



Zero Waste Advisory Commission

Regular Meeting Minutes October 14, 2015

The Zero Waste Advisory Commission convened in a regular meeting on October 14, 2015, in Council Chambers in City Hall in Austin, Texas.

Chair Acuna called the Commission Meeting to order at 6:34 p.m.

Board Members in Attendance: Shana Joyce, Jeff Jiampietro, Heather-Nicole Hoffman, Stacy Guidry, Daniela Ochoa-Gonzalez, Cathy Gattuso, Kendra Bones, Gerry Acuna, Joshua Blaine, Kaiba White

Staff in attendance: Bob Gedert, Michael Sullivan, Erin Benoit, Gena McKinley, Emlea Chanslor, Woody Raine, Jessica King, Ray Benavidez, Jessica Frazier, Richard Avila, Donald Hardee, Richard McHale, Amy Slagle, Ron Romero, Tom Fulmer, Memi Cardenas, Kerry O'Connor, Cassidy Ellis

1. CITIZEN COMMUNICATION

Commissioners introduced themselves to one another and attendees.

One citizen signed up to speak during the opportunity for citizen communication.

Andrew Dobbs, Texas Campaign for the Environment spoke on program costs, operational needs, and opportunities for engagement and public discussion.

Michael Sullivan, ARR, read a correction of a typo on the agenda item 4c into the record, changing the year from 2015 to 2016.

2. APPROVAL OF AUGUST MEETING MINUTES

Commissioner Hoffman made a motion to approve minutes for the regular meeting of August 12, 2015. Commissioner Ochoa-Gonzalez second. The minutes were approved 8-0-2 with Commissioners White and Guidry abstaining.

3. OLD BUSINESS

- a. Discussion and Action** - Construction & Demolition Materials Recycling Ordinance - proposed amendments to Chapter 15-6 and Chapter 25-11 of the City Code and ARR Administrative Rules regarding recycling and reuse of materials generated by building and demolition projects.

Three citizens signed up to speak on this item. Andrew Dobbs, Ross Rathgeber, and Dave Sullivan.

Chair Acuna left the dais in recusal at 6:45 p.m.

Woody Raine, ARR, presented a slideshow on the Construction & Demolition Materials Recycling Ordinance history, process, and development.

The commissioners discussed the item and Mr. Raine answered questions about the item regarding the areas below: compliance, enforcement, fines, waivers, timeline of rollout, markets, operational impacts, staffing impact, project sizes, incentives for purchasing recycled material, disposal rate requirements, and 3rd party auditing.

Andrew Dobbs, Texas Campaign for the Environment, endorsed the item as the strongest ordinance anywhere in the country, noted that the plan will create opportunities and cautions against flooding the market with material, by unlicensed landfills emerging and piles of material building up. Mr. Dobbs noted that the staff recommendations are step forward and noted concern about some of the rules potential to qualify bad processors. He noted the need to create markets, to get big institutional builders to buy recycled materials and expressed a desire to have future discussions around market creation.

Ross Rathgeber, Southwest Destructors, spoke and noted his family been in the business of demolition for over 50 years, and preferred that demolition requirements be removed from the ordinance because 95% diversion requirements were unrealistic. He said a possible demolition ordinance might be preferable. He noted that his business recycles as a best practice, and asked the City to incentivize diversion and discussed letting businesses use salvage lumber for building as an example of an incentive. Mr. Rathgeber noted that many issues impact difficulty. In response to a question about markets for recycled sheetrock, he noted that it would not be allowed for highest and best use as required. He noted that painted wood can only be used for fuel, and there is no current incentive to strip the paint off of it, and that time taken to do so costs businesses money.

Dave Sullivan, former ZWAC member and former chair of the Construction and Demolition committee of the ZWAC, spoke on the item noting that accepting the Planning Commission's recommendation is moving in the right direction. He mentioned the possibility of making increases in diversion rates based on the outcome of a study on before increasing stringency and asked the ZWAC to stick up for what the previous ZWAC agreed on but acknowledged that it might have to be weakened. Mr. Sullivan asked to start with best practices in the industry today and build upon them.

Vice Chair Gattuso asked for a motion. Commissioner Ochoa-Gonzalez made a motion to adopt the recommendations from staff with a revision adding "based on a study done by 2020, to see how the C&D ordinance affects Austin's affordability and the diversion markets in existence at that time and consistent with the ZW Master Plan that we consider beginning in Oct 2020 that it should bump up to 75% then in 2030 potentially to 95%.

