when it comes to solicitations. As far as the anti-lobby ordinance is concerned, it's my opinion, again I'm going to stress my opinion, that parts of this ordinance are very, very meaningful. I think it came about

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probably in 2007 or so. I think -- I think Mr. Good you were here at this point. But -- well, predated you. But around 2007 we did have an influx of lobbying occurring with large-scale contracts. 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 -- what the goals of staff are, the goals of what -- 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 had discussed was perhaps working jointly together. I mean, as a joint commission, staff group that can -- that can set out the -- 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 -- will answer those policy questions and at the same time bring us the best, most qualified vendor. We have discussed that. The other item was since these contracts, I mean, there's not rocket science there. There is some proprietary to perhaps -- I mean a dillo dirt formula. Do we need to know that? No, we don't really need to know that. But we want to know that these contracts are bid and the -- and the the policy issues that this -- that this council has set forth are being respected and part of this. So is there a way that we can take this -- this anti-lobby 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

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more articulated ideas that -- on how we can accomplish that. >> Councilmember alter, I think commissioner Blaine may want to weigh in on this as well. If that's all right. >> Josh Blaine also on the zero waste advisory commission. I think sitting on that commission I can answer your question and add a few things. So -- so one thing that -- 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 has a submitted proposal can speak on a contract that's pending in a public meeting. That was not clear to us. 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. There was misinformation. They came back the next month, the vendor answered our question, 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 been identified. Somebody who is under negotiation is a vendor, who a proposal, can come to a zwaw meeting. And speak. Maybe the clarification does that particular contract, particular vendor, need to be on the agenda with potential action or is it enough for them to come and speak citizen communication? Are be called to the dais or lectern to answer a specific question related to the item. That could possibly use some clarification. As a commissioner, that was very frustrating. So answer your question further, there are certainly instances where proprietary information has specifically been redacted as delineated in contract or in some agreement related to the negotiations.

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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 have seen with the cnd ordinance, I'm chairing that committee, are we are running into issues where we don't have the infrastructure. We need the private industry to be comfortable. Having said that, also as a zero waste advocate and somebody on the commission who is looking out for our zero waste policies, it is also 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 steward ship requirements. Third-party certification knowing these materials aren't just getting dumped on developing countries, you know, sort of a nimby basically on an international scale. I think when we are looking at materials management, it's not unreasonable for us to ask for where is this material going, but maybe it's not -- not specific, maybe it's just a third party verification that we have put in there. >> I do have a question, also. >> Andrew, before you continue, though, councilmember alter I think had other questions and we need to get to those. >> Alter: Thank you. At the risk of bringing up the elephant in the room, [laughter], I would certainly like to understand better, 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, I guess that I would invite tds to share that. I don't think we could answer these questions without understanding what it is that had led them not to do that. If we were to reshape our anti-lobbying ordinance in any way for this particular

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area, we -- we as a community, I have some understanding of that, but I don't know that the public does, we need to understand why it is that they have chosen over and over again not to bid, which makes the pros less competitive and affects the market and affects the services that we are able to deliver. So we need to understand that and I think tie to that is 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 we can reach our zero waste goals so long as we as a city have decided we're not going to be in the business of delivering this with our own infrastructure, I don't see a viable way forward. I invite tds, I apologize to the chair if I'm going out of turn, but I think we need to understand that before we go further with these

questions. >> Would you like tds to respond at the >> Alter: If that is okay with the chair and with the -- with the facilitator, yes or we can have that be the first thing at the next meeting, if that's preferable. >> I think it's a good question. I would really like, though, to get everybody's questions out on the table, if we could. We would hold on to that, I have some kind of substantive things that I want to get out as well. >> Okay. >> Pool: We have another 40 minutes, so -- >> Just for the record, I will say that Mr. Gregor is entitled to respond to those questions, we will get to that when we have time. Councilmember alter were your questions complete or did you have others that you wanted to ask at this point?

