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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BUDGET AMENDMENTS BRIEFING

September 19, 2011

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)

(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE
DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner CityCable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BUDGET BRIEFING
MONDAY, SEPTEMBER 19, 2011
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

Briefing 6ES

FY 2011-12 Budget Amendments
- Straw votes will be taken

Closed Session 6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P
- City of Dallas v. Nakita Brooks, et al., Case No. 05-10-00692-CV
- Legal issues regarding proposed resource flow control ordinance
- Legal issues regarding proposed amendments to Section 6-4 of the Dallas City Code

Memo: Answers to Questions Asked at the September 7, 2011 "The Green Path for Dallas' Trash" Briefing (Discussion if necessary)

Adjournment

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

Memorandum



CITY OF DALLAS

DATE September 16, 2011

TO Honorable Mayor and Members of the City Council

SUBJECT **Answers to questions from the September 7 “The Green Path for Dallas’ Trash” briefing**

On September 7th, City Council heard the briefing: “**The Green Path for Dallas’ Trash.**” In the discussion after the briefing, Councilmembers raised several topics requiring follow-up information. This memo addresses those topics.

1) What types of wastes are accepted at the McCommas Bluff Landfill?

The landfill has been permitted to accept non-hazardous solid waste – and has accepted only non-hazardous waste since opening in 1980. Residential waste and waste of commercial origin compose the vast majority of material accepted at the landfill, with a small percentage of industry waste. Because of the multi-layered waste screening methods used at the site, hazardous waste can be readily detected (whenever any are presented) and removed from the site.

2) Provide more information on the Resource Recovery facility in Roseville, CA.

The Western Placer County Landfill was permitted in 1978 as a regional facility for the western portion of Placer County, including the cities of Roseville, Lincoln and Rocklin. As a 230-acre site, it was intended to serve the needs of the population for 50 years.

California’s waste minimization legislation in 1990 (SB 939) required all jurisdictions to reduce landfilling of waste by 50% by 2000. Accordingly, the county waste authority began planning for their Materials Recovery Facility (or MRF) in 1992 – with the intent to use county bonds to build the estimated \$20m structure and to partner with a private operator (Nortech) for a 7- to 11-year period. Prior to issuance of the bonds, the waste authority recognized the necessity of setting up Flow Control agreements with all public parties within their jurisdiction to provide security for the bonds to be issued – and did so. The facility opened in 1995 and has been successful at diverting about 50% of the waste stream, allowing the waste authority to pay off the bond debt early.

In 2005, the waste authority built a \$26m expansion to the facility (using cash reserves), and renewed their agreement with Nortech as the operator, who added another \$6m in improvements. The authority also renewed the Flow Control agreements with the public parties within its jurisdiction. The authority is now considering ways to further reduce the landfilling to 10% or less of the waste stream.

3) Other entities who use Flow Control

Roseville is not alone in utilizing Flow Control as a mechanism to meet the environmental, regulatory, and business requirements of their solid waste utility. Attached is a list of other cities and jurisdictions that preceded and followed Roseville. Some did so because advancing methods of managing the waste required significant financial investment in the waste handling systems (such as building waste-to-energy plants or enacting single-stream recycling). Some jurisdictions were motivated or mandated to implement environmental policies that required tighter oversight and direction of the disposal of the waste stream. Still others found that direct control of the waste stream fostered better revenues and operational practices within their cities or jurisdictions.

Whatever the particular reason, jurisdictions have found that, since the 2007 Supreme Court decision, enacting Flow Control is a reasonable and defensible method to meet their public’s solid waste needs.

