

**Item 3.A: Organics Processing - Contract for organics processing to accommodate the expansion of the residential curbside organics collection program.**

**Gerry Acuna:** All right, Guys, the next item of business, in fact, we have 20 or 15 minutes to jump into this. The next item of business is the Organic Processing Contract. And there are... is there a presentation scheduled?

**Jessica Frazier:** There was a memo that was posted as backup that sort of explains the situation. So, assuming that everybody read that memo in detail...

**Gerry Acuna:** Correct.

**Jessica Frazier:** So we can answer questions, some questions.

**Gerry Acuna:** All right Guys, actually, I do have a few written down some place here. I guess the main, my main concern on this item was the fact that there were still a lot of questions that were not addressed, that in my opinion, are very, very important to the success of this program. I mean, I discussed it with the Acting Director, and we discussed the fact that the most important, or one of the most important components is a contingency plan. What happens when we have an unusually challenging rain event, as we've had on a few occasions here in Austin, Texas? What happens when an equipment malfunction excludes the processing of the material when it's delivered there? To me, a contingency plan is absolutely the most important part of this, of the success of this. I mean, it's like a, as we discussed earlier, it's like flying on a plane. You get on the plane and they tell ya how to put on the seatbelt, where the oxygen mask is, and the life jackets. They don't wait until we are in the middle of flying and we have an incident and then try to explain this to us. So it's important for me that all of us understand, staff included, I mean, where we're going to take this material should the situation occur. How are we going to handle this? And that is utmost importance to the success. That was my main concern with this, and not having those answers leaves me still concerned.

**Sam Angoori:** Sam Angoori. I totally understand your concern, Chair. Now regarding the contingency issue, and I also understand that there are, I believe there are two other permitted facilities that are allowed to process composting material, and they're within about 20 miles or so from City Hall. And I guess in case of an emergency, what we've done in the past, as an example the flood of Onion Creek, you know, we contacted several contractors and they all were very willing to come and help. Now, I get the fact that you have to, that we have to have a contingency plan, and that certainly could be part of your Recommendation, that the Commission recommends the approval with the condition that you have to have a contingency plan. I believe that's part of the RFP, also the vendor has to have a contingency plan. So that's one thing the Commission can do, can recommend. I do not have that contingency plan, but I believe it can be done. Like I said, there are two other permitted facilities that we could have, we can go to in case of emergency, and I totally understand the fact that you're saying that we really should have the contingency plan before an emergency happens. I understand that.

**Gerry Acuna:** So, what happens in the interim when the emergency occurs? What happens in the interim between us negotiating something with one of the other processors? Where does that material go? Does it sit in the truck? Does it get dumped someplace? I mean, what happens to that material, without this process in place?

**Sam Angoori:** Well, as I mentioned, the contingency plan could be a condition of the approval. So, it can certainly say that you cannot have, or the contract cannot start until there's a contingency plan approved. I mean, that's one option. But, certainly the material cannot just sit in the truck. It has to go somewhere, I get that.

**Gerry Acuna:** Actually, if there're no more questions for the Director, we do have some folks who've signed up to speak, we can allow them to speak and then come back.

**Sam Angoori:** Sure.

**Gerry Acuna:** We have Phil Gosh. Andrew Dobbs. Donna Gosh. Phil, you have six minutes.

**Phil Gosh:** Thank you. Good evening.

**Gerry Acuna:** And, I'm sorry, you have nine minutes.

**Phil Gosh:** Oh, thank you.

**Gerry Acuna:** Yes.

**Phil Gosh:** Well, I'm going to be, I appreciate being here and appreciate y'all's concern and interest in our community. The heart of it is we're organics recyclers. We've done it for a long time. We're currently doing the pilot program since about 2012 and we work with a lot of other folks that are working towards the same thing, and we count that as, at the heart of it, a privilege to do that. So, I have a friend in Africa, he's actually sending some guys down to kind of learn what, how to do organics recycling, and he talks about a village, a village working together for the benefit of the entire community. So it's a lot of power in everybody working together and making a difference. So, that's what we're up to. We have, we work with, we partner with a lot of folks. Guys who bring us stuff in pickups, trailers, big trucks, small trucks. Anyway, that's what we do, and we got an awesome team of about thirty people and committed to making a difference in the environment, and it's a lot of fun, a lot of hard work, though, for sure. I want to just open this up for questions, I have a little list here of some of the questions that were asked. So, I've got a list here of some answers. And then I'd just like to understand your questions. [Distributes handout] So, I'm here to help in any way, bring any understanding, any confusion, or how I can help?

**Gerry Acuna:** Can we take this one at a time?

**Phil Gosh:** Yes, sir.

**Gerry Acuna:** And actually, first, the address of the processing sites. There's two here. There's the original site that is currently doing the pilot program if I'm not mistaken.