The motion was seconded by Commissioner Blaine with a revision to delay increases until 2020 and 2030 studies have been done on economic impact and diversion markets.

Commissioner Ochoa-Gonzalez clarified her motion by adding that the ordinance as proposed by staff should be adopted with clarifying language directing that a study to be conducted 6 months prior to October 1, 2020 regarding affordability and diversion markets, and based on these studies, the City Council should consider, in line with the Zero Waste Master Plan goals, to extend the materials diversion rate specified in the ordinance to a minimum 75% rate by October 1 2020, and to 95% by October 1, 2030.

Commissioner Blaine confirmed his second of the motion. Commissioner Hoffman raised the question of whether the diversion rate increases were an "opt in".

Mr. Raine clarified that “opt in” in means the council can choose to apply higher rates for materials diversion based on the studies, rather than having rates written in the language of the ordinance until action was taken to change the ordinance.

Vice Chair Gattuso asked if everyone understood the motion. Commissioner Bones asked if this motion delays the demolition component. Commissioner Ochoa-Gonzalez declined to include that in this motion.

The motion failed on a vote of 3-4-2-1: 3 in favor, 4 opposed, 2 abstentions, and 1 recusal.

Commissioner Bones made a motion, seconded by Commissioner Blaine, to approve Commissioner Ochoa-Gonzalez’s previous recommendation amended to state that the demolition component be postponed five years. The motion failed on a 3- 5-1-1 vote.

Commissioner Ochoa-Gonzalez made an incomplete motion (incomplete description, no second) and noted there were 4 options for proceeding with consideration of this item.

Jessica King, ARR, read the four options possible for action on the item before the Commission: choose staff’s recommendation, choose staff recommendation with revisions, oppose, or take no action, and noted staff is not clear at this point on what ZWAC are seeking but reminded the Commission that there were two motions made both which failed.

Commissioner Blaine asked what the “opt out” version looks like, asking what would force Council to make a decision to not increase diversion rates.

Ms. King clarified the concept behind the terms “opt in” “opt out” and noted that the staff recommendation before the Commission is basically the Planning Commission’s recommendation.

Gena McKinley requested the Commission review the Ordinance Intent development timeline document provided to them, where it notes that Planning Commission recommended that for Chapter 25 affected projects, all construction projects of 5000 square feet and above and all commercial demolition should be included. She noted that the PC also made a recommendation to this Commission for Chapter 15 diversion requirements of the first option of a 50% diversion requirement and the so-called “opt out” where 2 studies would occur prior to adding the higher diversion rates into the city code. Ms. McKinley noted that the diversion requirements for 2020 and 2030 are still in the draft ordinance before the ZWAC, and asked ZWAC to take action as detailed in the four options mentioned previously, noting that staffs’ recommendation is the Planning Commission recommendation.

Commissioner Ochoa-Gonzalez stated what she had sought in her previous motion, to include within the ordinance the phrasing that a study should be included by City recommendation, so as to have specific language directing a study.

Commissioner Blaine made a motion to recommend the ordinance as it’s written with extra language that explicitly ties to the 2 studies. Commissioner Bones seconded the motion. There was discussion about reconsidering Commissioner Ochoa-Gonzalez’s original motion. The motion by Commissioner Blaine was not brought to vote. Commissioner White said she felt this was a motion to reconsider Commissioner Ochoa-Gonzalez’s failed motion. Commissioner White then made a motion to reconsider Commissioner Ochoa-Gonzalez’s previous motion. There was no second.

Chair Acuna returned to the dais at 7:32 p.m but did not participate in discussion of the item. Ms. King detailed a scenario in the future to forecast the effect of the decision sought at this meeting. She discussed Chapters 15

and 25 of the City Code and asked: does the ZWAC want to keep in the additional requirements of increased diversion rates over the years or does the ZWAC want to keep them out?

Commissioner Hoffman made a motion to recommend that the requirements for studies be kept in the ordinance language regarding 15-6, with a beginning diversion rate of 50%, and that a 75% diversion rate requirement for October 1st 2020 be included as well as a 95% diversion rate to begin on October 1, 2030 with both increasing diversion rates contingent on the supporting results of economic impact and diversion market studies. Commissioner White seconded the motion and withdrew her previous motion to reconsider Commissioner Ochoa's motion. The motion passed on a 7-1-1-1 vote (Commissioner Joyce opposed, Commissioner Jiampietro abstaining, Commissioner Acuna Recused, Commissioner Valera absent).