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>> Alter: I have other questions but I think they are things that will move us forward, for staff, broader perspective, but I think they can wait. >> Okay. Yes. >> Andrew [indiscernible] With [indiscernible]. I don't have a discrete question, but a suggestion per se for a lot of the councilmembers. We do business with about 600 local governments around the United States. And we do purchasing processes and -- >> Let me stop you 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. >> It's a question that the council may consider asking, how about that? >> Okay. >> 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 -- ask some of the other people sitting around this table that, I think you get some very valuable information and examples of how anti-lobby works, how confidentiality works. It doesn't mean it 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, examples out there. >> Okay. >> 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 a perspective of anti-lobbying ordinance but also in terms of the market for waste management. In general. >> Councilmember pool, did you want to -- >> Pool: I have question that I want to surface. I just want to correct something. I said we had another 40 minutes. I think we actually said we would be done at 11:00. Councilmember alter and Garza have something else we need to go to, but councilmember kitchen and I can stay to 11:30. 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. I'm going to stay until 11:30. Let's continue going around the table for questions and I will be the last one. >> Very well. Other questions at this

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point? Mr. Dobbs. >> Thank you. I wanted to clarify. I wanted to make sure that I 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. There are questions about what are the opportunities, what are the risks and rewards of doing that. What are the practices elsewhere? Because as I understand, there are a lot of other cities where they see the contracts before they are negotiated or executed. That would be an interesting question. I was going to ask about best practices elsewhere. I think 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 -- that sometimes a bidder on a contract -- on one

contract is a vendor for other services. Is a stakeholder on other issues. If we have a hard and fast anti-lobbying ordinance like this and the contract -- and they are in a negotiation phase or in a bid phase on this contract over here and issues come up on all -- on these other issues over here, they are 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 I know that -- I'll just -- I've heard tds and others say this but, you know, there's a concern 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? So those are the kind of specific things I see as being key elements of the challenges within the anti-lobbying ordinance today. >> Other questions from the group? Yes, sir, Mr. Gosch. >> I had a question on the disclosure of our bids and

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the -- 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? >> It seems like an open question. You are not asking that of staff, you're putting it out for discussion? >> I'm putting it out for discussion. >> Very well, we'll get back to that. I saw a hand over here. Mr. [Indiscernible] >> Yes, sir. I will try my best to articulate this as a question. One of the concerns about waiving confidentiality the city is considering varies solicitations that they have received, rfps, I think there's always a situation where if the negotiations with the preferred vendor fall through, they can negotiate with subsequent vendors. If all of the information is public information I get council can say that, if it's all public information, those vendors in their order of negotiation have the benefit of knowing what the other vendors have offered. >> I hear the point that you are making. >> The question is how would the city handle that situation? >> The situation of? >> Of all of the information available to all of the -- to all of the proposers as they may enter into negotiations with the city. Now, they know what the other vendors have said. >> I don't know if you feel comfortable answering that? >> 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 the education of competitive offers and allow them to revise their proposal.

[10:56:44 AM]

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 that we are referring to, the answer is going to differ. Generally speaking, we only negotiate what's in the proposal. If there are contents in another proposal we really shouldn't be negotiating those contents into the resulting contract that was provided by another offerer. So -- so that probably deserves a more detailed response and we're glad to provide that. >> Mr. [Indiscernible] >> Thanks. I have three questions. I will start with 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 if we have an executive session, then we can see that information and make a decision? >> I'm going to have to toss the football along on that one how executive sessions are applied is their discretion. >> 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 would be happy to provide a response to you. >> Seems like one more tool that might be used. My next two questions, first a little more specific, I asked this a long time ago. I don't think that I ever got an answer. I'm curious. This is probably the arr. Do we have a cost estimate for waiving fees on those co-sponsored events, how much we are not bringing in from fees and 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. That number is out there. It's actually part of the fee waiver or proposal process that council considers. So we will document that information and bring it forward at our next meeting. >> Thank you. Then the last question is more of an existential

