

Item 30: 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. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

Steve Adler: That gets us to Item Number 30. Let’s take a bite of one of our big ones here. Let people go. Item Number 30 is the organics collection matter. Since we discussed it this morning we’ve had additional people sign up to speak, and we have some speakers to speak on this. This was pulled by Councilmember Pool. Do you want to say anything before we get to speakers?

Leslie Pool: I’d just like to signal that after we hear from the community and anybody that wishes to speak that I’ll move to postpone the Item with the additional direction for staff to negotiate the contract and return to Council August 3rd with the negotiated contract for Council consideration. So we can hear the input today, and that will be the motion that I will make.

Steve Adler: So a couple thoughts on that. That would be helpful. These contract matters have come up before on repeated occasions over the last couple years and as a Council we had said that before we approve a contract we wanted to hear back the more broad policy questions about how we’re doing these contracts and whether we should be rebidding any of these contracts and all of those related questions. We haven’t gotten that report back. So I’m happy to hear this is gonna get postponed. I hope that we get the report back in time for us to be able to learn as a Council and to discuss robustly whether we should be rebidding any of these contracts as opposed to negotiating any of them or whether we should just be entering into contracts, so we can put all these issues behind us once and for all and not be considering them recurrently. If we’re going to have public hearing on this contract now, are we giving people the opportunity to either speak now or on August 3rd? But not both now and August 3rd, as is our general practice? I mean if we’re going to postpone it I’d hate to have everybody come speak on the contract and then have everybody come speak on a contract coming back on August 3rd as well. So I draw out that question but we have some confused looks on the dais so let’s all talk about where we are on this. Mr. Flannigan, then Ms. Houston.

Jimmy Flannigan: Councilmember Pool, can you help me understand the reason for the postponement?

Leslie Pool: There’s interest on the dais to have some policy discussion which is what the mayor was just talking about. The Work Group that worked with the stakeholders and the staff have had a discussion and what we would like to do, because there was only one firm bidding on this and because we are interested in continuing the rollout of the composting and the organics pickup, but we haven’t negotiated it completely. We would separate the negotiate from the execute, have the negotiation take place over, in July and into August, and then bring it back and then we would discuss the elements of the negotiation, and then vote on the execution in August.

Jimmy Flannigan: So what we have before us is not a negotiated contract?

Leslie Pool: That’s right.

Jimmy Flannigan: So what do we have before us then?

Leslie Pool: We had delayed our action, and is our staff here who can help, is James... is James Scarboro or Robert Goode here?

James Scarboro: Good afternoon, James Scarboro. Purchasing.

Leslie Pool: Can you describe the action that we're looking at today?

James Scarboro: Mayor and Councilmember I believe the action that you're contemplating would be for staff to proceed and definitize the contract and come back with a new Item to Council with the actual contract as backup. Given some of the concerns that have been raised recently, are associated with details that are contemplated but not actually available right now in the contract because the contract is not completed.

Leslie Pool: And that goes to things like capacity and routes and pickup volume and that sort of thing and where the delivery would be. The additional direction that we were looking at giving to staff also was to have a one-term contract with no automatic extensions. And that would be different from the direction that was offered when this was originally posted. The interest being there, to open up this contract and this Request For Proposal to any – cuz we only had one firm –

Jimmy Flannigan: Sure.

Leslie Pool: ...previously and we're hoping that with additional discussion about these issues, that more of the firms might – so there's more competition, so we have more people to apply for it. We don't know if that will happen; it may, it may not. But this would give that opportunity.

Jimmy Flannigan: Okay. I'll just, I normally reserve my comment to the end of a conversation but I think in this case, I'm ready to move forward. I wouldn't support just doing the one year cuz I think any company that takes on this job is gonna require multi-year guarantee to contract in order to build up their infrastructure and their capital. So I think one year's probably not a good idea. And since this just initiates the negotiation and authorizes staff to execute, if I'm understanding this correctly... yes? Right?

Leslie Pool: Just to negotiate.

Jimmy Flannigan: No, no I think the Item... your motion is one thing, right? The original Item was to, it would give staff the ability to execute in addition to what Councilmember Pool's motion is. I'm supportive of the full thing that's posted to the Agenda and I trust staff to continue its conversations with the Working Group that's been formed and let the folks who have come to speak speak, and let's close this chapter today. That's where I'm at.

Steve Adler: Ms. Houston was next.

Ora Houston: And I'm at that... I'm looking, we have been on the process for a year. This is a small business, this is not one of our larger contractors who has that kind of financial liquidity to be able to go on and on as we refine this. At this point I think we've got a good understanding that the Work Group will continue to work, we'll give them a three-year contract and then they come back at the close of that and if we need to refine it, and rebid for the extensions, then we do that. But this has gone on long enough.

Steve Adler: Further comment? Mayor Pro Tem.

Kathie Tovo: I just have a question. I thought that the Work Group was recommending that we approve the contract today. Did I misunderstand something on Tuesday? Was that what the Work Group was recommending on Tuesday when we talked about it, that the Work Group was recommending moving forward with the contract and I thought I understood that there were maybe some differing opinions about whether to do it for one year or whether to do it for three years, but, I guess I'm wondering too why the Work Group is now recommending postponing.

Leslie Pool: Well, maybe I shouldn't have said postpone. Maybe what I should have just said is, we recommend that you negotiate and bring back for execution in August. So I think I have unnecessarily confused the matter by saying the word postpone. We did talk about not having additional automatic renewals on this contract and I do understand the first term of the contract is for three years.

Alison Alter: Mr. Mayor.

Leslie Pool: So that was where we settled on that.

Steve Adler: Mr. Renteria.

