



Agenda Item # 4.1

Minutes of May 16, 2012

The Sonoma County Waste Management Agency (SCWMA) met on May 16, 2012, at the City of Cotati Community Room, 203 West Sierra Avenue, Cotati, California

Present:

City of Cloverdale
City of Cotati
City of Healdsburg
City of Petaluma
City of Rohnert Park
City of Santa Rosa
City of Sebastopol
County of Sonoma
Town of Windsor

Nina Regor, Chair
Susan Harvey
Mike Kirn
Dan St. John
John McArthur
Jennifer Phillips
Jack Griffin
Phil Demery
Matt Mullan

Absent:

City of Sonoma

Steve Barbose

Staff Present:

Counsel
Staff

Janet Coleson
Patrick Carter
Karina Chilcott
Henry Mikus
Lisa Steinman
Debra Dowdell

Clerk

1. Call to Order Special Meeting

The meeting was called to order at 8:37a.m.

2. Open Closed Session

Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(b)(1) and (b)(3)(A) one case.

3. Adjourn Closed Session & Introduction

No report.

4. Agenda Approval

Susan Harvey, City of Cotati, moved to approve the agenda, Mike Kirn, City of Healdsburg, seconded. County of Sonoma and City of Sonoma absent. Agenda approved.

5. Public Comments (items not on the agenda)

Stu Clark of Healdsburg commented that he'd recently attended an AB 341 workshop in Sacramento that was hosted by CalRecycle and noticed there was not much local jurisdiction representation. CalRecycle is putting together a plan on how to meet the 75% diversion goal. If anyone has questions or would like information they can contact him. He will send a link

with information about the workshop to Henry Mikus, Executive Director, so it can be forwarded to the Board.

Consent (w/attachments)

- 6.1 Minutes of April 18, 2012
- 6.2 Amendment to MDS Fluorescent Disposal Contract
- 6.3 Eighth Amendment to Petaluma HHW Services Agreement
- 6.4 FY 10-11 SCWMA Audit

Dan St. John, City of Petaluma, requested that item 6.3 be pulled to give him the opportunity to discuss the term with his Council.

Matt Mullan, Town of Windsor, moved to approve items 6.1, 6.2 and 6.4. Jennifer Phillips, City of Santa Rosa, seconded. County of Sonoma and City of Sonoma absent. Consent calendar approved as amended.

Phil Demery, County of Sonoma arrived at 9:31a.m.

Regular Calendar

7. E-Waste Transport and Recycling Services Contract

Lisa Steinman reported on the five proposals that were received and evaluated for E-Waste Transport and Recycling Services. She advised that ECS Refining had the best proposal as to pricing and content and recommended a new contract be awarded to ECS Refining through February 2017.

Board Discussion

Matt Mullan, Town of Windsor, asked if the Agency had a purchase policy for providing a local business preference. Ms. Steinman responded not with this contract because we don't have local E-waste recyclers in Sonoma County. We have local E-waste collectors but not recyclers.

Dan St. John, City of Petaluma asked how the percentage scores for the cost category were determined. Henry Mikus answered he used the weights from last year's waste that was collected and added the estimates for the flat screen monitors to compute total revenue amounts. Not all of them were the same. It was a tiered ranking process.

Public Comment

Pat Potter, ECS Refining thanked the Board for their business and working with them since the beginning of SB 20.

Board Comments

None.

Phil Demery, County of Sonoma, moved to approve awarding the contract to ECS Refining. Jack Griffin, City of Sebastopol seconded. City of Sonoma absent. Motion carried.

8. Electronic Waste Collection Events Contract

Lisa Steinman informed the Board that three proposals for Electronic Waste Collection Events contracts were received and evaluated. Ms. Steinman urged a new 2-year contract be awarded to Goodwill Industries of the Redwood Empire for E-waste collection event services and awarding On Site Electronics Recycling the backup contract for E-waste collection event services.

Board Discussion

Susan Harvey, City of Cotati stated the report Ms. Steinman gave indicated that Goodwill did not provide the best pricing but scored high in all other categories but the table that was provided in the handout showed On Site scored higher than Goodwill in at least four categories. Ms. Steinman replied that she'd misspoken. Goodwill had the highest overall score.

Ms. Harvey asked what sites the other proposer's offered. Mr. Mikus answered the other responder's locations were very vague. They had no definitive list of sites. Ms. Harvey inquired if the lack of locations from the other proposer's could add costs. Mr. Mikus replied yes. Ms. Harvey then asked what was driving the significant decrease in price per pound that Goodwill is offering. Ms. Steinman responded the decrease is necessary because Goodwill has been losing money on the E-waste events.