[10:58:52 AM]

question, if our master plan is -- if we hit 2040, do we have information for how much landfill space we would need between now and then? Has anybody done those numbers? >> No, I have not. >> By master plan, you are referring to the -- to the Austin resource recovery master plan? >> Yes, sir. >> 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? Councilmember alter? >> We also have a process for submitting questions or information so that it not just that they are being sent to our four offices. So if some other office is trying to follow this, that they are also able to access some of that material, so for instance when I pose my question trying to understand the city comparisons with respect to the market for waste management or how we are using the anti-lobbying ordinance, I suspect some of the vendors may be working in other markets and have useful information that they may wish to share and -- and I would like to have that not just from the city staff, but from the business perspective because they may have access to resources that we do not. >> One possibility for that beyond just the council message board is the use of speak up Austin, which has the capability of to host a public discussion online about this or any other topic, that could be utilized for this working group. I have already sort of mocked up a discussion board in case the group wanted to make use of it. That could be one way to circulate discussion amongst the group and certainly for anyone not in the meetings to participate as well. Mr. Gregory? >> I look forward to answering your question when it's appropriate, but I do

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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 a 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 -- and does not provide the council the opportunity to -- to check the staff's work, per se. And ensure that the contract they are 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 commissions prior to issuance, so that boards and commissions might have a better opportunity to do their job and

provide input when it can still -- they can still have a role in providing input. >> You are saying share the criteria before the proposals are scored, is that what you are saying? Not after they are scored? >> Prior to the solicitation being issued. >> Even going out, right. >> So the board or commission can do their job and ensure that the solicitation itself is consistent with city policies. >> So -- >> And community values. >> Two different questions there. One, can the commissioner look at scoring criteria before the request is issued? And, two -- >> And the scope of work. The effect - - >> And the scope of work. >> The operative portions of the bid document. >> And then, secondly, can we have separate items for authorization and execution of a contract? I think the answer is yes, but I certainly will defer.

[11:02:54 AM]

>> Yes, with -- with lots of clarification. [Laughter]. And likely, likely will involve a written response. The request to authorize the contract and then negotiate the definitiveization of the is not a statutory or regulatory requirement. It's a practice is what the staff has engaged in with the council over the years. So to the extent that -- that we have some policy direction on when we apply that, when we don't apply that, that would be good. With regard to -- to displaying the -- 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 -- because we had to guard against driving requirements into the scope of work from -- from parties that may then benefit from the resulting contract. Because if you have your requirements, essentially the meat in the sandwich, then you display it, you have to make sure that those requirements were 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 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. Again, probably something that we should provide you in writing. >> Yes, sir? >> Just on that topic, I would like to point out that Mr. Angori 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. I think both Josh and Jerry were pleased to have the opportunity to review the

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solicitations beforehand and I just -- I get into some editorial. I think it would very much go a long way to preventing potential conflict if we could ensure that the -- that the solicitation is consistent with city policy, prior to the issuance of that solicitation. And, again, on the other side, I -- I just think that it's -- it's very good governance and good policy for contracts, once negotiated, to actually be approved rather than -- rather than the current practice, which I'm sure you've read many, many agendas, but is for approval generally of -- of negotiation and execution with the 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 -- with this rfp process and negotiate what you want and choose who you want. It seems to me that there's a serious lack of transparency in that process and that could be -- that could -- that could be something that applies to the entire city, not just the waste management sector. >> We can get into that further. Sam, I don't know if you could comment on what drove the decision to share criteria negotiated with the

request for proposal with the zwac. Sounds like according to Mr. Scarborough, that's somewhat rare that you chose to go that route. Although I see James' hand. >> I want to clarify 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 -- is conducive to -- to the most amount of transparency and going to generate in constructive feedback on the scope and not anything else. So -- so the process that --