**Phil Gosh:** Yes, sir.

**Gerry Acuna:** Then there's a new site which is extremely large which... is that a permitted site or is that in the process of being permitted?

**Phil Gosh:** Yes, we own that property and we'll have the permit in the next few weeks.

**Gerry Acuna:** How far down 969 is it?

**Phil Gosh:** It's within the scope of the contract, within the thirty miles from downtown.

**Gerry Acuna:** Okay, so it's further from your current location.

**Phil Gosh:** Yes sir.

**Gerry Acuna:** All right, and the other question I had is the contingency plan is basically, as it states here, your two sites.

**Phil Gosh:** Well, I've also talked to JV as a village helping each other, and working together, that's what we're up to. Phillip, with JV is...

**Gerry Acuna:** Correct. As far as the screening goes, I think there were some questions here about... is this going to be screening prior... I'm trying to look, read both these documents here ...

**Phil Gosh:** I understand. So, the screening, we did a little pilot doing that and it worked out pretty good. So, we've got a hand... we're providing some folks some employment hand picking off the tail-end of the screener and then we've got plans for a picking station also.

**Gerry Acuna:** Okay, so the hundred, the hundred acre site... how large is the one on, at 2017 FM 969? Is that the ...

**Phil Gosh:** It's 27.

**Gerry Acuna:** 27 acres? And, how large is the current site?

**Phil Gosh:** That one's 7.28, and on that note, we wanted to show that you could do what we're doing with a small footprint and it'd be a model. And that's why the guys are coming from Africa, to see that you can take organic material on a small footprint and be successful at it.

**Gerry Acuna:** Okay, and how long before these permits are issued?

**Phil Gosh:** They already are issued. I mean we'll have them in the mail in the next week, so it's already done.

**Gerry Acuna:** I see, so these are permitted sites then?

**Phil Gosh:** Correct. And the third site, is one we've been working on for a number of years. We've got an investor on that, that really supports what we've been doing and he's all in. So that site, if we get this bid, it will, we'll need the full tonnage of this to make that work. So, there's a lot, there's still a lot of things to buy and a lot of expenses to get that site open. But I might add that's going to be an amazing place for our city to work. We're a real open site that could work for a lot of people and really work well for the community or the village working together to accomplish the goal and making good stuff. Educational things there, and just really, real excited about it.

**Gerry Acuna:** And the residual material. Where is that going?

**Phil Gosh:** Well, I don't think there's gonna be any, right? With all the education has been going on. I mean, you should have seen when we first started, so it's really ...

**Gerry Acuna:** I know, I've heard.

**Phil Gosh:** So I'm really encouraged. It's not what it used to be, we're not where we want to be, but we'll get there.

**Gerry Acuna:** So, where's it going today?

**Phil Gosh:** CTR. I have a dumpster.

**Gerry Acuna:** I mean, the disposal.

**Phil Gosh:** Yeah, CTR.

**Gerry Acuna:** They don't have a landfill.

**Phil Gosh:** Well, I don't know where they take it. There's only two landfills, correct Gerry?

**Gerry Acuna:** There is a few. There's the Waste Management facility, the Texas Disposal facility, there's one in Hutto, which is a Waste Management facility, and then you're heading towards Blanco for the next one, and then you're going as far as San Antonio for some others, but that's...

**Phil Gosh:** So, I don't know where they take that. I have some questions about that, need some more information about this landfill, you know the landfill and trying to understand that's a little... I don't understand what that's about.

**Gerry Acuna:** I guess that goes back to Commissioner Blaine's concern about the City material heading to the northeast facility that we've had issues with.

**Phil Gosh:** Well, I don't understand all that, but I'd like some more information on that, at some point, but I can gather that.

**Commissioner:** At this point with what you're producing, what you're processing, what is your waste stream? What's going... you said you have 'a' dumpster...

**Phil Gosh:** Yeah.

**Commissioner:** With all the material you're processing... one dumpster, so it's not significant...

**Phil Gosh:** Well it's plastic, it's basically plastic, you know, some plastic wrap and stuff, all the stuff that didn't decompose that they said was compostable, was not, so, some of that. But, we've learned a lot. Any other questions?

**Gerry Acuna:** Guys?

**Stacy Savage:** Yeah, I see a lot of acreage and a lot of capacity for tonnage coming in, what is the output?

**Phil Gosh:** Okay.

**Stacy Savage:** Do you have that estimation of... cuz we're gonna need to make room for new product for new compost, or organics that come in.

**Phil Gosh:** Sure. That's a great question. So, on there I kind of talked about our marketing. We've been marketing for a long time. So, my father was in the nursery landscape industry...