Sabino Renteria: And I also feel like we have gone long enough on this issue here. I think the more that we have delayed the more cost that we have incurred. And I think it's time for us to just go ahead and settle this deal and then come back and discuss what we're going to do in the future on these contracts.

Steve Adler: Ms. Kitchen.

Ann Kitchen: I think, as I understand it, the thinking is to go ahead and take the step forward, which is to negotiate the contract, just not execute, bring it back to execute. And one of the reasons for that is because, as the Mayor mentioned earlier, we still have policy discussions. But the other thing that perhaps is more important is that the change in the term, is important that we make sure we understand if there's any need to change the negotiations as part of that.

Steve Adler: Yes, Mayor Pro Tem.

Kathie Tovo: I feel like I'm missing part of the conversation. So I apologize for continuing to ask the same questions over and over again but, I mean, we're off in July, I assume the Work Group's probably not meeting. Is it a reasonable expectation that we're gonna come up with, and finish, the policy discussion in the next month, if the contract comes back for execution in August? And is it about, and I guess Councilmember Pool you said something about maybe opening it, I mean are we opening it up for other bidders? Are we having a policy conversation? Are we wanting to see the agreement? If somebody could please help me understand what the new recommendation is from the Work Group, that would be great.

Steve Adler: And to clarify that and to jump on that, I feel like right now I have exactly the same information but no more information than we had four months ago when all these contracts came up and we had a day full of people that were speaking on the issue saying lots of things that sitting up here we couldn't really judge or evaluate, nor could we make the policy decisions on whether we should be reopening negotiations or whether the negotiations have been fair or not, what kind of contracts we were gonna do or not do. I mean as I sit here I know exactly now what I knew then. So we had asked a Working Group to kind of go away and take a look at those issues and to come back and report to the rest of us that weren't participating in the Working Group to give us some, to shed some light on these issues. My understanding was that the Working Group may have actually had a report that was really close to coming out. And if there's a report that's coming out now that I get to read during the month of July and it answers all those questions for me, then I could be in a position to be able to vote in August if those questions are answered in that. I don't know what I would be voting, it would depend on what came out in those policy conversations. But I'm confused too because I don't have any more information than I had back then and back then we said there are all these questions we needed to answer before we moved forward. And I feel badly that we've brought everybody back down again for a reprise of the conversations I think that we may have had in the past, I don't know.

Leslie Pool: So what I would say to that is I want to be clear that we want to stay on track with our compost collection goals, and the stakeholders group that we met with through the month of May and those councilmembers that joined me on the Work Group are all aligned on that. So we're reaffirming our commitment

to this program; we need to get it right so the extra time and the extra eyes on a proposed contract once it's posted, will give the City more certainty. Which is why we were hoping to give Mr. Scarborough the month of July to work through the contract and make sure that the specifics that he mentioned, the details that hadn't yet been available to any of us – we don't have them – would then be available to us in August. That is also why it's only a negotiation, not the additional step of execution, so that we can then approve those elements of the contract. I wish I could give you all the details, I just don't actually have those facts. And that's the quandary that we are finding ourselves in. I will also mention that our staffs worked really hard to pull together the report for everyone for today and because of other issues that came up including the renewed controversy over issuing this contract, pulled them off of finalizing that report so we were not able in fact to get that completed before today which had been my goal. So I apologize for that. But if we could give our staff the month of July and into August to work through the specifics so that we actually have that information, then I think we would have a better sense after that work is done, on what we should do with awarding the contract.

Steve Adler: Okay. Ms. Kitchen and then Councilmember Alter.

Ann Kitchen: I would just reaffirm, it's important for us to take a step today for the reasons that Councilmember Pool said, and I think that step, the appropriate step, is going forward with the negotiation on this contract. And that work has to happen. And then I understand the Mayor's concern about wanting to see the policy and I respect that, and so the timing should dovetail. This will be ready to execute at the time that the information is available, and then, and that's why I think that Councilmember Pool is suggesting this approach today.

Steve Adler: Councilmember Alter.

Alison Alter: My understanding from the Working Group and why we had allowed this contract to go forward was that we felt it was time sensitive and that it needed to move forward and that nothing in our report was gonna change the view on this particular contract. And so that was why we had allowed it to go forward. I would still personally support negotiate and execute without extending the term beyond the three years, but it was my understanding that I don't believe that you're going to find things in our report that are going to change your mind about this particular report. The only thing that changes, if our report makes changes to the ALO, the Anti-Lobbying Ordinance, and that gets codified and then another party that might want to bid decides to bid at that point that's the only thing that changes. But that involves going out and resoliciting and other things, which I think does not get us moving forward to address our compost issues. But that is really the scenario where anything changes on this moving forward.

Steve Adler: Mr. Casar.

Greg Casar: So I think that Councilmember Alter just answered my question but let me make sure, but let me ask it anyways and see if it makes sense. So, my recollection, and again, someone correct me if I'm wrong, has been that contracts like this have come to us in the past and we've had negative ZWAC recommendations and significant hearings and so we decided to have the Group, which I appreciate some Councilmembers worked through. And now we have this contract up before the group is, report has come to us, but there's positive recommendations now from the ZWAC and some folks that were advocating on the composting side now for it, and so I'm trying to understand what has changed. And is what has changed that the Group has done the work and it looks like generally the results of the work are saying that we should do this. Is that sort of where it is that we're at? So, because if that's the case I guess I just want to understand what the difference is. But if it looks like the Group's work is almost complete and the Group is generally inclined to have us say yes, which is why ZWAC has said yes, I just want to understand what the hesitation is of moving forward today. I'm not opposed to negotiating and then executing later, I just need some more of that background to understand. Because I wasn't there and because I haven't learned it all yet because the report back hasn't happened, exactly what happened in

that time period that changed it so that they were... environmental groups and ZWAC and folks upset and now people on the other side that haven't changed their minds.

