

### 3-2-17 Austin City Council

**Item 22 - Authorize negotiation and execution of a 36-month contract with EMPLOYEE OWNED NURSERY ENTERPRISES, LTD DBA ORGANICS "BY GOSH", to provide organics processing services, in an estimated amount of \$1,510,000, with three 12-month extension options in an estimated amount of \$940,000 for the first option, \$950,000 for the second option, and \$960,000 for the third option, for a total contract amount not to exceed \$4,360,000.**

**Steve Adler:** Let's go to Item number 22, which is the organics processing item. My recollection of this item when staff came up and talked to us on Thursday was that it was okay to move this with the other four contracts so that they would all be discussed together, towards postponing this item. Is that what I recollect you saying?

**Sam Angoori:** Sam Angoori, Austin Resource Recovery. There're a couple things. One is, is that we could talk to the current contractor about possibly having 120 days holdover, cuz in June of 2017, this year, this contract is going to expire. So if the contractor agrees with us or would like to have this 120 days holdover then it would take us to October. So what that means is that, and I want you to know, is that in June, you are supposed to start our next phase of our organics, which was, organics program, which was 38,000 additional customers. So it would put that off to possibly next January.

**Steve Adler:** Okay.

**Sam Angoori:** So in other words you've got 120 days holdover under current contract and we can work on the policies, policy issues that we've had, and then we generally should have two or three months to work with the additional customers as far as, you know, education and outreach program goes. And then after that we should be able to start our next phase.

**Steve Adler:** Ms. Pool.

**Leslie Pool:** Maybe we could hear from Mr. Scarboro. I just checked in with him to see about how we might be able to not impede the forward progress on the organics collection but still have the opportunity to include input from the Organics By Gosh folks in the policy discussion and crafting of some changes to our policies, if we do that fairly quickly. And you were going to check on that for me.

**James Scarboro:** Yes. If Council wishes to take the time to study the policy issues associated with collection and disposition of solid... sorry this microphone and I, my apologies. James Scarboro, Purchasing. If Council wishes to take the time to study the policy issues associated with the collection of solid waste, the matter of this particular item would either need to be denied or extended further. This particular solicitation was conducted last summer and staff was actually ready to bring it before Council back in September. We've asked for a number of extensions of the offer from the company but after a certain amount of time you're holding onto, or you're preserving of a competitive process is kind of long in the tooth. So Council, it's your discretion if you wish to vote this one down or if you'd like to ask us to reengage the contractor to extend it. But if in doing so you wish for contractors like this and other contractors to participate in those discussions without concern of Anti-Lobbying, I would also recommend that you consider possibly waiving parts of or all of Anti Lobbying for purposes of facilitating that discussion, but I would always defer to our colleagues at the law department to make sure that our interpretation of that would be correct, but I believe that if you make it clear in your language from the dais on this vote that you wanted the contractors in this space to be able to participate in that discussion, that some mention of Anti-Lobbying and possibly waiving part or all of it for that discussion, would be meaningful. But I would defer to the law department in that regard.

**Leslie Pool:** Is it appropriate to... in your administrative capacity, are you able to withdraw the contract, or is that not the proper term?

**James Scarboro:** We would defer to Council to make a motion in that regard.

**Leslie Pool:** So we could make a motion to direct you to do that. Okay. And then what about the Anti-Lobbying, the waiver piece, because I wanted to be sure that we would be able to engage the principals with that company on our, as a stakeholder in the conversation?

**Steve Adler:** And beyond hearing what we can do, cuz I imagine there's lots of things we can do, if we describe to you what it was that we want to accomplish, can you tell us the best way to get that done? I mean, I think that what the goal here is to have a conversation that concerns these Resource Recovery contracts that would discuss the policy issues that have all been identified, including a conversation of the Anti-Lobbying ordinance and how it relates to these contracts, and to have them all together – I think we have four that are already in that. So, you tell us what is the best way, if that's what we wanted to achieve, what should we do?

**Leslie Pool:** And including in that, if I can tag on to what the Mayor is saying, is that we could have the full participation of all the parties who may have, either in the past or currently, or future, bid on any of these contracts.