**Gerry Acuna:** Joyce, you can... feel free to address the question asked.

**Phil Gosh:** Okay. So what, so, you know, so we just learned, I learned a lot of stuff. So, the way I did reverse engineering on my business. I got the accounts first and then I started composting. So, we landed those, some large accounts. So we do a lot of bag product and a lot of bulk, and the bag product got huge potential for a lot of product.

**Commissioner:** Is that through partnerships with like Lowe's or Home Depot, is that what you're talking about?

**Phil Gosh:** Yes ma'am.

**Commissioner:** `Okay, so there's a potential to move that once it's processed and ready to go.

**Phil Gosh:** Some of that, and then we also have some creative things that we can do back to the community that we're excited about.

**Gerry Acuna:** All right Guys. I'm trying to still read this while... Phil, thank you. Any other questions for Phil Gosh.

**Phil Gosh:** Well if there's any other concerns, is it okay that we address those and any other questions?

**Gerry Acuna:** Absolutely. In fact, I was going to ask you if you could stand by, but I think the next speaker is Andrew Dobbs and then Bob Gregory.

**Kiaba White:** I just wanted to thank you for providing this list of answers.

**Phil Gosh:** Oh, my privilege. So I think the... it is a concern that y'all have all the information and not just partial, or a bunch of fear, and that we address those tonight. I'll be glad to. If we've got the courage.

**Gerry Acuna:** Thank you. Andrew.

**Andrew Dobbs:** Hey everybody, Andrew Dobbs, Texas Campaign for the Environment. I want to thank Phil for being here and if I could get a copy of that, that'd be great. I'm happy to pass on my email. So some of the things I'm going to say, I'm going to actually be kind of asking y'all, cuz y'all have seen this and seen how it goes. Before we get there I wanted to say two things. One is I'm really glad that Phil got a chance to speak here tonight. I think he probably would have loved to have answered all these questions in November. There was some misunderstanding about what vendors were allowed to do and weren't allowed to do. So I'm grateful that we got this opportunity that in a posted public meeting, vendors are absolutely allowed to speak and I'm glad that we got to hear from him. I'm also glad that in the documentation backing this up is that there is a lot of talk about focusing on contracts in the future, and having opportunities for y'all to review this. It's been interesting because TCE is a statewide organization and so we see how these processes work out in other places and right here, right now, Austin has a real contract focus. Like, the policy happens at the contract stage. Whereas I've been seeing in Houston it's really RFP focused. Like, everybody's always waiting for the RFP to come out and that's where the policy is really focused and I think that like if we could shift it towards that end of the process we would prevent a lot of the challenges that we've had and it sounds like that's the direction we're moving, so I agree with that. The first thing was we were concerned about the site location and size. It sounds like from what we're hearing there's a large 27 acre facility and plus maybe another facility that I heard alluded to. If that's the case, if we have sufficient size that's great. I would recommend that in your Recommendation on this that you clarify that we need to wait for all appropriate government authorizations, both from TCEQ and from Travis County. As I understand it's a registration not actually a permit for these kinds of facilities. Is that correct? So those things go through pretty easily, so that's good to know. Number two, was...

**Michael Sullivan:** I'm sorry to interrupt, but we do have to take a vote, if we want to go on for another 30 minutes.

**Gerry Acuna:** Oh, thank you Michael for the reminder. Commission? Motion?

**Commissioner:** I move to continue for however, not however long, but...

**Gerry Acuna:** Another half hour. I think legally we gotta be out of here, what 11, is that it? Yeah, 11 o'clock.

**Joshua Blaine:** Second.

**Gerry Acuna:** Do we have a second? Commissioner Blaine. All those in favor raise your hand, please. Thank you.

**Shana Joyce:** I oppose, sorry.

**Gerry Acuna:** Okay, we have one opposition. Thank you Shana.

**Andrew Dobbs:** She's going to do an anti-filibuster. I appreciate that. I will say that the biosolids issue, I don't know if that's addressed there, if we are gonna... we can't support anything that's going to combine, substantially combine, our curbside collections and biosolids. If it's like a total conflation of two, that's something that we would oppose. If there's some sort of partial situation, let's talk about that, let's look at that, but we need to talk about the details there for sure. Sounds like the screening has been addressed. I think that there should also be a clarification about limiting landfills, the landfills that we use, as we've talked about them earlier tonight, but, if this stuff is going to be processed at a sufficiently regulated and sizeable facility that there is, that there are good contingency plans, if it's not mixing up all of our biosolids with this stuff, if it is screening the materials that we don't want and dealing with the contaminants in a responsible fashion then, you know, let's move forward because this is a huge opportunity. I know that this was something that there's been a great deal of concern about, but those concerns are being addressed, let's move forward because this is it. This is what we've been working for for many years now, so, excited to hear about the opportunities here.