Dan St. John, City of Petaluma, asked what the annual value of the contract was. Ms. Steinman advised that SCWMA received \$17,907 for the covered electronic waste but they paid close to \$13,000 in advertising and staff cost. The point of the contract is providing the service and breaking even on the contract.

Susan Harvey, City of Cotati, asked with the lower price that's being offered if breaking even would still be possible. Ms. Steinman answered that she's working on lowering advertising expenses by working with partners in order to stay within the limits of what they expect to make next year.

Public Comment

Ann Martin, Goodwill Industries of the Redwood Empire, said they would really appreciate the Board's support on this contract and that they would put in half of the advertising costs on the proposal.

Board Comment

Matt Mullan, Town of Windsor, notified staff that Windsor has the ability to use the hauler's garbage bill to insert advertising. Staff would just need to pay for the flyers. Ms. Steinman replied they have done that before and it is something they will pursue again.

Mike Kirn, City of Healdsburg, moved to approve the recommendation awarding the contract to Goodwill Industries of the Redwood Empire and the backup contract to On-Site Electronics Recycling. Susan Harvey, City of Cotati seconded. City of Sonoma absent. Motion carried.

9. Compost Operations Contract

Patrick Carter noted that supplemental information was emailed out yesterday and that copies are available. There are three firms we have continued to negotiate with. They're Sonoma Compost Company, Recology, Inc. and Sonoma Vermiculture. Sonoma Compost and Recology are both well qualified to handle composting however; the prices from Sonoma Compost are significantly lower. Sonoma Vermiculture is under consideration for taking up to 30,000 tons of food waste. A recommendation is anticipated for the June meeting.

Board Discussion

Phil Demery, County of Sonoma, asked if the cost for continuing operations at Central was for where they are now or developing a new site. Mr. Carter responded that the costs are for where they are currently. Mr. Demery asked if the cost was for developing a site on Central or off Central property. Mr. Carter replied it was not site specific. Mr. Mikus added that the Agency shared information on the sites that are under consideration.

Matt Mullan, Town of Windsor, asked if there were other proposals than those from Sonoma Compost and Recology. Mr. Mikus answered there were eight respondents to the RFQ. Two of them were clearly qualified and answered all the questions that were part of the RFQ packet. They were Sonoma Compost and Recology. They were selected with Board approval to move forward in the negotiations process. Sonoma Vermiculture was added because of the food waste diversion issue. Mr. Mullan asked if the proposal numbers from Recology are based on them using their Vacaville site. Mr. Mikus replied no.

Phil Demery, County of Sonoma, inquired if there had been any discussion in terms of the duration of the contract. Chair Regor replied that the last direction the Board gave was that the term needs to be concurrent with the expiration of the JPA.

Public Comment

Paul Yamamoto, Recology, Inc., stated that though there appears to be a gap in pricing he's hoping there will be an opportunity to work with staff to improve those numbers.

Pam Davis, Sonoma Compost Company, thanked the Board for their due diligence on this long ongoing process and affirmed that Sonoma Compost is a very cost effective and economic operator. She also noted that they are very interested in getting more experience with food scraps. A five minute video about the Sonoma Compost story was distributed.

Board Comment

Chair Regor wanted to know how many jurisdictions plan on giving updates to their own jurisdictions to figure out if timing is realistic for the June meeting.

Phil Demery, County of Sonoma, said it is doubtful that the existing site is going to be the future location of the compost facility due to the fact a very significant element of the cost is going to be in developing a new site.

Chair Regor, asked if the compost operations current location would be available until the expiration of the JPA i.e. 2017. Mr. Demery replied probably not.

Jack Griffin, City of Sebastopol, inquired about how much notice would be given to the compost site. Mr. Demery responded they would try and give as much notice as possible.

Jennifer Phillips, City of Santa Rosa, questioned if the permit that was applied for included a place for compost. Mr. Demery answered it did. They have reserved the space that was identified as one of the site locations for a new compost facility. The existing site location will become landfill space.

Henry Mikus, Executive Director, gave a quick historical review on the matter.

Dan St. John, City of Petaluma, asked if the term of the compost contract would be through 2017 or earlier if the current site becomes unavailable and if then another process to bid would open up for a new site. Mr. Mikus replied that is correct.

Jack Griffin, City of Sebastopol, thinks the Agency should be negotiating with the County for an agreement as to what the minimum term of notice should be.

Phil Demery, County of Sonoma, believes the Agency will be in a position to make a decision on a new compost site in 6 to 9 months.

Mike Kirn, City of Healdsburg, stated that the current JPA agreement has provisions for the County to provide a compost facility at Central through the term of the JPA. If there's something different that's going to happen then the ramifications of the County not fulfilling its obligations need to be looked at. Mr. Demery replied that's not an issue as they have another site.