Steve Adler: Ms. Kitchen.

Ann Kitchen: I just want to suggest that maybe, we obviously have some more discussion to occur, maybe it'd be helpful to hear from our speakers and then continue with the discussion.

Steve Adler: I had an originally thought that we would give people an election to speak now or then but I think it's probably appropriate for them all to speak now because there seems to be significant uncertainty up on the dais. Councilmember Alter.

Alison Alter: I just wanted to clarify that the contract before us is the compost contract. We did receive a lot of correspondence this week with respect to biosolids with respect to ZWAC, and that's a different contract. So I just want to make sure that everyone's aware that it's the compost one and not the biosolids one that we're talking about today cuz they can get confusing.

Steve Adler: And as I recall, when this contract, the composting contract was in front of us, we had a discussion about whether or not that should move independently because it wasn't the biosolids contract. And for some reason at the time we said no, let's have them all together because there may be common policy issues or common concerns either about policy issues or about lobbying issues, and again there may not be, this may be something that you do independently, I just don't know cuz I don't know anything more now than I knew back then and that's my only hesitation. Let's go ahead and call folks to come up and speak. The first speaker that we have on this is Michael Whellan. Is Ryan Hobbs here? Is Adam Gregory here? Is Gary Newton here? Is David Butts here? I have you with 12 minutes.

Michael Whellan: Thank you. I think I'll be able to hit a lot of these topics that were just mentioned. Michael Whellan on behalf of Texas Disposal Systems. In connection with Agenda Item Number 30, there's an opportunity to pause for a moment and allow the policy making associated with waste and recycling to catch up with the Working Group effort while allowing the important policies related to curbside composting to proceed. I think there is, Councilmember Casar, a compromise solution. The Council could extend the current contract that Mr. Gosh has with the City for one year with a rate increase, that's exactly what you did with holding over the Synagro biosolids contract. This will take the contract from October 21st, 2017 which is the current end date until October 21, 2018 and allow for continuing curbside organics collection rollout, which is a top priority for every single stakeholder. During this timeframe Council will have an opportunity to thoroughly consider the Working Group's efforts to forge an overall policy that addresses waste, including recycling and composting; policy decisions that will no doubt have a direct bearing on the proposed contract. The additional time will also allow staff to evaluate the true transportation costs associated with the new proposed but undisclosed composting site and the Elgin site. It will give staff time to evaluate whether the different sites that Mr. Gosh is now offering have the authorized and necessary capacity. Texas Disposal Systems strongly supports the curbside composting program and its prompt rollout, and good policymaking in which Council is fully advised of the facts associated with any particular contract that may be proposed for its consideration. As we know, again, the Working Group feedback is forthcoming. I want to detail though, some of the potentially big problems that we know about with the proposed contract and some of the things we do not know about. Since Mr. Gosh submitted his solicitation through Mr. Gosh's own public testimony, more information concerning the inadequacy of the Travis County site to carry all of the materials that the City will generate has come to light. This Travis County site was the only site identified in response to the solicitation to handle organics waste for over 200,000 households. It has less than a 2.79 acre composting area for the organics waste, again, for over 200,000 households. This would be akin to hosting the ACL festival in a pocket park. A site development permit, which is a land use document, not anything from the TCEQ, was issued in 2002 for a 7.32 acre site located in Travis County that consists of two lots where the 2.79 acre

composting area is. After the site development permit was issued in 2003, Travis County issued two new ordinances. The Solid Waste Facility Siting Ordinance and the Solid Waste Management or Disposal Facilities In Or Near Floodplain Ordinance. Mr. Gosh has operated the less than 2.79 acre Travis County site as an exempt facility through 2014 at which time he received TCEQ authorization, as a quote "Notification Tier Compost Facility," which then turned it into, under the Travis County Ordinance, as a "Major Facility" which would have to comply with those two ordinances if it weren't grandfathered. So what we have right now is a situation in which an applicant is coming to you claiming grandfathering, this is not unlike a landowner claiming grandfathering rights and coming to you for entitlements or money, as a new project while also wanting to maintain their grandfathering status. It may be that Mr. Gosh remains grandfathered even after his new more intensive Major Facility use. However that does not mean that the City Council as a policymaker should send material to the site. Noteworthy is the fact that the composting area on the site is actually in the 100-year floodplain. You will be authorizing a contract for composting within the 100-year floodplain. The Travis County Ordinance says that you should not have composting within or within 500 feet of the floodplain. More important is the fact that the 2.79 acre area is actually within FEMA's (Federal Emergency Management Agency's) High Flood Risk Zone which carries a 26% chance of flooding within a 30-year period. This is a serious risk to have waste swept away which may explain the reason for the County's ordinance. There's also a capacity issue which will need to be resolved through further staff research. The less than 2.79 acre site was the only site that Mr. Gosh identified in response to the solicitation and therefore staff support of this proposal was initially based on all of the material, all 200,000 households of the material, going to this Travis County site. As I indicated during the process of the Zero Waste Advisory Commission meeting, Mr. Gosh announced for the first time that the Travis County facility had insufficient capacity to handle all the volume and revealed that his company would need to rely on a second 27-acre facility in Elgin, which is referred to as the Bastrop County site. It appears that he has also alluded to an undisclosed 100-acre facility that might be used as well. The challenge with the Elgin site and the undisclosed site is that the City will bear the entire cost of material transportation to the facilities and we presume that staff has only analyzed this transportation cost to the Travis County facility, but not to the Elgin facility or the undisclosed facility. If staff has in fact done this study it might be helpful for Council to know what that added expense might be and how it will impact Austin's ratepayers. The other challenge for the Elgin site and the less than 2.79 acre site is that the current TCEQ authorization explicitly limits the amount of combustible material that can be stored onsite to an amount that is much lower than the overall estimated amount of material that the City indicated in its solicitation. Unless the unidentified composting facility can take much more material and has already received TCEQ authorization to do so it would be hard to see a path forward that includes utilizing the less than 2.79 acre Travis County site and the Elgin site. The final point that I wanted to elevate for discussion was the tipping charges that Mr. Gosh has proposed in response to the solicitation. So recall, the transportation costs will be 100% yours, so if there's a site out in Elgin, you're paying the extra cost which comes to about \$200 a haul; and the charge that Mr. Gosh or any composting site would have would be the tipping charge, the amount it costs to dump the material there. In his proposed charges, are between \$28.44 and \$29.94 per ton. This is the tipping fee. Based on the City's own volume projections set forth in the solicitation, the 1.5 million dollar spending authorization sought by staff for Agenda Item Number 30 for the first three years of the proposed contract could be as little as half of the funding necessary. In fact, the proposed contract amount is approximately 700,000 dollars more costly than it would be if the material were brought to another facility already under contract. 700,000 dollars and y'all spent over an hour on a 100,000 dollar contract just a few minutes, well in the last hour. Noteworthy, the 700,000 dollar difference in what is referred to as the tipping charge, again, does not include the extra cost to transport the material out to the Elgin site. So there are several core questions that Council should ask prior to taking any action on the proposed contract. One: since the RFP did not guarantee the shipment of waste and related payment for processing of a certain minimum volume of waste to Organics By Gosh for composting, is Mr. Gosh aware that he is taking a risk anyway that the City could ship some or all of the waste to another facility for any reason? That is in the solicitation. Two: When will Mr. Gosh publically identify each of the composting facilities he intends to use

