



City of San Marcos

Special Meeting Minutes

City Council

Tuesday, September 29, 2020

4:00 PM

Virtual Meeting

This meeting was held using conferencing software due to the COVID-19 rules.

I. Call To Order

With a quorum present, the work session of the San Marcos City Council was called to order by Mayor Hughson at 4:00p.m. Tuesday, September 29, 2020. The meeting was held virtually.

II. Roll Call

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

PRESENTATIONS

1. Receive a Staff update and hold a discussion regarding the agreement with Texas Disposal Systems, Inc. for collection and disposal of solid waste and recyclable materials, and provide direction to the City Manager.

Bert Lumbreras, City Manager provided a brief update on this item and reminded Council this item was discussed at the Council meeting on September 15th. During that meeting, Council amended the resolution from a five-year extension to a 2-year contract extension with wording added that required agreement by Texas Disposal Systems (TDS) in order to take effect.

Staff spoke with TDS management and learned that they are not agreeable to a 2-year extension and are only agreeable to the five-year extension specified in the original contract. Since the current contract expires on September 30, this special called meeting was necessary to consider the contract. A recommendation for how to move forward was provided as backup for this meeting.

Given the nature of these services provided by TDS, Staff is recommending that Council approve a resolution granting the 5-year contract extension. Staff is sensitive to the concerns expressed by Council about the need to begin a Request For Proposal (RFP) process to ensure the best value for our residents.

As part of this recommendation, work will begin immediately with TDS to evaluate the services and rates currently provided by this contract and look for opportunities to achieve savings. If there are recommended changes, they will be brought back to Council.

Staff will begin the RFP process anytime during the term of this contract extension. The current contract only addresses residential, solid waste disposal, multifamily recycling and City facility services. Prior to initiating an RFP process staff will need citizen feedback and Council's direction regarding the services to be contracted. Some of the questions to ask are, should services remain the same or possibly add others such as multi-family trash, construction waste, or services for commercial businesses?

The discussion was opened to comments and questions by Council.

Mayor Hughson stated she is not dissatisfied with the services provided by TDS and she is in support of extending the contract but her reason for asking the question at the last meeting was to only to inquire about the Request for Proposal (RFP) Process and if it was time for a review. Mr. Lumbreras provided a brief summary of the process and the steps that will be taken moving forward.

Council Member Gonzales asked for clarification on Section 6.3 of the contract related to termination by the City. Michael Cosentino, City Attorney, explained that this section does allow the City to terminate the contract, but the City must not terminate with the intention of awarding an identical or similar contract to another company.

Chase Stapp, Director of Public Safety, stated the contract provides services as to what our needs are at this time. The next contract would meet the needs of the community at that particular time.

Mr. Gonzales expressed his displeasure of TDS not accepting a two-year contract, and he will not be supporting a five-year contract.

Council Member Derrick understands why TDS wants a five-year contract and appreciates all the services they provide. She did express her displeasure in not having a RFP in place just because we have utilized this company for so long. She would like a policy or process in place moving forward related to a RFP. She is in support, but she wants clear direction on how to handle this in the future.

Mr. Lumbreras, stated the last time a five year contract came up was in 2015 and this was when it included 2 five-year extensions. Staff will be reviewing the process and a system is in place to monitor the life of contracts and there will not be assumptions of extension, but they will put them out for bid or request periodically. If Council chooses to do a RFP during the life of this contract then staff will provide a recommendation to Council and what the impact will be on rates. Staff will come forward with a different recommendation prior to any RFP.

Council Member Baker, stated this needs to be looked at because recycling has changed since the initial contract was approved. Mr. Baker expressed his support of this renewal, and he hopes this does encourage more public outreach. TDS does a great job but these contracts do need to be monitored and looked at periodically.

Council Member Gonzales, asked what would happen if we did not approve the five year contract. Mr. Cosentino referenced what the contract states, but he is unable to speak on what action TDS would take. Mr. Stapp stated TDS would continue to serve the city without interruption until October 30th if the City were not to renew, after that date we would no longer have their services.

Council Member Rockey Moore asked the TDS representative what would happen after October 30th if Council did not approve the agreement. Rick Frauman, TDS representative, spoke on ways the contract could be restructured if that is the will of the Council. He stated there are long term expenses and equipment is continually purchased in order to maintain a high level of service for customers, therefore service agreements are put in place to maintain this service so a month to month contract is not sustainable.

Council Member Derrick commended TDS on all they have done in San Marcos. Mr. Frauman expressed his gratitude for the work by the city and enjoys the partnership with the City.

Council Member Baker stated that the City places a lot of emphasis on diversion through landfills and he stated that glass and plastic have been stockpiled due to market concerns. Is there any degradation to those items over time? He stated that he toured the Material Recovery Facility (MRF) in the past and he inquired about the degradation of certain items over time. What does TDS do to put these to use.

Mr. Frauman stated there are three separate carts and are picked up by three different truck so the landfill carts go to the landfill, items in single stream recycling go to the Material Recovery Facility, and the items in the green cart go to compost. There are some items that are low value and when items arrive at the MRF, they are separated. There is no material that just sits at the facility and it is sold regularly. Glass is stockpiled and they are currently looking for alternative ways to utilize the glass. In the first quarter of this year they invested into a large concrete facility in a way to re-use recyclable glass that is beneficial.

Council Member Gonzales commended TDS on the professionalism of their staff.

Council Member Baker stated the contamination rate has remained about the same over the years. He asked how does contamination enter into what needs to land filled? Mr. Frauman stated audits are conducted on an annual basis. At that time the truck will be dumped and the items are segregated to remove items that must be land filled, however, just because items may go to the landfill, does not mean the entire truck is considered contaminated.

Council Member Baker asked about trash and if a similar audit is done as it is for compost and recycling. Mr. Frauman stated this is not done at this time.

Council Member Derrick asked about Glass recycling and now that TDS has the concrete company, will this still be worthwhile for the City? Mr. Frauman stated this is still valuable because of the integrated services this facility will provide.

Staff will place this item on the October 7th City Council meeting for formal consideration of this contract and TDS will continue providing services on a day to day basis until considered.

EXECUTIVE SESSION

- 2. Executive Session in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - To discuss the duties and responsibilities of the City Manager.**

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to enter into Executive Session at 4:55 p.m. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Deputy Mayor Pro Tem Rockeymoore

ACTION/DIRECTION FROM EXECUTIVE SESSION

3. Consider action, by motion, or provide direction to Staff regarding Executive Session item in accordance with Section §551.074 of the Texas Government Code: Personnel Matters - To discuss the duties and responsibilities of the City Manager.

Council reconvened into Regular Session at 6:43 p.m. Mayor Hughson stated discussion was held during Executive Session.

III. Adjournment.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to adjourn the special meeting of the City Council on Tuesday, September 29, 2020 at 6:45 p.m. The motion carried by the following vote:

For: 4 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Baker

Against: 0

Absent: 3 - Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Gonzales

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor