

Austin City Council Meeting

October 28, 2004

MAYOR WYNN: There being a quorum present, at this time I'll call to order this meeting of the Austin city council. It is Thursday, October 28th, 2004, approximately 10 minutes after 10:00 in the morning. We are at the LCRA boardroom, Hancock Building, 3700 Lake Austin Boulevard. Council, without objection, I know although we're postponing this, we have the folks that are here from the group that I believe would be negotiated with on this contract. They might be here to perhaps answer questions. I would recognize Ms. Robin Schneider for a brief statement and make sure we're aware of the issues and the format by which we can get some questions answered before November 18th. Would you like to address this, Ms. Schneider? Please.

ROBIN SCHNEIDER: My name is Robin Schneider. I'm the director of Texas Campaign for the Environment and Austin resident. I want to thank you, first of all, for moving ahead with Dell and Goodwill on the computer-recycling program. That's a good program that will divert computers and peripherals from our landfills, incinerators or being exported to dirty recycling operations in developing countries. I wanted to address you because the item 35 is still on your agenda for executive session. So you will be hearing from staff including, I assume, Willie Rhodes, the head of the City Solid Waste Services about this issues. Before you hear the case from staff, I wanted to make sure you consider the big picture when it comes to privatizing the operations of our city landfill. Number one; there are problems at the City Landfill, grave problems. Number two, there are problems with the contractor that staff is urging you to negotiate with. And no. 3, and there's an opportunity to do something different that would be the right thing. The city landfill's problems partly stem from the fact it's about 50 years old. Most of it has no liner. Ground water monitoring wells show pollution. The city is not complying with state and federal law in terms of how it handles contaminated liquids. Explosive gases are migrating off site and have forced the city to buy some surrounding properties. Just last month excessive levels of methane were found in a monitoring well on the property. In 1991, a quarter million cubic yards of garbage, old garbage, not only fell into Onion Creek, but across Onion Creek into Travis County's Richard Moya Park. As a result, the city was supposed to fix the leachate problem with wells and drainage facilities. Today, more than ten years later, those facilities are still not completely operational. If such a collapse should happen again, now, that old garbage would be under the flight path of our city-owned airport and would attract birds that obviously are a problem in a flight path. There are problems with IESI, the contractor the city staff seems interested in negotiating with. Just last year, Solid Waste Services Director Willie Rhodes tried to get the city to sign a 65-year contract with IESI to run this landfill. That was pulled by staff off the agenda. IESI runs a dump next to the city's landfill. Again, it's under the flight path of the airport. There are birds almost every week at that airport, even though they are not supposed to be accepting household garbage. That garbage is not covered every weekend like it's supposed to be under the permit. We do not want a company that is not even paying its city fees for running garbage trucks on time and in full running our landfill. In fact, that fact makes them ineligible to even put a proposal in, but the city staff has accepted one. This is the mode of the business model of this company, IESI to buy or run landfills that are run by cities or closed by cities. In Seguin, the voters overturned city council action to sell their closed landfill to IESI. In Weatherford, we're working with a group that is working to oppose an expansion of a landfill that was owned by the City of Weatherford and now is owned and run by IESI. 3500 state -- Texans have written to oppose their expansion. And they are trying to do it illegally. They've increased the garbage there from 50 tons per day to over 600 tons per day. We don't want to turn our city operations over to a company like that. The alternative is to look at what you are already doing with city hall. You are recycling 70% of the construction waste at city hall is being recycled. That's what we need to be looking at. In the '80s, the City of Austin was looking and spending millions of dollars to build an incinerator to burn our garbage and the citizens organized and stopped that from happening like many fads of the '80s, that issue was put to rest. It's time to again put in place a new solid waste program for this century that will reduce the waste. Let's aim for zero waste, which is what other cities and countries are aiming for, to really reduce the waste. We might not get to zero, but let's get as close as we can. Let's not expand a city landfill with a private company that has a history of bad actions. I have some materials to hand out to you about IESI's operations.

MAYOR WYNN: Thank you.

ROBIN SCHNEIDER: So I would thank you for postponing it. I would say we need to postpone it a lot more to give full airing to this program. It shouldn't be a staff-run operation. Solid Waste Advisory Commission was unanimously opposed to Willie Rhodes negotiation of the contract with IESI. Thank you.

MAYOR WYNN: Thank you Ms. Schneider and again, we won't be taking action today. We will have a discussion in closed session pursuant to Section 551.071, the Open Meetings Act. Council, there are some folks from IESI here who would be available to answer questions if we had them, however, we're going to postpone the actual action and debate until November 18th. I want to thank you all for being here. So council, we have a motion and a second on the table to approve the consent agenda. Again, the pulled items are number 3 and number 5 and item 28 to be postponed...

THOMAS: Mayor –

MAYOR WYNN: ...to November 18th, 2004. Council Member, Thomas.

PECKHAM: I'm with IESI, may I --?

MAYOR WYNN: Yes, sir, you may. Welcome, sir.