**Joshua Blaine:** Do you want to look at this?

**Andrew Dobbs:** Yes, I'd love to. Before I do that, are there any questions? I'm asking questions of y'all.

**Gerry Acuna:** Thank you.

**Andrew Dobbs:** Thank you.

**Gerry Acuna:** Bob Gregory, you have 12 minutes, Bob.

**Bob Gregory:** Hi, I'm Bob Gregory with Texas Disposal Systems. Thank you for the opportunity to come and speak to you again. I have handed out one page, front and half of the back and I will start out with my recommendation and then go, as time allows, to the justification for it, if I may. The term you were looking for in the last discussion, I believe, was IFB (Invitation for Bid) and I'm going to recommend that you say, "No" to this RFP because there are way too many questions unanswered. We just heard Mr. Gosh talk about how there's a larger facility with another owner, who's a partner, and this volume is necessary to make that deal work, and a permit is in the mail. It is much too soon, please, to make a recommendation for approval on a contract who you don't know who the partner is. You have in the document that I've provided to you, the thick document that we handed out on the last item, an email that is from Synagro and it identifies Organics by Gosh as the location where the biosolids would go to after two or three weeks, three or four weeks, I'm sorry, of processing into Class A biosolids and they would go to that facility. I'm not sure why they would go to that facility from Hornsby Bend but that's what you will see in that email, it was sent by someone else who allowed us, who gave it to us and gave us permission to use it. The devil is in the details. Again, I encourage you to see the contract so you'll know what it is. See the permit, see the registration. We do not know, well I personally do know that there is no variance to the Solid Waste Siting Ordinance on any of these sites that I'm familiar with that he's talking about. Travis County has a Siting Ordinance for Solid Waste Facility. If you are within so many feet or miles or whatever, feet mainly, of certain receptors you have to get a variance from it. We've checked with the county, there are no variances on these facilities. If they can't get a variance they can't operate legally. It would really be odd for the City to tie its stake, the success of its organics composting facility in the hands of someone who may or may not be able to open, or if they did open, they would have to close. Yes, there are fall back positions. We've submitted to you, to ZWAC, earlier this last year, April of this last year, and you have it in your package too, an offer that we gave the City because we could not respond, we chose not to respond, because of the Anti-Lobby Ordinance. My recommendation is break the... know which departments are going to haul to this facility and break it down into an IFB rather than an RFP, Request for Proposal, an IFB is an Invitation for Bid, so that it's much easier for you to see the fill-in-the-blank, the price, the detail of it and bring it back to ZWAC before it goes, the solicitation goes out, so you have a chance to see the documents, see the Invitation for Bid that staff has prepared, and you know that it's consistent with staff policy, I'm sorry, Council policy, you know it's consistent with your policy, you know that you're not going to be embarrassed by it. Then you take it out for the solicitation and then it comes back to you as a full contract, so that you can see it and you know all these things, who the contractors are. You'll see on the sheet that I've handed you that it is a schedule for this facility, is 100% of the City's curbside collected organics, which is up to 210,000 homes, or they estimate it will be 210,000, it's 193,000 now, I think. A hundred percent of the City's partially composted biosolids that we've just talked about, 100% of the organics from the proposed Citywide Dumpster Service Contract that you just voted against. Perhaps 100% of City's organics from the airport and central business district, and perhaps organics from the curbside textile recycling contract. Within the 13 pages that are still missing that the City has gone to the Attorney General to keep from giving it to us. That's not a mistake that it wasn't presented in an email. It's at the Attorney General Office for the Attorney General to make the decision, but those ... the waste garments could be composted. Matter of fact we gave the City that idea because we proposed doing it at TDS. It's something that can be done, if that is another flow that's here, and on this, you should know about it, it would be in the contract. And then perhaps the transfer point for all of the untreated compost. Remember there was a biosolids, unscreened Dillo Dirt contract that's now expired, it was an RFP, one of the five, it's now expired. TDS didn't bid on that

because of the Anti-Lobby concerns but we offered a price, unsolicited price, \$2 million dollars more than what the City had been offered and the City still hasn't sold us that material. Money has not been the matter. The matter is control and the matter is a plan that you do not yet know what it is because you can't see any of the contracts. So I urge you, please send this back for an IFB and take the time, please, to understand what is going on with these, all of these contracts that are proposed, and how all of this waste would be processed on this facility, because really it's the success of the whole program that's involved. It's the entire success of the program that's included. The contractor being recommended received a score, a particularly low score on the facility location and the contingency planning. I don't know whether, which facility was proposed and I don't know if it's one now, that they say the permit is in the mail on, but I think it's fair to ask staff what the facility location was in the proposal if it's the one now; whether it's County approved from a Siting Ordinance; the contingency planning that they have, whether they could keep the process going if there was a failure and these issues should be addressed in the posted contract, prior to asking y'all to make that vote of approval. That's all I have right now. Thank you very much.