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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. >> Did you have anything that you wanted to add? >> One of the reasons basically what James just said, you know, best practices. We want to have everybody around the table and talk about issues, talk about contracts and 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. I need everybody there to make decisions. Now, I also have said to our commissions that as of now, you know, 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 you. I made that clear to them and they know that. Hour, before -- before we go out, we're going to bring contracts or [indiscernible] To discuss. >> Thank you for that. And Andrew from -- no? Oh, very good. Looking for any other outstanding questions from the group. Did you -- councilmember, I know you wanted to go on-- >> I will go last. >> She's going to go last. Mr. Gosch, Mr. Gregory and then back. >> I have more of a general question for -- for just as overall goal that Ms. -- councilmember pool mentioned earlier. We're on the zero waste journey. How do we work together? With respect. And integrity. And promoting that teamwork. It takes a team to make that happen. How can we work really together, that's helpful and productive for everybody. And where it's a safe -- safe environment. I don't have all of the answers to that, but I am committed to that. I think it's important that

[11:09:00 AM]

we all are on the same team, how do we -- what we are doing is stewardship, really important. It's a privilege to be a part of that. So how do we do that and in a safe way. >> Yes, my question was simply that we have additional questions that we hope to be discussed and considered and sure some of them can just 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. >> Pool: So Mr. Schooler and I talked about that when we kind of put together the agenda. He has mentioned he has mocked up a speak-up page so 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 district 7@austintexas.gov. We will get that information to you. Right now I know we are getting emails with information regularly, they come to the four members who are on -- councilmembers who are on this work group. But I want to make sure that everybody gets -- sees everything that is coming to us. So that's what we're going to try to figure out. >> Councilmember, if I may, though, I think what I hear Mr. Gregory asking isn't

just the conveyance of comments over email and online, but essentially too broaden the scope of the working group. >> That's absolutely right. >> I think what he's asking is how do I propose other

[11:11:02 AM]

discussion questions or topics for the working group to consider? >> 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 -- your requests to broaden and we'll run it up the flag pole and see if it fits underneath the germaneness of the resolution that we passed. But we are gathering both in the amount of time that we are spending and the elements of what we are talking about. >> I understand. It is the remaining questions. I have separated the questions that we sent to you and by the way, for everyone, we have two dozen copies of -- of what we have provided to the working group and anybody can have it if they would like it. There are some additional questions and -- you have them in -- I certainly believe they're all within the scope of the resolution establishing the working group. >> All right. Commissioner Acuna? Chair 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? I mean, at one time we were absolutely the most independent and -- and city-owned, city-managed company. We basically owned our own landfill, we had our processing facilities. That has all changed. 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. >> I'm just speaking of Austin resource recovery? >> Yes, that is correct, Austin resource recovery. >> If I may, I have one of our staff that has been

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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 would be within the next month or so. >> Okay. >> But we are working, I have already started working on that. >> Thank you. >> Sure. >> Councilmember pool. >> Pool: Okay. I think along the lines of what Mr. Acuna is asking for, I think maybe it would be good to get a one pager, inflection points, what decisions were made, policies were established, how that's filtered from I don't know 2000 to 2017. If we could maybe confine the timeline to something within the recent past it would help to orient everybody. Is that something that you think maybe you could provide in the shorter term? Maybe two weeks. >> Previous to pick out the inflection points and show where policies have made significant changes -- >> I'll talk to my staff and see what we can do. I was looking at that, thinking about the history of the department. >> All the way back to 1839? >> Yeah. [Laughter]. >> Yeah. >> Pool: Yeah. >> The strike of '53, that actually happened, I don't know if anyone knows about that. >> I just, councilmember pool, I just wanted to say we would be willing to provide something along those lines as well. >> Pool: I think that's a great idea. >> Especially for Hornsby bend which is the issue here. >> The dillo dirt, the development, establishment of that as a commodity and how that's worked over time. I think that would be great. >> Right. >> Pool: 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

[11:15:04 AM]

far out has the master plan for Austin resource recovery gone? And 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. And in our citizen commissions. I know how it works for council, I would like to understand if there are different requirements or expectations for people who are not elected officials in an executive session. And just so you know, my intent on there is I would like to be able to have executive sessions for our citizen commissioners. 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, recycling to event, that was the resolution on page 27, from 2009, from 2009, that for example would be an element in the -- in the history of Austin resource recovery and the delivery of services. We touched on dillo dirt. On slide 22 we talked about the limited optimistic for managing used -- options for managing used utility poles. I would like to know these days how tax sick they are. They used to be slathered in tar. Whatever that awful smell was from my childhood.