to receive and compost the City's organics waste and have the property owners in the vicinity of those sites, in Elgin and wherever the undisclosed site is, if it's in Travis County and in the City I'm sure you would want your citizens to know, have they been notified of the possibility that Organics By Gosh will be composting over 200,000 households' compost in that area. Three: What will the additional cost to Austin ratepayers be if the waste is hauled at City expense to Elgin or the yet-to-be-identified site? Four: Will the contract prohibit this organics waste from being used to compost biosolids sludge and the compost produced from curbside organics waste from being blended with biosolids compost? And then finally, five: would Mr. Gosh object to the negotiated contract for these services being posted for public review before a Council vote is taken to execute the contract? I want to close by encouraging you to consider extending the current contract which is set to expire on October 21, 2017, by one year with a rate increase. Give Mr. Gosh the rates that he proposed in his contract. This is exactly what you did for Synagro when you held over for a year and gave them a rate increase. And Synagro is the biosolids contract. So the City's policy, the one year would allow us to look at the City's policy related to curbside composting and it would also be sure that the pilot program and the rollout would continue uninterrupted which we all agree needs to happen while allowing Mr. Gosh to continue to work with the City at this time. However we would strongly discourage you from entering into a three year contract that leapfrogs the policy that the Council's Working Group is well underway with, that may include an undisclosed site, and that raises numerous unanswered questions including whether the people surrounding the Elgin site and the other undisclosed site are aware of the amount of organics waste that is gonna be coming to that site, especially food waste which, in particular, can smell. I would also note that the recommendation to authorize and execute truly takes us a step backwards by denying the public an opportunity to review the contracts. As councilmembers, I can only imagine the amount of material you have to read on a daily basis. As a result, I believe publishing the contracts allows additional checks and balances through public participation to make sure that our City contracts align with our policies. I think that's been an issue in the past and I think it's one that can easily be avoided if we have these contracts published on the Council agenda in advance of a Council vote. So thank y'all very much and if you have any questions obviously, plenty of people here to answer them. Thanks.

Steve Adler: Thank you. Next speaker we have is Gus Peña. Next speaker we have is Steve Shannon. After Mr. Shannon we have Carlton Smith.

Steve Shannon: Good afternoon and hello again. My name is Steve Shannon with Waste Connections. We're the second largest solid waste service provider in the nation. We feel like we have a dog in the fight. We want to participate in these bids. We did not because of interference, what we anticipated would be interference. That's what's happening. The City put out a legitimate, valid bid. It just so happens one company bid. Now a company that didn't bid is complaining about it, trying their very best to disrupt this process and the award of a legitimate contract. Just like any other contract that might be awarded, the people that you award it to default, just like a default on any other contract. We don't think that's going to happen; our experience with Organics By Gosh has been very good. They're honorable people, they're a small local business, they honor their commitments. Mr. Gosh and his team are known frankly throughout the world as experts. I don't believe that anything which you've heard just a moment ago is anything other than an attempt to derail this process, find some way for somebody to get part of the contract that didn't bid. Now, part of this, if you award 30, it doesn't give any tonnage guarantees to Organics By Gosh and the City can put out other solicitations in case the service agreement awarded under Item 30 isn't sufficient to your needs. This protects the City. We recommend that you move forward. There's been a lot of time, effort, and money spent by everybody on this. I know that I received a copy of a letter that you all received yesterday from the complainant alleging that the purpose of the Working Group, of which I was a participant, was to keep staff from creating City policy by RFP. My distinct impression as a member of that Working Group was that 95% of the people in that room felt that the purpose of the Working Group was to validate the City's bid and RFP process and to keep people that don't bid from self-serving interruptions and

keeping these things delayed. We recommend that you approve 30 as presented by staff. I'd be glad to answer any questions.

Mayor Adler: Thank you, sir. Next speaker is Carlton Smith and then Donna Gosh.