**Cindy Crosby:** Good afternoon Mayor and Council, Cindy Crosby, Assistant City Attorney, and the Anti-Lobbying ordinance is in City Code and the only way to waive it would be to bring back an ordinance for this body to consider – Waiver of Anti-Lobbying Provisions.

**Leslie Pool:** Okay, so Code prohibits us from waiving it.

**Cindy Crosby:** There's nothing in Code that says whether or not it can be waived; there's no delegation. However, because it's an ordinance it has to be done, or waived, or amended by an ordinance, we can't do it by resolution, and it's not necessarily posted this afternoon.

**Leslie Pool:** Gotcha. All right, hence the two paths forward that you have described, Mr. Scarborough, which would be either to approve it with an extension, or to deny it?

**Steve Adler:** And Anne, help us think this through. If we reject all the contracts – is that what we did last time, with the other pending contracts, we rejected them? So does the Anti-Lobbying ordinance come into play on any of those... cuz there's no...

**Anne Morgan:** If you've rejected all the contracts you don't have an Anti-Lobbying ordinance in effect right then, unless you need to redo it.

**Steve Adler:** Well, we can't redo it, can we, unless we've had the policy conversation?

**Anne Morgan:** Right, but by ordinance you can waive the Anti-Lobbying ordinance.

**Steve Adler:** My question is do we need to waive the Anti-Lobbying ordinance if there's no pending RFP because we've rejected the contracts, so we've closed that one out. That's done. And we're not going to initiate any new ones until we've had the policy conversation. So I'm not sure we would be waiving it as concerns... why we would waive it cuz there's nothing to waive. The Anti-Lobbying ordinance, I think, only comes into play when there's a pending purchase procurement process. But if we've rejected it and there isn't one that's pending, I'm not sure if there's anything to waive.

**Cindy Crosby:** Mr. Mayor, if I may. In the Code there is a provision that if we reject all bids or withdraw the solicitation, Anti-Lobbying continues if there's the stated intent to reissue the solicitation, and that lasts for a period of 90 days. And so if there's the express intent to go out for another solicitation, then Anti-Lobbying would continue for 90 days. If Council makes it very clear that the intent is not to go out for a solicitation, Anti-Lobbying would not be a factor.

**Steve Adler:** So I think what we said last time was we don't know what our intent is, so clearly there's no intent to reissue because we can't formulate the intent until we've had the policy conversation. Right? So if we were to do this this time, to put it in a policy conversation, again, there would be no intent to reissue, unless and until we have a policy conversation and that would appear to be the right thing to do. So with that said then, do I understand correctly then that we don't run afoul of that 90 day rule? Cuz we want these people to participate and we don't know what's going to happen after that.

**Robert Goode:** Robert Goode, Assistant City Manager there may be some issues in the scheduling. The ones that you rejected; so we're holding over existing contracts, and so we assume that after the policy discussion, we will reissue, depending on the results of that policy discussion, an RFQ, RFP to move forward. So it may be cleaner for you all to come back and just waive the Anti-Lobbying ordinance on March 23<sup>rd</sup> for these issues and then we can move forward with the policy discussion on all of the above.

**Steve Adler:** Okay. And that would be fine. I don't see any harm in doing that, but the intent is to have everybody, everybody, being able to sit at the table policy issues, including the Anti-Lobbying ordinance itself, and all of the, all five contracts so that they're all being discussed at the same time. So whatever we would need to do to affect that would be what I would be interested in. Ms. Houston.

**Ora Houston:** So Mayor, let me ask a question. If we don't holdover the contract, and if we start all over again after 90 days, who picks up the compost?

**Robert Goode:** Right, we... this is the next phase of the organics program, so we'd have to holdover the existing contract, which is processing the organics now that we collect. The contract in front of you is for the next phase. That's what Mr. Angoori was saying, we may, depending on how long it takes us to handle policies this quick, that may delay the rollout of the next phase.

**Ora Houston:** ... of the next phase. But the current people in the recycling, in the composting, will continue to get their...