[11:17:04 AM]

I remember that smell. It gave me headaches. How toxic are our utility poles? That will go to us understanding what a beneficial reuse of that would be. We understand a better understanding of what happens once poles are moved and disposed of. I'm looking at slide 18. Where that was question 5 B should some contracts or services be consolidated. And so -- my question there is -- is would consolidation prevent subcontracting or private contracts? For instance, if we went to one mega contract, 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 it says on the fourth bullet, this again is question 5 a should materials be directed to or away from certain landfills. I would like to get a briefing in documents to understand our landfills and make sure we know all of them. Mr. Shannon mentioned there's a landfill, but I understand that's for the trade. >> A type [indiscernible]. >> Turn on your microphone. >> Pool: You know what, we didn't hear the answer to that. Could you push that button. >> Sorry, ma'am.

[11:19:05 AM]

I'm normally plenty loud. It's a type 4. It's not a municipal type 1 facility like the other ones that Mrs. King mentioned. But it is a landfill and the only

other landfill that I'm aware of in Travis county that's a type 4 construction and demolition debris landfill that we recycle there and support a lot of the Leeds service providers. >> Pool: Who regulates that? >> Tceq. >> Gotcha. >> 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 peutrify. >> I would like to note the ease the ease with which he said putrescible. >> Putrescible. I was born into it. [Laughter] >> It might be in his DNA. Okay. So better understanding of the -- of the different types of landfills. I'm assuming this -- this map with the exception of Mr. Shannon's type 4 landfill is accurate. To the extent -- great, thanks. Jessica, you did a great job putting all of this together. >> Yes. That was many, many people. But, yes, those are all type 1 municipal solid waste, regular trash recycling materials that are commonly utilized by residential community. >> Pool: Great. Thanks. Then I just wanted to daylight what I think Jessica spoke to and that's the competition that the city council by policy has -- has tried to effect 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 -- but in previous councils, I think the motion then the movement has been away from a monopoly to allow for the diversity of people and frankly the development of some smaller organizations to come to the table and make a really good

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living and provide a needed service to the community. So I think -- I think -- 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 -- we have our language is more broadly drawn and so -- so we want to have it, 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. >> I see councilmember kitchen's light on. Go ahead. >> Kitchen: One very quick question, on page 28. To provide further clarification to us on -- this is a question should arr continue to provide waste management services for special events. The last con says that if arr no longer directs, is no longer directed to offer service, 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 would like -- I would like the -- the citation back to that, which creates that situation and so y'all can provide that to me. But I would like the source document that -- that eliminates our ability to waive the fees -- >> To clarify, it's for the solid waste fee. Not for all of the fees that you all have the ability to waive. >> >> Kitchen: I understand. If I could see what the source document is for that, I would -- >> Common sense is if we provide the service for free and you eliminate that option, which you certainly can, then they're going to have to contract for it. When you waive the fee, what you are 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

[11:23:06 AM]

really like this part of our job, then the event will have to pay for that service -- >> Kitchen: I thought you were referencing some other kinds of fees. >> That's the fee that we are talking about, the fee to provide that service. We do it for free for co-sponsored events. >> Kitchen: You are not talking about --

>> We're not talking about that. >> You are not talking about the fee, you are talking about the actual cost of providing the service? >> Service. >> Okay. >> Pool: If you could, I had a question on that, too. If you could give us a sense of how much money would a special event, would have to pay, if we were to contract all special events and the city not own that. There was one last question that -- that I had here and I'll find it in a minute if somebody else has something else. >> Mr. Androssey. >> I wanted to expound a little bit on your comment about competition. Central Texas refuse is a haller and we do not own our own landfill. Hauler. I think consideration needs to be given to that competitive component in these types of contracts where entities, organizations such's ourselves, there's many independent haulers that weren't affiliated with landfills directly that we are not in some way inadvertently shut out of the process. >> Pool: Then the last thing, singdy Crosby gave a good answer on slide 9. I would like to get that in writing or 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 you all could just get us a legal memo on that, that would be helpful. >> Sure, absolutely. >> Council, if I may, I wanted to just talk about next steps for this group.