Carlton Smith: Thank you, Mayor, Councilmembers. For the past 11 and a half years, I've been a volunteer and a business counselor with SCORE. And I've worked with hundreds of people to help them start and grow their businesses. I've worked with Phil Gosh, the owner of Organics By Gosh, for eight years, as he's worked hard to grow his business. Small businesses are really the heart of our economy. And earlier today I sent all of you articles that have been posted on the web. And according to these articles, Texas Disposal Systems, TDS, has acted in a manner similar to what we have seen here today and in the past couple of months. And I'm going to quote from some of those articles that are online. Here's one from the Statesman, August 31st, 2016. Quote, "The judge once called it a transparent attempt by Mr. Gregory, head of TDS, to delay, to complicate, to increase the cost, and with any luck to defeat a competitor." The article goes on, TDS has hired lobbyists to advance its interest, spend as much as \$260,000 last year, and has a handful of lobbyists registered with the City of Austin. The article states that one attorney, Brent Ryan, has accused TDS of using permitting processes to fight competitors. Their goal is to slow down or to stop landfill companies. Now, Organics By Gosh has had contracts with the City of Austin since 2012 without any problems or complaints. Last June, that's a year ago, 2016, Organics By Gosh was the only bidder for a contract that you have now got before us. TDS did not bid. TDS has sued the City of Austin several times. Look it up online, simply put in 'TDS suing City of Austin'. So I ask you now, do you support small businesses, such as Organics By Gosh, who do good work and play by the rules, or do you prefer the big bully companies who come in after the bid process and smear the small competition? What do you think? Thank you very much.

Steve Adler: Thank you, sir. Donna Gosh. Is Anna Wood here? You have six minutes, Mrs. Gosh.

Donna Gosh: Thank you. Good afternoon, Mayor and Councilmembers. I'm Donna Gosh. I'm the wife of Phil Gosh who owns Organics By Gosh. Phil and I live in the City of Austin. In fact, we're in Councilwoman Ann Kitchen's district. We pay Austin taxes and we are ARR customers. Organics By Gosh employees 30 people, plus or minus a few depending upon the season of the year. Even though we operate on a small margin, we bid the City pilot in 2012 at zero dollar tipping fee because we believe in the Zero Waste initiative and wanted to support the City in getting it off the ground. As things were ramping up and we have purchased a second site in preparation for the expansion of the program and working on the third, it was necessary to put a price on the solicitation before you to recoup some of the costs and to grow. We do have the capacity that's stated. Because our cash flow was tight when we did our TCEQ application, we did a small quantity. We do have written approval from the bank as was sent to each of you. So the process is, we just increase our quantity as it's needed. So what we applied for was the maximum quantity that we felt we would have on that site at any one time in 2017. Yesterday while you were working to prepare this meeting and doing many busy things we could have been up here lobbying your offices. We could have been calling y'all, we could've been bombarding you and taking your time. But where was Phil Gosh? Phil Gosh was underneath a screener, welding, to get it in preparation to receive more organic material. All this nonsense going on on this contract absolutely baffles me. Not that we don't like spending time and getting to know y'all, but we would actually rather be just composting. On April 18th, Phil and I sat down with Bobby Gregory and his two sons, Paul and Adam, and their business employee, Ryan Hobbs. On the morning of March 2nd before the Council meeting, Phil called Bobby Gregory on the telephone and reached out to him. Mr. Gregory proceeded to speak against our contract and our operations before you at the Council meeting that day. My request to Mr. Gregory on April 18th was if you have a question or concern to please pick up the phone and call Phil and ask him, rather than assume and speculate and spread partial information. He said that, yes, he could do that. To this day Phil has not received one call from Mr. Gregory. Yet the nonsense continues with the sowing of fear and spreading of incomplete information. May we just stop the nonsense? [Buzzer sounds]

Steve Adler: Is that three minutes or six minutes? Three? There was three more. Please continue.

Donna Gosh: Thank you, sir. First it's that we don't have a contingency plan, and we did. We had a second site and we had another alternative as well. Then it's not we're permitted and we're not legal. We needed acceptance from TCEQ, which is not true, we were legal, we were permitted, but we went ahead and got the documentation and sent it to you, which all of you received. Now it's that we need a shorter term. Councilwomen Alter and Pool both represented, and several others, that they would recommend a three-year term. So then it's 'you're in the floodplain.' Travis County is the only County in Texas that does not allow you to compost in the floodplain. In fact, out of 50 states there are only two that mention anything about compost in the floodplain. Many companies in the U.S. compost in the floodplain. For example, Nature's Way Resources in Conroe, Texas is 100% in the floodplain. They are a very successful company, they do receive wasted food, and they actually hosted the State Compost Training Camp last year. Technically on a map, yes, we are, part of our site was put in the floodplain after we had already been composting. The pad where we compost is raised and has been raised for many years. It is well above the floodplain level. Travis County stated that we are grandfathered and we do not need any other permitting, so I don't understand why the question. So now the issue is, what about transparency? We have been transparent. We have been doing this for 4 ½ years on the same site that's being questioned right now. Where has TDS been for 4 ½ years? Why all of a sudden that we have a price and an expansion on this contract for more homes? Any of you are welcome to visit. The City did multiple times. The ZWAC representatives visited. Those are your Zero Waste experts that you appointed. They have recommended, they have seen what we're doing and they support it. History repeats itself. The same scenario, same nonsense, when you've had prior curbside single stream before you. Where is the collaboration and working together that we just spent several meetings discussing in the Waste Working Group? Organics By Gosh is reasonably – we're noticeably different and we're noticeably better in working with and supporting others. We support and collaborate with every other waste hauler in the City of Austin. We even attempted to do this with TDS at our April 18th meeting, inviting them to something different and something better and stop the nonsense. After this we have just devoted a lot of time to a Waste Working Group, which was very helpful and very informative. One of the key topics was collaboration and working together. Where is that here? Where has it been? [Buzzer sounds] May I wrap up quickly, please?