**Robert Goode:** We'll have to work with them to hold that contract over, yes.

**Ora Houston:** Okay, thank you.

**Leslie Pool:** And my understanding is we do have an extension that would come into play.

**Staff:** There are no extensions on this contract. It expires on June 22<sup>nd</sup>. We can do a 120 holdover and I believe it's actually unilateral, so the City could just elect to do a 120 day holdover.

**Leslie Pool:** Okay, and that's 120 days beyond the June...

**Staff:** That's correct.

**Leslie Pool:** Okay, that's the piece that I wanted to clarify. Okay, thank you.

**Steve Adler:** Ms. Alter.

**Alison Alter:** Would it be an option tonight, with how it's been posted, to direct staff to bring an ordinance at the next Council meeting to waive the Anti-Lobbying ordinance for this class of situation for a period of say, six months?

**Robert Goode:** We could certainly do that.

**Alison Alter:** But legally, can we request that or do we have to go ahead and...

**Steve Adler:** I think Counsel here has looked at the posting language.

**Anne Morgan:** You can give direction from the dais for us to come back on March the 23<sup>rd</sup> and bring an ordinance to waive the Anti-Lobbying ordinance, and you can reject this, or have it hold over, either way today.

**Leslie Pool:** Thank you.

**Steve Adler:** What would you recommend as the best way for us to move forward, knowing what we're trying to achieve?

**Robert Goode:** I'll weigh in, I think it's cleaner if you waive the Anti-Lobbying ordinance, because that way everybody can participate in this policy discussion.

**Steve Adler:** Can you bring that back to us on the 23<sup>rd</sup> and what should we do today with this item?

**Robert Goode:** I would suggest that we could just delay this until after the policy discussion. I'm not sure if you have to reject it if you waive the Anti-Lobbying... defer to Law, if we don't reject it, but you waive the Anti-Lobbying ordinance, everybody can participate; this contract's still there; if we get it done and can bring it back if you all choose, then this bid would still be in place.

**Steve Adler:** Okay. So we would just then postpone this indefinitely without a date certain to pull it back. Is that right?

**James Scarboro:** Mayor, that's definitely an option.

**Steve Adler:** Do you have a better option? [After a moment] Do you have a better option?

**James Scarboro:** If the intention is to preserve the item as is, then I think postponing it is useful and meaningful. If the intention is to address this particular service in some other manner, and this particular approach is not among the options that you are going to consider, I don't think it would be useful or meaningful from the department's perspective, to maintain it.

**Steve Adler:** And I don't think we know, so we want to have that conversation.

**James Scarboro:** Okay, so then continuing would make sense.

**Steve Adler:** Ms. Houston.

**Ora Houston:** I just want to say to my colleagues, that I am very uneasy about waiving the Anti-Lobbying ordinance. If we don't want to have an Anti-Lobbying ordinance then that should be a separate and apart discussion from this one because the next time something like this comes up, then somebody will want us to waive that as well. And so I'm very uneasy about us doing that in this instance, until we have the discussion whether or not we keep anti-lobbying in, period, and when that is, rather than just waiving it on this one.

**Steve Adler:** So help me think this through, Ms. Houston, because the goal here is to have, I think, is to have exactly that conversation. Do we want to have an ordinance? And if we do, what should it be? And what we're hearing from Counsel is that if we want everybody who's interested in this at the table for that conversation, cuz that's what we want, I would think, to let everybody come in and speak their piece on that issue. What we're hearing is if we want everybody there, we're now in this Catch-22 where we have to waive it in order to get everybody here. So it's kind of a really unique situation, where we're only waiving it so that we can have exactly the conversation that you were describing with everybody there. That's only reason we'd be doing it.

**Ora Houston:** I'm talking about the precedence of waiving the Anti-Lobbying, not about this particular contract, I'm just talking about what that looks like to the public where in this instance we'll waive it, then we'll have a discussion about this contract, but does that then impact all the other contracts that we have? And so people need to be really clear about the fact that somebody at another point, five years from now, will come and say, "You need to waive it because you waived it for this particular contract." And so that's my uneasiness about it. I prefer that we reject all of them, reissue something or have another public forum so that we can have that conversation about, have everybody at the table to talk about what their particular strengths are.