[11:25:07 AM]

I know we won't be able to schedule another meeting at this time because that requires a 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. Then I also wanted to ask whether you had a feeling for what -- what topic within this broader topic you would like to discuss first with the group. Because again there are -- there are, you know, 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. >> 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? >> I would think that would be a wonderful start because that tends to be the focus of a lot of these contracts, a lot of the misunderstandings is the anti-lobby ordinance, that would be a great start for us. >> Pool: Okay. >> Yes. >> I think that might be a good idea to -- to do anti-lobby and purchasing practices and policies together as -- as -- maybe reserve materials management or something like that, that polls and [indiscernible] Solids and things [indiscernible] It might be a good idea to do anti-lobby and discuss the practices and more practices than policies of the purchasing like the negotiate and execute and 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. >> Pool: Sure.

[11:27:07 AM]

Mr. Scarborough? >> Excuse me, can we get some clarification on that, that could be a really long discussion. [Laughter]. If there are specific practices that are tied to a given competitive process or how the anti-lobbying ordinance is applied? We are allowed to respond to these, but that's a very broad request and I wouldn't -- >> 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. >> Okay. >> [Indiscernible]. >> I have one clarification. >> I would concur. That the first discussion, the private sector, we would like to understand, put the rest of the discussion in the context of the anti-lobby ordinance and how that's going to drive confidentiality and other things is in my opinion a good place to start. >> Pool: Thank you. >> Councilmember kitchen. >> Kitchen: I was going to add, within the scope of the information about the purchasing process, could you describe to us what happens when someone told an existing contract that they are providing services under to the city? And, yet, they're going to bid on another contract or reup of that contract. How is it handled in terms of their -- their discussions with city staff on their existing scope of work. >> Mr. Dobbs. >> [No microphone]. >> I think a lot of this has been covered. I think kind of two big areas. Anti-lobbying ordinance is the crux issue in a lot of this. And then confidentiality seems to kind of have risen to the top in terms of discussion today. In terms of the kind of other major issues. So I mean if we could square both of those away, which I'm not holding out [indiscernible] But I think down the line that would go a long ways towards setting a lot of people at ease and getting this process resolved.

[11:29:07 AM]

>> 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. [Laughter]. 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 or two 90-minute meetings to complete the entirety of this work seemed wholly inadequate, to me. So I don't know whether you would like to determine that the next meeting should be, say, two hours, and that may be something that you would want to discuss internally before we make a decision here publicly. But I just would observe that there's enough here just for -- just for two meetings just to talk about what's been laid out for next meeting. >> Pool: Do I see kind of a general consensus that an additional 30 minutes on the meeting wouldn't be a hardship for anybody? >> Or 30 more days. I mean -- >> Pool: Meet every day. [Laughter]. 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 the homework in between the meetings and -- 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 will have something more that we will have accomplished. >> And just for the public's clarification, on [speakupaustin.org](http://speakupaustin.org), you will 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](http://speakupaustin.org), click on discussions and you should see a discussion related to this topic. >> Pool: We will get you

[11:31:08 AM]

notes from this meeting. I think Larry had some interns in the audience taking notes and questions so that we will get you a soon as possible and then we will have the -- the dates for the additional couple of meetings. Two more meetings at two hours each -- if we need another one, we will take that up later. I'm going to 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 -- parking garage you can get it stamped. I want to thank all of the staff for all of the preparatory work that went into this. You guys rock. Thank you to all of the 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. A little past 11:30.

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