Dan St. John, City of Petaluma, asked if the pricing includes the upgrade to the food waste. Mr. Mikus replied no.

Matt Mullan, Town of Windsor, questioned if a two year contract with three one year options could be done. That way there's an expectation of a five year term with check-ins along the way. He would also like to see performance standards included in the new contract.

Chair Regor asked Boardmembers if the June meeting would be feasible for jurisdictions to come back and make a decision.

After much discussion it was decided that jurisdictions would get back to the Agency as soon as possible to determine if action can be taken on the new contract in June or if an extension with the current provider would need to happen.

10. Carryout Bags Draft Ordinance Report

Patrick Carter reported that a draft ordinance to ban single use bags has been developed using the San Jose Ordinance as a model and asked the Board for direction and approval to issue and RFP or RFQ for a consultant to do the CEQA analysis.

Board Discussion

Susan Harvey, City of Cotati, asked if this would be applicable to stores such as Macy's and Kohl's. Mr. Mikus replied that's correct.

Jennifer Phillips, City of Santa Rosa, asked if the ordinance included the administrative process that's necessary for enforcement, fines and citations. Janet Coleson, Agency Counsel, replied that it would be a separate ordinance. It's an administrative penalties ordinance which will have a fine structure.

Public Comment

None.

Board Comment

John McArthur, City of Rohnert Park, received unanimous support from his Council to participate in this process as long as there is no cost to the City and that the City has the opportunity to participate in every step of the development of the ordinance.

Jennifer Phillips, City of Santa Rosa, also received unanimous support from her Council to direct the Agency to move forward on drafting an ordinance and completing an EIR to bring back to the City for the option to adopt an ordinance independently or as a JPA. Not having control over the ordinance was a major issue for some of the Council.

Janet Coleson, Agency Counsel, stated the scope of this as its drafted is a modified San Jose version. It does not cover restaurants but it does cover all retail establishments. It puts a fee on paper bags. There is no anticipation of enforcement problems.

Chair Regor asked if the City of San Jose conveyed to her what they're seeing in terms of enforcement. Mr. Carter responded he saw an article about it. They have not had many issues with enforcement and the few they had were resolved with just a letter.

Dan St. John, City of Petaluma, asked what staff they are using for enforcement. Mr. Carter responded existing city staff.

Chair Regor asked what can we do for as long as possible to keep our options open as to whether it's going to be an Agency or model ordinance. Ms. Coleson responded that the draft ordinance that was developed is written with a regional ordinance in mind but that it wouldn't take much to make it a model ordinance.

Henry Mikus, Executive Director, stated he needs further input on the draft ordinance and direction to go ahead and start preparing an RFQ for a consultant to do the EIR.

After much discussion about the EIR process the Board concluded that the Agency should begin the RFQ process to find a consultant for the EIR. They also directed Staff to prepare a "White Paper" which would include a table of pros and cons on model versus JPA ordinance that they can bring back to their councils for a decision.

11. Sonoma County/City Solid Waste Advisory (SWAG)

Susan Harvey, City of Cotati, gave an update on the last SWAG meeting. The next SWAG meeting will be scheduled for sometime in August. Minutes of the SWAG meetings can be found on the Transportation and Public Works (TPW) website at http://www.sonoma-county.org/tpw/divisions/integrated_waste/solid_waste_adv_group.htm

Public Comment

None.

Board Comment

None.

12. Attachments/Correspondence

Chair Regor called attention to the Director's Agenda Notes, Reports by Staff and Others; May and June 2012 Outreach Events, and update reports on the MCR Project and Extra Oil Grant Expenditures.

13. On File with Clerk

Chair Regor noted resolution approved in April 2012 adopting the 2012-2013 Annual Budget for the Agency.

14. Boardmember Comments

Chair Regor thanked the City of Cotati for letting us meet at their facility. She presented Jack Griffin with a certificate of appreciation for his commitment to the Board and congratulated him on his new job. Mr. Griffin said he will be the City Manager for the City of San Marcos and thanked the Board and Staff for all their work.

Phil Demery, County of Sonoma, noted that the SWAG would like to see ideas the Agency has in terms of extending it beyond 2017.

15. Staff Comments

Henry Mikus, Executive Director called attention to the Agenda, noting that it now provides page numbers on it. Mr. Mikus commented that he and Agency Counsel are already working on a plan for extending the Agency which is planned for discussion at the June meeting.

16. Next SCWMA Meeting – June 20, 2012

17. Adjournment

Meeting adjourned at 11:20a.m.

Respectfully submitted,
Debra Dowdell

Distributed at meeting:
Sonoma Compost Company 5 minute video

DRAFT