Ms. King read the motion details back to the Commission and asked about the demolition portion, and if there were any recommendations related to Chapter 25.

Commissioner Bones made a motion to recommend postponing the demolition portion of chapter 25 for five years with a Second Gattuso with friendly amendment to 3 years by Commissioner Bones. The motion failed on a 5-2-2-1 vote.

Staff Briefings - Item 6a. Community Engagement Effort – Insights Project

This item was taken up out of order. No citizens signed up to speak on this item.

Emlea Chanslor, ARR, presented a slideshow on recent community engagement efforts and a crowdsourcing "Insights" project performed in partnership with the Innovation Office of the City.

Kerry O'Connor, Innovation Office, detailed the process and motivation behind the Insights project aimed at soliciting and examining feedback from citizens in order to increase recycling in Austin.

Memi Cardenas, ARR, discussed Spanish language outreach efforts in the community around this project.

4. NEW BUSINESS

a. Discussion and Action - Heavy/Light Duty Vehicle and Equipment Purchase

Richard McHale, ARR, presented a slideshow of the items entailed in the purchase and asked for a favorable recommendation from the commission. The commissioners discussed the item.

Commissioner Guidry made a motion to recommend the item, Commissioner Joyce second, and the commission unanimously approved the recommendation 10-0.

b. Discussion and Action - Austin Resource Recovery Efficiency and Cost of Service Audit - Research and report of findings to be presented at the January, 2016 ZWAC Meeting.

Chair Acuna discussed the proposal of implementing a cost of service audit of Austin Resource Recovery and noted a previous audit that he participated in as a member of the commission in years prior.

Bob Gedert, ARR, explained the business planning component of the annual budget for ARR and noted that the department could present a self-analysis with detail through the normal process ARR undertakes and that hiring out an independent auditor would involve a 3 month procurement process.

Chair Acuna maintained he wished to see an independent audit and noted that Public Works performed a similar type of project.

Mr. Gedert referenced an audit done years prior by Austin Energy staff Clarence Bibby and noted that ARR honored all of the recommendations put forth from that audit. Mr. Gedert noted that the City doesn't have the equivalent of that type of staff member now but he could research and talk to purchasing office about who they recommend.

Chair Acuna noted that he was seeking a baseline set of metrics by March and asked for a motion.

Commissioner Joyce asked if money was budgeted already for this type of project.

Mr. Gedert responded that to pursue it might require a budget amendment or to forgo a certain activity. Commissioner Guidry noted that ARR is well known for finding inefficiencies and running programs within a relatively limited budget and wondered if ARR could do an internal audit then have a 3rd party verify it.

Mr. Gedert noted that comparing cities requires a level of service consideration.

Commissioner Blaine made a motion, seconded by Vice Chair Gattuso, advising ARR staff to conduct an internal audit to be followed by an independent audit conducted after receiving approval from the City Purchasing department. Mr. Gedert agreed to report back at the January, 2016 ZWAC meeting with a report of the internal audit and to report back at November, 2015 ZWAC meeting on the results of the process for obtaining a third part audit. The motion passed on a 9-0-1 vote with Commissioner Ochoa-Gonzalez abstaining on grounds that she didn't think that a budget audit would be appropriate to impact a waste diversion rate.

Chair Acuna requested that the commissioners think about items to improve diversion and decrease cost to come to the November meeting to discuss ideas about what ZWAC would like to see within the audit. Mr. Gedert agreed this would aid in the scope of the audit.

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

This item was deferred to the next meeting of the commission to no objection.

5. STAFF BRIEFINGS

- b. Zero Waste Training for New Members**

This item was deferred to the next meeting of the commission to no objection.

- c. Director's Report** – City Council Actions, Staff Hires and Promotions, Current and Upcoming Job Postings, Statistical Reports and Performance Measures

6. FUTURE AGENDA ITEMS

Update Bylaws
Adoption of 2016 Schedule of Meetings
Committees and Working Groups

Adjournment

Commissioner Gattuso made a motion to adjourn the meeting, Commissioner Guidry second. Chair Acuna adjourned the meeting at 9:51 p.m.