Steve Adler: You may finish your thought.

Donna Gosh: Thank you. We are a small local business and we employ a diverse workforce of race and age, including residents that live in Austin. Look at what our team has been doing with very little cash flow. For 4 ½ years we've not been paid for processing organics. Yes, we were reimbursed for a bit on removing some contamination. We have also accepted materials from many waste haulers trying to get organics recycling off the ground for a very small fee. So all of our efforts are why? Because we support Zero Waste. So please give us an opportunity to do with cash flow what we've not been – what we've been doing without. Phil and I always can go do something else, but our 30 employees depend on our business to feed their families. It's their bread and butter. We appreciate your time and your energy –

Steve Adler: Thank you.

Donna Gosh: – in serving our City. We and our employees and their families appreciate your consideration of our solicitation so that we may continue to be a part of the City of Austin Zero Waste program.

Steve Adler: Thank you very much.

Donna Gosh: Thank you for your time.

Steve Adler: Phil Gosh.

Phil Gosh: Good afternoon Mayor. Good Afternoon Council. I'm Phil Gosh with Organics By Gosh, we have a local business and we live in Austin. I just wanted to say, it may be legal to sow unwanted fear, or unwarranted fear, but at a heart level we know it's wasteful and we know it's unacceptable. So, I just wanted to open; I'm glad to answer any questions or concerns. Does anybody have any that they... right now?

Steve Adler: Does anybody have any questions? Yes, Councilmember Alter. And you're doing this in lieu of your time to speak?

Phil Gosh: I do have some things to say but I think it's more important we address what's wanted or needed.

Steve Adler: Why don't you go ahead and give your statement first and then we'll give Council a chance to ask you questions.

Phil Gosh: Thank you. So we're 100% grassroots organics recycling. We are for the community. And there's also many experts in our community. There's a lot of people that we support by recycling their organic material; their wasted food. And just to speak plainly, it would be very challenging to do it without this curbside product. There's lots of leaves in that product; there's more leaves than food. And so it's important for us to support these other people. So, the idea... Donna and I scull on the lake and there's amazing synergy when you're pulling together. So what we're doing with all these other businesses is we're pulling together to make progress for zero waste. And the challenge and frustration, which I think maybe y'all feel, is when we keep getting stopped, and we're not getting that momentum. So by awarding the three-year contract, we'll support all these small businesses that we – that we're working with. So we're proven and tested. We're not perfect, but have had a successful organics pilot program for the last 4 ½ years. We've learned much. We've got some new composting methods that we're adopting that are going to be very helpful to move product quicker and without problems. We've sacrificed financially, emotionally, physically, as Donna mentioned about the tipping fee. And we were glad to do it and we're thankful for the opportunity to do it. So we're committed to our employees, our neighbors and the environment. And we support the growth of many other businesses through what we're doing. We feel like we're the best value for the City to grow in a healthy way collaborating with many others. That's everybody working together for the same goal. And we feel like we're the best cost. So we've provided in our RFP '100% of our product is returned to local soil in bulk or bag to heal soil, purify and conserve water. The award of this contract will allow us to return even more product.' Part of the solicitation before you that was redacted includes a rebate program for the City – [buzzer sounds] – A rebate program to the City for product purchased by residents. So that's a way we can give back five dollars a yard from the tipping fee. So the delay in this rollout has negatively impacted our business. I wanted to let you know that. And just something to notice, from my experience, politics and lawyers can create policy that prevent collaboration. And for new business... and that's what's unhealthy. I heard we want new businesses to come in. How can we support that? By promoting collaboration. So if lawyers do things that prevent that, it's just not helpful for where we want to go.

Steve Adler: Councilmember Alter, did you have some questions?

Alison Alter: Yeah. I had a simple question to start for Mr. Gosh. Over the last several years, other than some peculiarities, for the most part you've received a zero dollar tipping fee?

Phil Gosh: That's correct.

Alison Alter: You've effectively been doing for free. You may make something off the compost on the other end, but in terms of what would normally go into a contract of this sort you've been doing for free?

Phil Gosh: Yes, ma'am.

Alison Alter: Okay, thank you.

Steve Adler: Mayor Pro Tem?

Kathie Tovo: I wanted to afford you the opportunity to answer, to provide some more information about some of the points that an earlier speaker said. Can you talk a little bit about the floodplain issue? I think I understood from...

Phil Gosh: Sure. Yes, ma'am. So I think we sent y'all an email from Travis County. And in that email - that was from Mr. White. So he's with the Environmental and he's the top guy. And anyway he - our site is approved by Travis County. And the reason being is it was grandfathered in 2002. So what happened on the floodplain was when we bought our property it had a dry creek in it and that dry creek is what's being referenced as this high risk washing everything away. There's nothing there to be washed away. The property goes like this. The property goes at a V. So that's where there's a dry creek. Sometimes it has water, sometimes it hasn't. So we've been there since 2002. And then there's -- and when they put in the toll road they changed the floodplain maps. So it is in the 100-year floodplain, part of where I built my composting pad. But how I built my composting pad was my composting pad is very high. In the back it's probably 10 feet. And we have a road that's a circle drive and it goes around the property. And so at the lowest point of the compost pad is well above the floodplain. And in the last 15 - since 2002 we have had no flooding of our compost pad or no washing away or... I mean, yeah. So Mr. White sent that letter validating the situation with Travis County. There's some other issues that they raised also but...

Kathie Tovo: And I wanted to ask you about a couple of those as well. Can you just let me know, I have a lot of material in front of me and I am not certain that I've seen that letter. When did you send that along?