**Steve Adler:** And the challenge that we've got is they said that even if we reject them all, at some level somebody's gonna be saying that at the end if your conversation you're going to be issuing something. And it's the fact that we're going to be issuing something that they say catches us in the Anti-Lobby. Even reject them, the fact that the possibility exists that we might reissue them... might catch us again. That's the quandary in which we find ourselves here. So I hear the admonition that you make; I think it's well taken. In this case I would probably waive it, and we can consider that on the 23rd only because I don't see any other way out of the box, and I want everybody at the table, as soon as we can get everybody at the table, to decide this question once and for all. Ms. Pool.

**Leslie Pool:** I think that's the way forward, so we would...

**Steve Adler:** We postpone it indefinitely.

**Leslie Pool:** Postpone indefinitely, that does not interrupt the existing service, and there is 120 day extension on that that adds on to the end of June. I promise to work really diligently to kind of steer this conversation with everybody that's involved, and that actually means that everybody can be involved if we are able to waive that.

**Steve Adler:** Okay. So before I get to the public speakers, is there a motion to postpone this indefinitely? Ms. Pool makes that motion. Is there a second to that? The Mayor Pro Tem. What? Is there a second? Ms. Alter seconds that. Everybody's raising their hand. Okay, so there's been a motion to postpone this

indefinitely, with that would be the request that you come back on the 23rd with the anti-waiver so that we can have the policy conversation. Now I'm going to turn to the public and see if, given what you've seen on the dais, anybody in the public thinks that they need to talk now. You certainly have the right to be able to do that. Philip Gosh. Do you want to speak to the Council? Is Donna Shaver here?

**Phil Gosh:** Yes sir.

**Steve Adler:** And is Anna Wood hear? It looks like we're going to be pushing these off to a longer conversation to study the issues involved, but you have nine minutes if you want to speak to the Council.

**Phil Gosh:** So I'm a little confused. I am Organics By Gosh.

**Steve Adler:** And you have, please take the time to speak to us. My guess is we're not going to take any final action on the larger issues so that we can have a broader conversation about how we're doing all of these things.

**Phil Gosh:** So, the Anti-Lobbying – it's okay for me to talk?

**Steve Adler:** It is, you can talk freely while you're at that dais. Counsel, that is correct, is that not? Unless that becomes a question later on. Thank you, Anne. Sir.

**Phil Gosh:** Okay, I just want to express appreciation for all of y'all for your service and thank you. It's really important what y'all do for the community. So my name is Phil Gosh with Organics By Gosh, and I'm representing about 30 employees and about 50 grassroots, kind of entrepreneurs that what we believe in is stewarding wasted food. And in that, what we're doing is we're building soil health, and water conservation, and we just feel that's really important, and that's the heart of what we're about. We're not a landfill. What we solely do, we take materials and then we make something good out of it. And so if any of y'all have ever composted in your backyard you kind of know what that may entail. It's a lot of work, kind of dirty, and it takes time. It's a little different than the traditional recycling, like single stream, where if you get an aluminum cans in, and then you bale them and put them on a railroad car the next day, but organics processing is over a time. Is it okay if I ask if there's any questions?

**Steve Adler:** Council can ask you questions, and they could call you back later to ask you a question as well. Anybody have a question at this point? Okay.