**Gerry Acuna:** Thank you.

**Shana Joyce:** Can I say something? No I don't have a question, I just wanted to say something about this. So I see here on this page from, in your memo, that we can recommend to the Council to award the contract for a shorter term than requested. So that's something that we could recommend. I think that we should approve the vendor but maybe for a shorter term to ensure that the program starts and that we have a place to go, and then maybe reevaluate in a shorter period of time to make sure that they are keeping up with everything and that we can grow, and, I'm tired, so that we can grow and mature, but in an appropriate amount of time, and for the right cost.

**Sam Argoori:** Sam Angoori, and certainly at each of the extensions we can stop and either rebid or do what we need to do.

**Shana Joyce:** Because then, I know that part of the concern is, that people don't, well, people don't want to get into the contract because they're not sure if Council's going to extend it, that's part of the issue as well, so if we approve it, and then we can move forward to see if it's actually working, then maybe those other contracts, then maybe we will have more bidders and more options as well for, you know.

**Gerry Acuna:** Can I ask a question? Phil, and actually I was going to ask you. First off, did you have a comment that you wanted to make?

**Phil Gosh:** Oh yes, I appreciate your idea and I understand what you're saying, just kind of work into it. So we have done the pilot since 2012 and we've learned a lot of information about it from that, and we have learned a lot. So.

**Shana Joyce:** And I know that my idea might not be, you might not like my idea, which I understand just because of like the contract, you said that it's gonna like cost money to get your equipment and everything, but I know that this Commission has, we've had a lot of contract issues so this might hopefully might be a compromise so that we can get things rolling, and you can get it, since you are the only one that bid on it.

**Phil Gosh:** Well there was multiple people there, but they chose not to.

**Shana Joyce:** Right.

**Phil Gosh:** So, and, but whether I... this is not in my best interest, but for the City, so if you do have a bid... if someone... it's hard to do this business, you know we're not a landfill. It takes about, a lot of money, about, to do a landfill, to do what we are doing, a lot of equipment. I don't know all the exact money but it's a lot of equipment, so for somebody to do that investment and say, "Well we might, here's a year, try it cuz we may not like you", that ain't, you know, it's just really hard to do it that way. So, and then from our perspective, we got a facility... and just to clarify some misinformation, it's an investor not a

partner. And we've been working on that site for two years and it'll be fantastic for the City of Austin. So if you need any more information than that, I'd be glad to share it, but in order for us, for instance to move forward with that property to do it on a year thing, I'm not interested, so you maybe needing to find somebody else.

**Shana Joyce:** I wasn't saying a year, I'm just saying like a shorter period of time. That's all I was saying.

**Phil Gosh:** Right. For us to do what we want to do for the City, or anybody, and if you can find somebody I'll be glad to help them, that's our heart in it. So, yes ma'am.

**Amada Masino:** Could you address the question of the biosolids coming to the same site.

**Phil Gosh:** Oh excellent, absolutely. We have a... the biosolids... so, here's the deal on that. We buy product from Synagro. It does not go to that site, it goes to a mixing site. So, we do bulk product and that's a mixing site where that goes to.

**Gerry Acuna:** Where is that located?

**Phil Gosh:** It's on 80 acres near 973.

**Gerry Acuna:** Is that one of the identified sites here?

**Phil Gosh:** Sir?

**Gerry Acuna:** Is it identified here, in one of your...

**Phil Gosh:** No, cuz that's a totally... that's a mixing site. So that's where we do soil blends and we screen it and make soil blends. We have about 50, there's about 50 products that we make.

**Amanda Masino:** So biosolids will not be at the same facility as the food collected?

**Phil Gosh:** Well it's actually, actually I don't know that for certain, cuz we are gonna be doing soil blends on that, this next site. So there might be contractors that may want that and if that's the case, we will have it, but it's... we're not composting, it's composted material. Synagro makes compost and we buy it, we're a vendor. And we blend it with soil and make different types of blends.

**Gerry Acuna:** Again, clarification.

**Phil Gosh:** So yeah, to clarify, I don't see... there's a lot of fear sown, it seems, in these things and partial truths, so I'd like to get it all out, cuz it's not helpful to what we wanna, you know, where we're trying to go as a City.

**Gerry Acuna:** Well I mean, having an understanding of what challenges we faced with the pilot program.

**Phil Gosh:** Sure.

**Gerry Acuna:** There were some reconsiderations, some concerns and...

**Phil Gosh:** And what were yours?

**Gerry Acuna:** Mine, was that this starts and we don't have a place to take this material, because again you're inundated with 38,000 more homes than the original pilot of 14; considerably more volume. Are we set up currently to take that; if we started tomorrow, we probably wouldn't be able to handle those volumes at the current site. You're telling me here that you have an alternative site; that is being permitted and that's soon to be done. Correct?