Phil Gosh: Donna?

[Inaudible - no mic].

Phil Gosh: May 23rd.

Kathie Tovo: Okay, I'll look back and find that, thank you. And let's see... Could you address the concern about having another facility possibly in Elgin?

Phil Gosh: Yes, ma'am. So we have another site that's just north of the City, very close to downtown that we've been working on it for over two years. And I actually invited the landowners to be here today, but they weren't able to make it. But that property is what their heart in it is, to support something for organics recycling. And that's what they want to do with that property. We had a contract on that property and everything was going fine, there just happens to be some details that kind of derailed it temporarily, but they're getting it online. So ideally we thought we would have that property closed and ready, but something happened. So we bought a property in Bastrop County. It's about 12 miles from our current site east of us. And so that site is 27 acres. And so what we were planning on doing is getting the product in at our current site and then we will grind it, we'll make sure it's clean and processed, then we'll grind it and take it to that site. That was the plan.

Kathie Tovo: So that would be part of your operations.

Phil Gosh: Yes, ma'am.

Kathie Tovo: The site in Bastrop County. And then I guess I'll ask staff later about how those costs would factor in. I think there was some concern about what the travel costs, whether those would be passed along to the City. Do you want to address that?

Phil Gosh: Sure, be glad to. There are no costs. Our site is saving you money from going down south. We're about 12 miles - 10 to 12 miles - from this hall right here, east. So that's where the material is going to go. We're going to haul it to the other site with our truck.

Kathie Tovo: Okay. So there would not -- you do not intend to pass along the costs of transporting that to the Bastrop County site?

Phil Gosh: That is correct.

Kathie Tovo: Okay. Thank you. I think that -- I think those were the questions I had. Thank you very much.

Phil Gosh: You're welcome.

Steve Adler: Other discussion? Mr. Casar.

Greg Casar: Mr. Gosh, thank you so much for -- most of my questions were answered through the Mayor Pro Tem's questions. There was one other issue that was raised that I would want you to speak to, which was a site not being disclosed or listed. Could you speak to that? And the context of that is this Council has worked on other waste issues around making sure that these sites are located in places that are compatible, and environmentally correct, and environmentally just. So not knowing the location of the site, we tend to like to know where this stuff is going. So if you could just speak to what was brought up, that would be helpful.

Phil Gosh: I'd be glad to do that, the only challenge is this waste industry is kind of ruthless in how they do things. My concern is if I disclose that, that I will -- it's been known -- competition has been known in this industry to buy property right next to you and then cause more problems for you so you can't get permits.

Greg Casar: And this isn't me necessarily asking you to disclose it. I just want to better understand what that site is used for, why we know where some sites are and where -- don't know where other ones are and just don't understand enough about the nuances to that.

Phil Gosh: You understand where our two sites are, correct?

Greg Casar: Yeah. The -- you're referencing the one that's 10 miles east of here and then the Elgin site.

Phil Gosh: And then we have one, yes, another 12 miles east of there. And then our third location we've been working on is a site close to -- it's close to downtown, just north. And the purpose of that site was actually recommended by Travis County to me as a great site.

Greg Casar: That would be for future expansion of your work?

Phil Gosh: Correct. It's under 200 acres. And it's where there's -- it's just really ideal. There's not a lot of -- it's just really ideal for a site that could serve the City.

Greg Casar: And so one thing that may be helpful for me and colleagues is to just best understand with our staff and maybe with Mr. Gosh, since that is a future -- that isn't something that we are authorizing for you to use starting tomorrow.

Phil Gosh: No, sir.

Greg Casar: What, if any, safeguards might be put in place to make sure that if we are hauling that compost there that that's a place that's acceptable to the City and that may not necessarily require the City Council's input, but potentially making sure that there's just the -- in the public interest and the safeguards necessary on the site.

Phil Gosh: Absolutely. So what it would be, we would -- the City has at any point they could stop bringing us material at any time with no reason. They can just stop or take it somewhere else. And so there's kind of no risk with going forward. This new site we would bring it before you and we would say hey, you can save more money, it's closer than even over there. You've got north trucks. And so that was the idea with it. You'd have multiple locations. It would be even tighter.

Greg Casar: So it would be at the Council's option whether to continue to send it to the site east of here or to use the new north site. That's helpful, thank you.

Phil Gosh: Yes. And that's exactly why we were asking for the three years so we can develop this other site, to support.

Greg Casar: I appreciate you answering my questions.

Phil Gosh: You're welcome.

Steve Adler: Anything else on the dais? Thank you very much.

Phil Gosh: You're welcome.

Steve Adler: So we need a motion. I'm sorry?

Alison Alter: Can we ask some questions of staff?

Steve Adler: Go ahead and make a motion.

Leslie Pool: Right. I move to direct staff to negotiate the contract and return to Council, maybe I should just say in August, with the negotiated contract for Council's consideration.

Steve Adler: Is there a second to that motion? Kitchen seconds that. You had a question, Councilmember Alter, of staff?

Ann Kitchen: Can I? I have a question too.

Steve Adler: Okay. Is staff here? Which staff do you want? Purchasing?

Alison Alter: I think they probably all could answer it. It's pretty basic, I think. So in this contract are there tonnage guarantees? So as I understand it there are tipping fees that we would be paying per ton, I guess, is the unit, but do we tell them that they're going to get X amount of tonnage?

James Scarboro: Mayor and Councilmembers, this is an 'indefinite quantities' contract. So there's no commitment of quantities. Staff provided estimates based on the amounts that they contemplated would be consumed under the contract over a period of time, but there are no guarantees of quantities under this contract.