**Phil Gosh:** Thank you. So if it's okay I'll just tell a little bit of background of kind of what we're about, and it kind of started back, my family had a farm; my grandparents in west Texas. And so there we kind of learned about multigenerational and also multicultural working together to make a difference in the community. And so at Organics By Gosh that's just our DNA; those values of working together. So we believe our approach is rather unique, and what we want to do is build multiple facilities that build multiple systems to promote organics recycling, or wasted food. And so for example of that, we have like Mr. Garcia that brings, he has a tamale company so he'll bring in his van his corn leftovers and we recycle those. So there's many entrepreneurs that are doing things, collecting material. There's mostly small individuals, but they do quite a bit of volume, and we feel it's really important as a community that we work together and to accomplish this goal, and we believe it's really healthy. So one of the, one of our values is, we look at organics as a resource and so in that is responsibility to steward those well, and so for example the organics processing – the pilot we've done since 2012 – we've done it for free, at zero cost. So what that means is, is when product comes in we're out there picking out uncompostable things. We have a no glass policy, but we're actually having to pick it out and to separate from the better organic material. And so this model that we've done, by allowing little or no tipping fee, we've proven that you can do this over time. And so in the past five years it's allowed us to show that hey, you can take these things, you can market them over a period of up to even 12 months, and create a value product that can then go back and build soil health and water conservation. And so it's a privilege, it's a real joy to do it. We've got an amazing team that are committed, and it's definitely hard work, but we're excited about Austin as being kind of cutting a wake for this organics piece. We even have some folks from Africa coming from Uganda. They visited over the last couple years, and they said, "Hey, we're gonna bring a whole team to learn the importance of this around the world." And at Organics By Gosh, we say "From Austin to Africa" because that's really what we're up to, is just helping others build these systems that can make a difference in the environment. I might say we're not perfect; we're learning a lot every day,

and it's a super privilege to do, but we just really feel it's really important. So one of the concerns with... so we're fully vested in this, we've done it for free for about five years now for the City, and we've also proven that we can do it, and we're supporting our community, what we believe is healthy is let's all work together make a difference. And we actually have three sites that we've been working on for a number of years. We have two current sites. One was recently permitted by TCEQ. One's a 7.28 acre and the other one's a 27.28 acre. And on those properties there's a lot of potential for growth. And then we also have a site just north of downtown that we been working on. We've got a landowner that is really vested in the importance of organics recycling, and we're excited to see the benefits that that will bring the City when that comes on. But we, I will say it has been rather challenging to do it for free. It's cost us and so I'm not really excited about postponing it anymore, but I believe in what we're doing and we've gone this far. Appreciate your support to move forward. Any questions?

**Steve Adler:** I do want to say that I and the City are very appreciative that you have participated and helped with this pilot program, and done it without compensation. And if there was a quick way to get from here to there, I would be all over it, but there's a conversation that we really need to have and at this moment I think you may just be caught in that moment.

**Phil Gosh:** Yes Sir. No problem, our privilege. We believe in what we're doing, we've got a great team.

**Steve Adler:** Thank you. Anything else? Thank you.

**Phil Gosh:** Thank you Sir.

**Steve Adler:** Bob Gregory, do you want to speak? Is Ryan Hobbs here? Is Adam Gregory here? Is Gary Newton here? Mr. Gregory, you have 12 minutes if you want it.

**Bob Gregory:** I have a handout as you would expect, and it's coming your way. And I'm not going to go through all the things because what I think you're headed to do, but there will be time for that during the discussion when it comes back, but there is one thing I did want you to see the, first of all the first handout is what I sent you on Monday that fully explains our position. The second handout I'd particularly like for you to see, it said, there's no urgency to approve agenda item 22 on March 2. The existing City contract with Organics By Gosh is, does expire on June 22<sup>nd</sup> of this year. The City can then exercise the already agreed to, it's already done, it's already been agreed to in to the contract, a 120 day holdover period which takes it out until October 20<sup>th</sup>. You can see the pages from the contract in the handout; the second handout in your package. I encourage you look at it; so there's no question that it can be extended. There is a price; it is not free. There's penalties that are charged because he's unable to do it unless he's charging a fee. There's a there's some things you need to know, that's one of the reasons why this contract needed to come forth, it still needs to come forth, and I encourage you not to approve any contract like this until the full contract, the unredacted contract, has been posted for public comment and review so that you can be advised on it. I do urge you also to look at the documentation and the statement that's in the transcript attached to this handout that I just, your number two, your second handout, because it allows, it states... it was two weeks ago when Purchasing explained to you when you denied the citywide dumpster contract, Purchasing explained that they could do this without going out for procurement to provide the services. The same thing will apply to organics composting. There is absolutely no reason to delay the implementation of the educational program. There's no reason to delay the implementation of the collection program. Composting can be done either at Phil's place or at TDS or at one of the other composters in town by negotiating contracts. Back in 2010 when the RFPs were so messed up, like they are now, the Council just denied all of them, that was the end of it. Then they directed staff to negotiate with companies that ended up getting the contracts, all of that is still allowed under State law, so there's no reason to delay any of the educational program or the implementation and the diversion away from landfill disposal. So the other things that I have which will be discussion topics going forward, and part of the reason to make public the contract, is the description of whether these items, whether these facilities, even meet the Solid Waste Siting Ordinance in Travis County. We do not believe they do. One of the facilities that they have stated is permitted, or is in the mail, is not. Only a week ago today, the notices went out to surrounding property owners for the facility in Bastrop County. You have before you an aerial photo that shows this – all of the receptors around the facility where all the material is going now and how that relates to the Travis County Siting Ordinance. You also have a map and an aerial photo that shows the receptors around the facility that received notice last Thursday, the