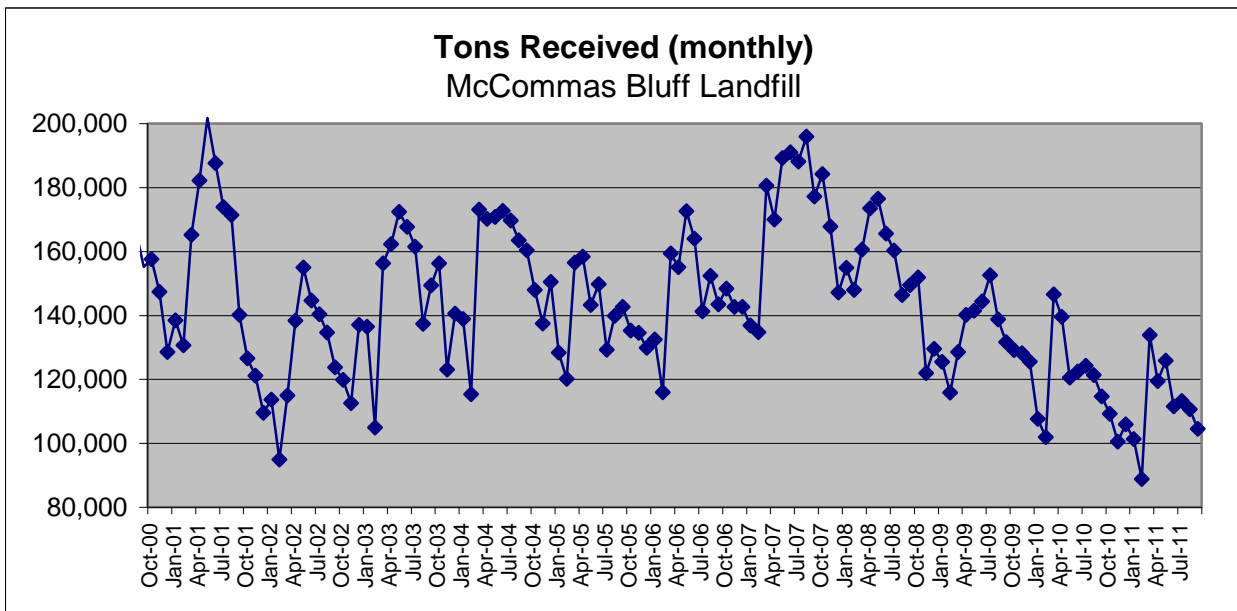
4) The link between Flow Control and establishing a Resource Recovery system

As the attached examples demonstrate, providing a secure and reliable waste stream (and the associated revenue stream) has been critical to public government’s ability to fund their operations – whether those include disposal facilities or waste diversion facilities, or both. In some cases, the entity sought the Flow Control mechanism after heading down the path to invest in a large capital project, only to find that the project needed Flow Control to establish sufficient security for the investment before building the project. The capital project was often delayed by months or years, as the public entity effected Flow Control. In other cases (such as Roseville), the public leaders anticipated the value of securing the waste stream, and enacted Flow Control in advance of issuing RFPs, investing in designs, and commencing construction of major projects.

In Dallas’ case, the value of the “waste resources” that are generated within the city is apparent in the market pricing for recycled goods, in the need for alternate energy sources, and in the demand for green fuel options. Dallas can benefit from the example of others by assuring that it claims **all** the resources that are legally within its jurisdiction. Months or years may pass between the time that Flow Control is enacted and the time that Dallas can build its Resource Recovery facilities. In that time period, millions of tons of waste resources will be draining out of Dallas – without Flow Control to prevent it. That’s millions of tons that can be placed in the landfill for possible reclaiming in years to come. Further, the revenues from Flow Control in that time period may be used to improve the current disposal operations, enhance environmental programs, and plan and design the Resource Recovery system.

5) Can Dallas begin Resource Recovery without a Flow Control ordinance in place?

Yes – though there are compelling reasons to put the ordinance first. Dallas’ McCommas Bluff Landfill received about 1.4m tons of waste in FY10 – a sufficient volume to initiate one or more Resource Recovery plants. But the volume is unreliable, and changes in the flow of waste, from month-to-month and from year-to-year, have been documented to vary widely (decreasing by as much as 50% from a high month over a short period).



The plan for building a Resource Recovery system envisions facilities throughout the city – not one or two at the landfill – but locating the facilities strategically to minimize hauling distance, reducing vehicle emissions, and saving on fuel and manpower usage. In order to plan for a system of facilities – to recover the majority of waste and reuse it beneficially – establishing a reliable and steady stream of waste flow to these facilities is essential.