PECKHAM: Good morning, my name is Jeff Peckham, the Regional Vice President for IESI. Certainly I want to address some of these comments that were made because they are inaccurate and IESI successfully owned and operated the Travis County Landfill for over four years and we have a zero compliance rating. The best compliance rating that you can get at our Travis County Landfill. We also have a zero compliance rating at our C and D Landfill in Fort Worth, Texas. These statements being made about IESI are very much wrong. IESI has never received a Notice of Violation or any enforcement action with the Travis County Landfill. Our landfill, as I mentioned, has the highest compliance rating history that you can receive. Our facility shares a common fence line with the City of Austin, and we have worked with the City of Austin to provide dirt in the past and they know how we operate our landfill. They are right next-door. And we're very proud of it and, as I said, the compliance rating, you can't get any better. For some reason, there is interest seeking to divert the Council's attention from the true issues at hand. Weatherford Landfill is not an expansion. We have full support of the City and the County in the project at Weatherford Landfill. We have never received a Notice of Violation at this site since we took it over. We have made significant improvements in this facility. And I just want to correct the record. IESI has entered into agreements with a number of municipalities across Texas and in other states regarding the operation of their former landfills. We routinely receive accolades and letters of support from these cities. I cite Iowa Park Buffalo Creek. The City awarded us business of the year and the landfill is right outside of town. The real issues before the City Council are what company presented the strongest proposal. Does the company have and own and operate a first-class landfill, which we do. And do other municipalities have favorable experiences working with the company as a partner, which they all do. As your staff has verified based on their due diligence, the City of Austin should consider entering into negotiations with IESI and awarding a contract to our company. I have here inspection reports. I have here our compliance history. I have here letters from the City and the County of Weatherford. We have Parker County, that supports what we're doing and how we do the job up there. And I just want to make sure that everybody gets a chance to see these. I'll leave some copies, but this is the facts. This is how we perform, not the way that these statements have been made. I want to point out that we are talking about a Type IV Landfill. Right here in Travis County. Which we operate a facility next door. The issue with birds is not an issue. And I just want to make sure that that's understood. And if there's any questions, I would be glad to answer them.

MAYOR WYNN: Thank you Mr. Peckham. Council Member Slusher. Again, we're going to remind everybody we're going to have this discussion again on the 18th. Council Member, go ahead.

SLUSHER: Why do you say the birds aren't an issue? Sir, sir, I had a question. Why do you say the birds aren't an issue?

PECKHAM: This is not a municipal solid waste landfill. It's not putrescible waste that goes into this site and it wouldn't be permitted by the state if it was an issue or concern of the airport.

SLUSHER: I did see a picture with some birds, some buzzards at the landfill.

PECKHAM: Well, I mean we do not have an issue and I don't think that there's been an issue at the landfill with birds and buzzards. I would like to have some substantiation. There's going to be birds, you know, anywhere, you

know, where there's brick and that type of material, but this is a C and D Type IV Landfill which is paper and wood and brick, and it's permitted by the state and we maintain that site according to the regulations and we are very proud of how we handle that site.

SLUSHER: Thank you. Mayor, can we get Mr. Rhodes just to say a few words? There were a lot of things said about the city landfill.

MAYOR WYNN: Sure. Mr. Rhodes, but again, we're going to have this discussion all over again on November 18th.

SLUSHER: I understand, but since there was a lot said, I would like to give him a chance to respond.

WILLIE RHODES: Mayor, Council. My name is Willie Rhodes, Director of Solid Waste Services for the City of Austin. I manage your landfill. I am proud to manage your landfill. Yes, it is an old landfill and yes, we do have some issues at the landfill, but we are working to take care of all the issues and address all the issues that are there. Some of the issues that she brought forth this morning, was there a collapse in 1991? Yes, it was. Did garbage enter into Onion Creek? Yes it did. As soon as it happened we took remediation action to reinforce the levy up there. We took care of this action to address this concern. Is there gas migrating off the site? As we informed council in 1997, we saw evidence of that. But since 2000, we have not seen any evidence of gas migrating off the landfill site and we informed council of that. Then we put in a gas recovery system at the landfill to handle the gas at the landfill. This system is recovering gas and it's also working with Austin Energy on converting some of the methane gas into energy for citizens of Austin. The leachate collection system. The leachate collection system has been designed and is in construction and will be operational close to the end of this year, first of next year. Each and every one of these projects have gone through the TNRCC at TCEQ permitting process to make sure we are handling this correctly so we are in compliance with TNRCC, we are not out of compliance. We have projects there we have to address and we are addressing each and every one of those issues and we are maintaining the landfill and operating the landfill correctly. If you have any questions, I'll take any direct questions.

MAYOR WYNN: Council Member McCracken.

MCCRACKEN: Mr. Rhodes, let me make sure I understand. This is a landfill just for construction material like lumber and brick?

WILLIE RHODES: Yes, Council Member, but a little history. Prior to the Austin Bergstrom international airport opening, we accepted putrescible waste at that landfill

MCCRACKEN: Is this landfill going to be landfill for brick and wood?

WILLIE RHODES: Construction and demolition landfill to date.

MCCRACKEN: Is there a low bidder other this?

WILLIE RHODES: It's not a bid, it's a request for proposal that was sent out and which the person offered the city the best proposal in this, Council Member. And we had an evaluation team; they evaluated the RFP put out with the criteria put out. I believe there were five points evaluated on. From that basis is why we have the recommendation to move forward with this.

MCCRACKEN: Thank you, Mr. Rhodes.

MAYOR WYNN: Thank you, Mr. Rhodes. Again, we'll have this -- we'll have some questions to answer between now and November 18 and have a full public discussion at that time. Again, we have a motion and second on the table to approve the consent agenda as read. Items number 3 is pulled for a presentation. Item 5 is pulled for -- to take up after executive session discussion. Further comments on the consent agenda? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 7-0. Thank you very much. I believe Council Member Alvarez now wanted to take up item number 3, a presentation from staff. Welcome, Ms. Edwards.