residents around it in Bastrop County, for this material to come to. They are just now learning about this, so even more reason to either deny the contract or to put it off so that they're not caught by surprise. You also have a third facility that you have an aerial photo of that has composting going on. This is part of the organic, the Synagro contract and the Synagro material was going to go from the Hornsby Bend facility to one of the Organics By Gosh facilities to complete the composting process. All of this information will be known if the contracts are made public. Please allow them to be made public. You will see the annotated comments by TDS to the RFP – to the memos that have come to you, to the Zero Waste Advisory Commission; you'll see the transcript of the Zero Waste Advisory Commission where these things were discussed. It's confusing because two days ago the item, a portion of not all, a portion of the RFP response from Organics By Gosh, was posted for public review. In that there are prices of \$35, \$38 a ton, it's not free. There's prices quoted, but the alternative pricing was blacked out and is deleted so we can't see that, so we don't know what those things are, but there is - the devil is in the details. Again, hopefully you will make sure that that gets posted for comment before it goes out. The last thing in your package is the memorandum that came from Sam Angoori on the policy issues. There are the last six, seven, and eight, number six, seven and eight directly deal with this kind of waste. I encourage you to keep this open for, this item open, and not secured by a contract while you go through your policy discussion. And the only thing I'll speak to related to whether you withdraw it or just postpone it indefinitely or not, and this is a legal question that I would encourage you to ask of your City law department. It is my belief, because the City law department has taken this position before, that as long as an RFP remains outstanding and has not yet been denied or terminated or expired, which by the way, this has been out beyond the six-month period that it would normally expire so it could easily just be declared as expired, but that if it's open the staff can't participate in the discussion. I strongly urge you have everybody who's a participant in the market to be able to talk and to participate – there's no anti-lobby. I encourage you to have it where the staff can participate as well. So that's my only concern if you leave it open, so it may be if you delay it today, you may have to bring it back for discussion for an action item to either terminate it or let it expire, knowing that once your policy discussion is completed you can direct staff to negotiate with Phil or TDS or anyone else to put in place a contract with a matter of days, the law allows you to do that, and then you do not have to miss a step. But in any event, please don't defer from what it looks like you're headed for is a full policy discussion. We encourage that. We encourage everybody to be a participant in it including staff. So I'm happy to answer any questions.