More persuasive, though, is that Dallas is perfectly positioned to maximize the benefits of Flow Control, with few if any drawbacks. First, Dallas owns and operates a very large landfill with an enviable amount of unused capacity. The landfill can be used to bring in and store the additional waste stream, while planning for Resource Recovery facilities. Many other cities don't have that advantage. Houston, San Antonio, and New York City, as examples, are pursuing new technology to more wisely divert their waste streams – but, ***lacking their own disposal facility, are unable to pass Flow Control until the Resource Recovery Facility (or other options) are constructed.***

Second - Dallas' waste stream is rich with recoverable materials – effectively guaranteeing that a large majority of it can be reclaimed for beneficial reuse – and at premium market prices. In Europe, on the other hand, household and business recycling are so far advanced that the waste stream heading to landfills or to recovery facilities is lacking in many of the easily recovered materials (paper, plastic, organics). The quality of our waste stream will greatly aid in attracting private investment in the construction and operation of a Resource Recovery System – allowing capital investments to be paid off sooner, as the Roseville site did.

Third - A Resource Recovery System will provide recycling to a population in the city that is underserved in this arena: multi-family residences and commercial businesses. These two groups (served by private solid waste haulers) have frequently asked the City to develop a means for them to recycle at the same level as single-family residents (SFR). The City's many Drop-Off sites afford them a modest opportunity to recycle the same materials as their SFR counterparts, but requires an extra effort on their part. Resource Recovery facilities will allow for them to recycle all that SFRs can – without imposing any changes to their current disposal habits or to their contracted waste haulers.

Lastly - Dallas' system of waste transfer sites and landfill provides an in-place model of where to best locate Resource Recovery facilities – as they now serve the residential and business waste needs. Replacing each of these waste sites with "waste recovery" sites means that Dallas will significantly reduce the vehicle emissions associated with waste hauling to distant disposal facilities, will save on usage of fuel, manpower, and equipment, and will provide positive economic benefit to each area of the city in which a facility is located.

6) Steps to proceed with a Resource Recovery System for Dallas

The proposed sequence of actions is briefly described below.

- **Sep 28, 2011** Enact a Resource Flow Control ordinance to guarantee a reliable waste flow of resources to the future Resource Recovery System.
- **Sep – Dec 2011** Communicate the ordinance requirements to the solid waste haulers and business community and prepare the city's solid waste facilities for the acceptance of additional waste.
- **Jan 2, 2012** Implementation date for the ordinance. Begin increased waste acceptance at the McCommas Bluff Landfill and Bachman (Northwest) Transfer site.
- **Jan – Jul 2012** Conduct a thorough waste characterization study on the volume and types of waste received, as preparation for design of Resource Recovery facilities. Continue to study all technologies and systems, nationally and internationally, that utilize high levels of waste diversion, reuse and energy development.

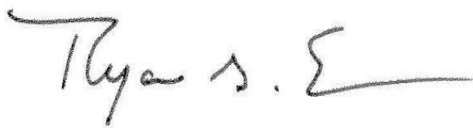
- **Aug 2012** Issue a Request for Qualifications to design / build / operate one or more Resource Recovery facilities as a system across the city.
- **Aug – Nov 2012** Review and interview candidates, identifying the best-qualified. Specify funding and permitting requirements to build and to operate.
- **Dec 2012** Issue a Request for Proposals to the top-qualified candidates.
- **Jan – Mar 2013** Vet the proposals through the City's Solid Waste Advisory Committee and select the proposal best-suited to City's goals. Negotiate the scope of work, solidify the planning and funding mechanisms, and recommend action to City Council.
- **June 2013** Begin design and construction of the Resource Recovery System over subsequent years.

7) Steps to establishing the South East Oak Cliff (SEOC) economic stimulus

The proposed sequence of actions is briefly described below.

- **Sep 28, 2011** Council action to establish the South East Oak Cliff economic stimulus fund.
- **Oct – Dec 2011** Define community goals and governance structure.
- **Feb 2012** City Council approval of SEOC organizational structure.
- **Mar – Sep 2012** SEOC meets and begins organizational planning, identifying economic development projects, and prioritizing future steps.
- **Oct 2012** First deposit of funds to SEOC from incremental year of revenue generation.
- **Oct 2013** Second deposit of funds to SEOC from full year of revenue generation; SEOC/City to initiate development projects.

With the follow-up information provided, Council may be prepared to consider the Resource Flow Control agenda item on September 28, 2011 – as paired with the resolution for establishing the South East Oak Cliff Economic Stimulus Fund. Please feel free to contact me with any questions.