**Phil Gosh:** Yeah, it'll be permitted within the next couple of weeks or we'll have the paper.

**Gerry Acuna:** Okay, you know, is that... the tonnage you're talking at the 5,000 or the 32,000 ton, is that basically your monthly or your...



**Phil Gosh:** Well for those two sites it would be a yearly. And then on the third site, you see... so the way the City proposed it, and I'm not sure exactly... they talked about doing it in June, rolling out some more homes, so we'll be covered for that.

**Gerry Acuna:** What was the number of homes that were going to be rolled out in June? Was that the entire...?

**Voices:** 56 I think, or 54.

**Gerry Acuna:** 38,000 yes, correct. So that comes in June. And you'll be up and running with both facilities by June?

**Phil Gosh:** Absolutely. Well we've got one that's been doing it since 2012 and then the other site, will be absolutely be ready.

**Gerry Acuna:** In fairness, if you were telling me that we were going to be taking everything to this current site, then I'd have great reservations.

**Phil Gosh:** I would too, I would not do it.

**Gerry Acuna:** With the new facility, I've not seen this and I'm sure staff has. Have you visited this site?

**Sam Angoori:** I have not.

**Gerry Acuna:** No one has?

**Sam Angoori:** I understand it's not appropriate at this time.

**Gerry Acuna:** It's not appropriate to visit?

**Sam Angoori:** It's part of the bid, it's part of... this is the first time I hear all this information that you just heard.

**Gerry Acuna:** Oh I'm sorry, I thought that this was something that you guys had discussed and this is part of the overall plan for succeeding at this, at this organics...

**Jessica Frazier:** If I may. So we had a general idea based on the bid, what their contingency plan would be; but at this point in time, City staff is not allowed to communicate with them about the new contract, the new plans, because of the anti-lobbying. So there's things that we're allowed to discuss even amongst ourselves that we can't, so that's part of... the information that he's given you is over and above the detail that we have, or that, let me rephrase; there's people that evaluated the bid that have more in depth information than everyone, so the bids that are submitted not everybody in the department looks at, it's limited to the evaluation committee and then kind of an, on as a need to know basis and so that information is kept because it's confidential information and it's...

**Stacy Savage:** Were site plans submitted in the RFP, in your proposal? No?

**Phil Gosh:** No.

**Gerry Acuna:** But, I mean, we submitted the proposal based on one site. The site that was basically handling the pilot program's 14,000 homes.

**Phil Gosh:** Yeah, but I mentioned that I've been working on these sites for years.

**Gerry Acuna:** Both of them.

**Phil Gosh:** Both the other large sites...

**Gerry Acuna:** Correct, so why wouldn't that have been part of your RFP slash contingency plan at the very outset?

**Phil Gosh:** What are you saying? I don't understand.

**Gerry Acuna:** Well this bid went out... when was the bid let?

**Joshua Blaine:** April.

**Stacy Savage:** It closed in June.

**Gerry Acuna:** So it was let in April, you would have had an idea in the bid process, the RFP had asked for a contingency plan.

**Phil Gosh:** What are you asking me?

**Gerry Acuna:** Did we not submit that contingency plan then? My whole question is...

**Phil Gosh:** I'm done.

**Gerry Acuna:** I'm confused here. And please don't...

**Phil Gosh:** Well let me help you. How can I help you?

**Gerry Acuna:** Good answer, there you go. How can you help me? The RFP came out and the RFP asked for specific details...

**Phil Gosh:** Yes Sir.

**Gerry Acuna:** ... and one of the specific details was "what is a contingency plan?"

**Phil Gosh:** So you're asking me, what is my contingency plan?

**Gerry Acuna:** Yes. And that was in the RFP that came out in April, and I don't mean to... listen, it's getting late...

**Phil Gosh:** Right.

**Gerry Acuna:** ... and I'm kind of frustrated here because here again, this is another example of, we're gonna wait and see if...

**Phil Gosh:** They're great questions, so, we have JV, that we've talked to and we have a relationship with. And then I've had in my radar to get these multiple sites going, and so they've... so all that was communicated; "Hey, this is what I'm working on. It's not all done yet, but I've put a lot of work into it."

**Joshua Blaine:** What is JV?

**Phil Gosh:** It's another composter.

**Gerry Acuna:** Correct, and they're getting, they're not comfortable composting there. I've had the conversations with them, because of the odor issues and the neighbors, perhaps, not approving of that. And he's made that specifically, specific comments...

**Phil Gosh:** Right.

**Gerry Acuna:** ... and to make a long story short, again, this is another example, and again, this is nothing against staff, this was something done a long time ago without this current Director here, but this was something, an RFP went out and it may have been a great RFP, but there were specific questions asked. You were the only bidder on this, and a result of that we, I guess we... you do a great job Phil, please don't get me wrong.