**Steve Adler:** Thank you very much.

**Bob Gregory:** Thank you very much.

**Steve Adler:** Next speaker is Michael Whellan. Do you want to speak? Is Andrew Dobbs here? Gus Peña is on deck.

**Andrew Dobbs:** Hey, thank you, Mayor, Council. Andrew Dobbs, Texas Campaign for the Environment, appreciate your consideration of this today. It has gotten pretty complicated and I'm grateful for everybody's patience with this. I'll start out by saying that I believe that us postponing this indefinitely and then on the 23rd waiving the ALO on these contracts is the proper, and is probably the best way to proceed. And I think that because it gives you the most options. If you cancel the contract, you can't go back on that, right? Like it's done. But if you postpone it indefinitely and after we've had this policy discussion we're like, hey you know what, this contract is exactly what we want, then we can pick it right back up and put it right into place. If on the other hand, you know we're like, well we should start this process over cuz of the policy discussion, we can always cancel at that time. So this retains the most options for you and so I would say that. And to Councilwoman Houston's comments earlier, I'm with you a hundred percent. You know my big philosophy on this is that the Anti-Lobbying Ordinance exists for a reason; it exists to prevent corruption. We are very, very, very lucky to live in a city that has almost no corruption as far as I've ever heard of. I grew up in the Dallas area where that is not something that is commonly said. And you know the reason, these things are put into place to prevent that. The waste industry is one that has a bad reputation, I mean, that's what Tony Soprano did. Right? And so we need to prevent, we need to be very careful with this. In this instance I think that we are being very conscientious and very public and very deliberate, and we're memorializing this in a variety of ways that I believe prevents abuses. And I think that it's important that we be very explicit about that, and I don't see, as the Mayor said, another way around this. Let me flag a few things here. We have some priorities, we

have some principles, we have some problems right now. The priorities for TCE is that we want to see this program implemented as soon as possible. That was something that did not come up in the discussion earlier in terms of the goals, you know, we don't want to see this delayed until next year. We want to get this started this summer. You know, what is it going take to make that happen? You know that is a crucial piece of this needs to be flagged. We also though, don't want to screw this up, and that's a big priority because if we go in headlong, we get a contract that doesn't work for some reason and we have a problem on our hands, we can put ourselves in a position where the public or other entities are saying "Let's just forget about it" and that would be a disaster. We don't want that to happen. So it's about finding that balance. The principles here are that we need to see the contract before it gets approved; and this needs to be something that we do across the board. You know when you get these items on the agenda that are, you know, 'negotiate and execute' that amounts to 'Hey, here's a sheet of paper, go ahead and sign this and we're gonna fill it in with the contract.' That's how we read that, and that is not an appropriate step. We need to see that. So I think that, we're looking forward to these conversations, we will definitely be participating in them, and we're grateful for your service. I'm happy to answer any questions.

**Steve Adler:** Thank you very much.

**Andrew Dobbs:** Thank you.

**Steve Adler:** Mr. Peña.

**Gus Pena:** Mayor and Council members, Gus Peña. Here's my ID when I was an investigator with the IRS, okay. I'm not a dummy, but what we did with the ROI, which is a Report of Investigation, is we vetted the system, we investigated and got the facts and figures, and educated the participants that are involved and on the case. Such is the case is this, Mayor and Council members, and I think Mr. Gregory alluded to the fact very eloquently and more better than I can. I'm not a dummy, maybe I'm dumb sometimes, my wife says sometimes "you're a knucklehead", but what I want to do is this, is the T word: no "tonto", transparency, educate the public. I came over here and I really didn't know too much about this program about composting, etcetera, but it's very, very crucial to have an open process, educate the public, before you go, you know, h-e-l-l on wheels – go forward. Let the contract be divulged to the public as it should be, and that ain't being done. Excuse my bad English. My issue is either delay or postpone, but our issue, excuse me, it's coming in from Veterans For Progress, because we have some people that are educated on the earth, etcetera, and what contaminates and what's not, and what's spread on the soils that we walk on or breathe from. So it's very important. I'm not gonna say too much because I think Mr. Gregory said it all and eloquently. Mayor and Council members, have you ever heard anything from me? You know, maybe I've been... I go overboard and you know, act crazy sometimes, not that I can think of, my wife ways so, but the issue is this, is listen to this: transparency, transparency, transparency, educate the public, open the process to everybody, inclusion. When I wrote the Report of Investigation it was precise and concise, so everybody could understand all points. Now whether you want to believe me or not, I don't care. Here's my former ID. Anyway, Mayor, Council members I support the comments that Mr. Gregory made, I'm not gonna say anything, but sometimes I talk too much, is what my wife says, but please listen to the people that know about this, educate the public and transparency. Thank you very much.

**Steve Adler:** I guess it's back to the dais. There's been a motion and a second to postpone this indefinitely. Any further discussion? Those in favor, please raise your hand. Those opposed. It's all in favor, with Ms. Kitchen off the dais, postponed indefinitely.