Ryan S. Evans
Assistant City Manager

Attachments

C: Mary K. Suhm, City Manager
Rosa Rios, Acting City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
A.C. Gonzalez, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Mary Nix, Director, Sanitation Services
Helena Stevens-Thompson, Assistant to the City Manager

Examples of Jurisdiction Using Solid Waste Flow Control

	<u>LOCALITY</u>	<u>FLOW CONTROL MECHANISM</u>	<u>NOTES</u>
1.	El Paso, TX	<u>Ordinance</u> – passed in 2010	Council passed ordinance to promote improved environmental practices, assure proper disposal of the city’s wastes, allow for proper closure of one of its two landfills, and efficient operation of the remaining landfill site. Delayed effective date until 2012 – provides City with time to prepare the landfill sites and allows largest private waste hauler (with competing landfill) time to rebalance operations.
2.	Cities of Plano, Richardson, Allen, McKinney, Frisco, TX	<u>Franchise Agreements with Solid Waste Haulers</u> (for over 20 years)	Each of these cities are members of the North Texas Municipal Water District’ and contract with the District for solid waste disposal, which requires that ALL of the cities’ waste be transported to the District’s facilities. In turn, each city franchises their haulers, and requires the hauler to take all waste to the District’s sites.
3.	Arlington, TX	<u>Use of exclusive franchise agreement</u> (for over 20 years)	Arlington has issued only ONE solid waste hauler franchise (to Republic Waste Services). The franchise agreement requires Republic to use the Arlington landfill. Revenues are used to operate the site and to meet General Fund needs.
4.	Grand Prairie, TX	<u>Use of exclusive franchise agreement</u> (for over 20 years)	Grand Prairie has issued only ONE solid waste hauler franchise (to Republic Waste Services). The franchise agreement requires Republic to use the Grand Prairie landfill. Revenues are used to operate the site and to meet General Fund needs.
5.	Western Placer Waste Management Authority, Roseville, CA	<u>Ordinances of 1992 and 2005</u>	Implemented to establish bond security for financing of Materials Recovery Facility. Second bond issuance in 2002 required renewal of flow control agreements.
6.	Seattle, WA	<u>Ordinance</u> of 1990; supported by state law.	Seattle closed its landfill in 1990. Enacted Flow Control to allow city to enter into a 30-year disposal contract with Waste Management to use their landfill. Seattle also operates 2 transfer stations. They report that neither the volume of waste flow nor the disposal costs changed significantly with use of Flow Control.
7.	Snohomish County, WA	<u>County Code</u> Chapters 7.35 and 7.41 in 1985; updated in 2011	Updated 2011, providing for use of solid waste transfer, yard waste and disposal facilities by haulers and generators in the jurisdiction. County requires recycling at all construction sites. Uses long-term contract with Republic Waste to transfer waste by rail-haul. Fees pay for operation of sites and for capital investments. They report that Flow Control has had no measurable effect on

Examples of Jurisdiction Using Solid Waste Flow Control

	<u>LOCALITY</u>	<u>FLOW CONTROL MECHANISM</u>	<u>NOTES</u>
			the disposal costs.
8.	Jacksonville, FL	<u>Ordinance</u> . Passed in 1990; supplements franchise agreements which require that commercial waste must be taken to the city landfill.	City-owned landfill with private operator. Waste collected by city crews and private haulers.
9.	Lancaster County, PA	<u>Ordinance</u> in 1987.	Solid waste authority is financed by the fees generated at the authority's two landfills and transfer site. Revenues cover cost of operations, as well as Resource Recovery facility (waste-to-energy), landfill gas plant, and Household Hazardous Waste facility.
10.	Palm Beach County, FL	<u>Palm Beach County Solid Waste Act</u>	No tip fees – rather, the County assesses funds as a line item on property tax bill for residential and commercial solid waste disposal and collection.
11.	Franklin County, OH	<u>District Rules 1-2008 through 18-2008</u>	County landfill and County's three transfer sites are designated disposal sites.
12.	Portland, OR (Metro)	<u>General state law</u>	Portland Metro has solid waste disposal authority only (not collection). Rather than enforcing flow control, Portland assesses fees from the haulers – and then haulers are free to use any disposal facility they choose. The fees cover the cost of landfill (operated by private party – Waste Mgmt) and two city-owned and operated transfer sites. Private haulers pass through the fee cost to their customers.