**Phil Gosh:** Well I'm learning.

**Gerry Acuna:** And I appreciate all that you do, absolutely, but when this bid went out we should have perhaps reconsidered this, not understanding that there wasn't a contingency plan. We were having problems with 14,000 households...

**Phil Gosh:** Excuse me, what are the... I don't agree with you. We do have a contingency plan, it's very clear.

**Joshua Blaine:** I think the Chair is referring to the fact that the scoring on the matrix, which you might not be aware of...

**Phil Gosh:** No...

**Joshua Blaine:** ... was very low under Contingency Plan. I think that's where he's coming from.

**Stacy Savage:** 1 out of 5 possible points.

**Phil Gosh:** Okay, so there is maybe not all the information that needed to be there, and that's why y'all are great. Y'all are asking the questions; it's fantastic. That's good. So what's your question?

**Gerry Acuna:** My question is, Phil, are we gonna get these permits? And you're telling me, absolutely, we're gonna get the permits for this new site.

**Phil Gosh:** I will withdraw my bid if I don't get my permit.

**Gerry Acuna:** Well that doesn't do us any good, I mean, as a Commission we're responsible for the success of this program, I feel we're responsible for the success of this program.

**Phil Gosh:** I have... the permit will be here. It's done. Yeah, everything's been approved, it's just getting mailed basically. We talked to them today.

**Gerry Acuna:** All right, thank you.

**Jessica Frazier:** I think, one of the requirements, I didn't bring the RFP because I was so busy, worried about the Dumpster contract I just left that folder on my desk, I'm sorry, but most of the time when we do these RFPs for any kind of services that require permits, or any of those sorts of things, that's always a requirement. So even if we move forward and we got to that point, if the permits weren't in existence we wouldn't move forward; it would invalidate the contract. So, again, just like any of the recommendations that you guys do, when you do your recommendation, if you want to move forward, you can say "We only recommend approval of this contract with validation of the necessary permits, or whatever the requirements are, you can still put that in your recommendation to move forward, or to not, depending on what your..."

**Gerry Acuna:** Commissioner White, go ahead.

**Kiaba White:** I mean, do we have anymore speakers on this item?

**Gerry Acuna:** No, we're done.

**Kiaba White:** Okay, I would like to move that we recommend that this be approved by Council with that contingency that the...

**Gerry Acuna:** Okay.

**Kiaba White:** ...necessary permits are in place prior to the signing of the contract.

**Commissioner:** I second.

**Gerry Acuna:** So let me give you this. This is that matrix we were talking about, so ...

**Phil Gosh:** I see.

**Gerry Acuna:** And those are concerning. When we look at that...

**Joshua Blaine:** Regarding the matrix I did have a question that I guess is for staff, hopefully you can answer this question. Why did Organics By Gosh get a zero by the local business presence? My understanding is they're a local company.

**Kiaba White:** I was wondering that too.

**Jessica Frazier:** The rationale behind most of the scoring matrix is part of that confidential part, but the way that the local presence is determined is by the Corporate Purchasing, and they have rules, and I don't know what they are, but that's something that we can share. But there's specific rules about what that entails and unfortunately I haven't looked at that in a while so I can't remember off the top of my head, but it's something that's standardized across all bids.

**Gerry Acuna:** So when you see that matrix, you would worry too.

**Phil Gosh:** Oh no, it's great questions. Yeah, I don't understand that.

**Jessica Frazier:** The way that the scores work when we're evaluating bids is there's not a, "give them 1 point for this, 1 point for that." A lot of it is kind of objective. You know, we need to look at this and evaluate what their proposal says, and how we feel about the way they explain things, and things like that. So a low score might not necessarily mean that it's a bad bid, it just might mean that the person that's evaluating it didn't like the language that they use, or didn't think they explained it well enough, it doesn't necessarily mean that it's not viable, or else we wouldn't be moving forward with recommendations, cuz we've had that where the scoring in the evaluation is like, this is just not going to meet our needs, and we have to start all over again. That's not the case in this situation.

**Joshua Blaine:** For something like a local business, it seems pretty straight forward; are they a locally owned business or not?

**Jessica Frazier:** And that's just... I'm trying to think of another comparison. We give preference to local businesses but that doesn't necessarily mean they're the best business, but they get an extra point, or whatever, I can't remember what the scoring is, it's just kind of a standardized, that's one of the standardized things.

**Gerry Acuna:** He got one point didn't he?

**Phil Gosh:** I got zero.

**Gerry Acuna:** He got zero?

**Phil Gosh:** I've been here a long time. That's sad.

**Gerry Acuna:** The contingency plan was one point.

**Jessica Frazier:** And again, it's the valuation of the bid information, not necessarily the business itself.

**Shana Joyce:** Point of Order. Wait. There's two minutes left and there's a motion on the floor that we haven't voted on.

**Gerry Acuna:** Okay, so I'd like...

**Shana Joyce:** I'm whipping out my Robert's Rules.

**Gerry Acuna:** No, no, you're right.

**Joshua Blaine:** We're in the discussion phase at this point.

**Gerry Acuna:** We have a motion and a second, do you want to repeat...

**Joshua Blaine:** And we're in the discussion phase...

**Shana Joyce:** We're gonna run out of time, that's my concern. And you can't vote on a motion when a motion's already been made. So we couldn't vote to extend time, is what I'm saying.

**Joshua Blaine:** I understand.

**Gerry Acuna:** Okay, I'm not comfortable with that, I'd like to add a few more items to the motion. And the other items I'd like to add is basically, no biosolids, period, be included in this. Number two, I'd like to make sure that we do have that permit issue addressed, I mean, if we don't...

**Kiaba White:** That was in my original...

**Gerry Acuna:** Correct. And then the other thing is...

**Amanda Masino:** Contingency plan, landfill?

**Gerry Acuna:** Well the contingency plan is part of that permit thing, that's his contingency plan there, but, oh, the landfill issues. Any waste, again, please be kept out of the questionable landfills that we've addressed previously...

**Kiaba White:** He has one dumpster.

**Gerry Acuna:** Do you know what a dumpster is? Are you mixing it up with this guy, or a roll-off?

**Phil Gosh:** Can I ask a question?

**Commissioner:** I think we have CTR's rep here.

**Gerry Acuna:** Is it a dumpster or a roll-off container you have?

**Phil Gosh:** I think it's a dumpster.

**Gerry Acuna:** Okay then there you go. So make sure that that dumpster...

**Stacy Savage:** 3 yard? 4 yard? 6 yard?

**Phil Gosh:** It's an 8 yard.

**Gerry Acuna:** 8 yard.

**Stacy Savage:** How many times does it get dumped a week?

**Phil Gosh:** Once.

**Gerry Acuna:** All right, so, your motion, my friendly...

**Joshua Blaine:** I didn't make the motion.

**Gerry Acuna:** Oh I'm sorry... my friendly amendments...

**Kiaba White:** I don't know, for somebody with one dumpster, I don't know what it will entail for him to...

**Gerry Acuna:** Okay, and I accept that, but let's include the no biosolids be mixed with our material...

**Kiaba White:** Okay, so it's not that he can't accept biosolids, it's that biosolids will not be mixed with...

**Gerry Acuna:** I think that was one of the issues that we had with the... with yard compost... and

**Kiaba White:** Okay so we're adding to this motion that biosolids will not be mixed with food waste or food waste compost.

**Michael Sullivan:** I think we are running out of time, if we wanted to retract that motion and then vote to continue, if you want to consult Shanna...

**Shana Joyce:** Can't we just vote, or are we just out of time?

**Michael Sullivan:** We have more items after this.

**Gerry Acuna:** Guys, all right, I'm sorry, let's go ahead and, will you retract...

**Kiaba White:** I will retract my motion.

**Gerry Acuna:** Retract that motion, is there a second? I mean, she retracted the motion, second, all those in favor raise your hand please. I will accept a motion, I'll make a motion to extend our time by another 30 minutes, and that is the absolute deadline by City Ordinance.

**Commissioner:** 15.

**Gerry Acuna:** 15 minutes, and now we're in trouble. 15 minutes, okay Guys? Do I have a second to that?

**Commissioner:** Second.

**Gerry Acuna:** Second over here, somebody, pick one. All those in favor raise your hand, unanimous... one abstention. All right back to the motion here, you want to repeat...

**Kiaba White:** So I will make a motion that we recommend approval of this contract with two contingencies. One is that the necessary permits be obtained prior to signing the contract, and number two, that no biosolids or biosolid compost will be mixed with food waste, or food waste compost.

**Amanda Masino:** Friendly amendment. Do we want to consider the change in time period? No? Okay.

**Shana Joyce:** It was just an option because I know that sometimes we get concerned about... I just wanted us to hopefully move along. I'm just trying to throw some ideas out.

**Amanda Masino:** Fair enough. All right, withdrawn.

**Joshua Blaine:** Did you include your contingency on local and state regulations. Is that part of what you said?

**Kiaba White:** Yes, and any necessary permits and registrations.

**Commissioner:** I'll second that.

**Gerry Acuna:** We have a second, we have a motion. Is there any other discussion on that motion? Hearing none, all those in favor raise your hand.

**Commissioner:** What else do we have?

**Commissioner:** I abstain.

**Gerry Acuna:** You know, I'm going to abstain, there's two abstentions. And one, two, three four... seven-zero-two.