Alison Alter: So if we wanted to contract with another contractor as well, for additional compost under this contract, if we went through the whole process of contracting with that other contract, we could do that.

James Scarboro: Under a separate contract, yes.

Alison Alter: Under a separate contract. So is it true that the limits on our ability to do more composting in the City were, A) we wanted to roll it out and see if we could make the process work, and then B), in order to have the trucks to do it, it would require a rate increase and so we wanted to spread it out over time. Is that a fair understanding? Seems like there's a limit on our ability to do composting that comes from the City's side and our willingness to invest in the trucks to pick up and how that relates to rates. Can you help me understand that better?

Sam Angoori: Sam Angoori, Austin Resource Recovery. So the organics program is a phased program. The first pilot part was 14,000 and what we're talking about now for this year, hopefully after y'all approve this, then we can start the 38,000 customers. And then after that, next year so many thousand and so on, about 52,000 or so. So until we reach the entire City. So part of the reason for that, also, the rate increases every time we add those, too. So if we want to do all of them this year obviously it's not going to happen mainly because of the facilities,

the number of trucks that's needed, the number of FTEs or employees that's needed, and also the rate that's going to be imposed on the taxpayer.

Alison Alter: But if we were doing this contract and we as a Council decided in a year or two, hey, we really like composting in the City, it's going really well, we think this is something we want to speed up, and we were willing to raise the rates or do whatever we needed to do, the tonnage, we could do that.

Sam Angoori: Absolutely.

Alison Alter: Okay and then at that point we would need more processing and we might issue another contract which By Gosh could also bid on or TDS could bid on or anybody else could bid on at that point or at any point we could actually do another contract if we wanted.

Sam Angoori: Absolutely.

Alison Alter: But, if our goal is to get to zero waste, there doesn't seem to be anything about this contract and how it's set up, that would preclude us from reaching our zero waste goals faster if we decided to make that commitment. Is that correct?

Sam Angoori: I didn't quite –

Alison Alter: What I'm trying to get at is that, if we as a City, because there's no tonnage requirements, if we decided that in order to actually build everything up, we needed to make sure we had more capacity. We wanted to have multiple providers of compost because we're going to do the whole City at a faster rate. We could put out a bid, which Mr. Gosh could bid for, all these other ones could bid, that could be on top of this contract at some later date if we wanted to make the investments needed to pick it up.

Sam Angoori: Sure. We could do that. We can do that.

Alison Alter: Okay. So if that's the case, then in my view, moving forward with this is a logical step towards getting us to our zero waste goals. And there's still plenty of opportunities should we choose to expand those goals or speed those up, to add additional folks who could help us with the composting at a later date. And I think that's important to remember that underscoring this contract, it's not just about the contract and the negotiation, it's about how do we reach our zero waste goals. So it's important to keep in mind if this contract is not constraining that in some way that we don't know, we can move forward confidently with this contract and if we wanted to in four months we could put out another contract and say we're going to have more compost folks and there's nothing to stop us from doing that. We are only obligated by this contract to put the tonnage – to pay for tonnage that we drop off at his facility. Now, I would think that we would do that in good faith and that this is a company that has been doing it for free for a long time. But if we resolve everything else and TDS wants to come to bid, we can decide as a City to do another Request For Proposals and move forward. So I would very much support moving forward with three years to negotiate and execute on this.

Sam Angoori: Also just to reiterate, and I think Councilmember Tovo brought this up, there is no absolutely no transportation cost, extra transportation cost, and everything is going to be dropped off at the current facility that the Gosh family has. As for biosolids and things like that that was mentioned earlier, we can always include that in the contract too. There's no issues with that as far as the staff is concerned.

Alison Alter: Thank you.

Greg Casar: Can you confirm for us what Mr. Gosh said to my last question, which if the new facility is – which is at an undisclosed place, if once that's disclosed, the City or the City Council doesn't, finds that location inappropriate for whatever reason, can we under the contract take the option of not sending anything there?

Sam Angoori: Well, sure. That would be part of, or could be included in the contract. That's one of the provisions. We can include that in the contract. Once the facility is disclosed, we can look at it, we can verify that everything is okay. Obviously TCEQ and the County also have more authority than I do on looking at the facility and approve it for composting, or whatever, for the composting purposes.

Greg Casar: So what you said at first sounded like what Mr. Gosh said, which is it's entirely at our discretion, but then what you said second sounds a little different, which was saying that other jurisdictions have more – more say than we do. Under this contract, Mr. Gosh sounded like he was fine with the idea of – and I won't speak for him, but my impression was that he was fine with us taking our own option on whether we would have to use that location or not, once it was disclosed to us. Do we have that discretion or would we have that discretion?

Sam Angoori: What I'm saying is that the TCEQ has to approve the facility. So, and the County probably had to approve the facility for the purpose of composting.

Greg Casar: But regardless of those approvals do we have it entirely at our discretion whether we use the site or not?

Sam Angoori: Well once, again, once the facility is approved, then we can take it to them.

Andrea Lloyd: Andrea Lloyd, Assistant City Attorney. I think what he's saying is we can add a provision in the contract that states that the City has to approve what facilities are used by Gosh and therefore we would have control separate from what is being approved by the County.

Greg Casar: Okay, thank you. And it sounded to me like Mr. Gosh didn't have any concerns with us having that approval and they're shaking their – they seem to agree with that. Okay, thank you.

Steve Adler: Okay. Further discussion? Mr. Flannigan.

Jimmy Flannigan: So from a process questionnaire, I think the motion on the table is to approve just the negotiating but not the execute?

Steve Adler: That's correct.

Jimmy Flannigan: So I, and Mayor help me understand from a process perspective, if I want to also execute, would I move to amend?

Steve Adler: Yes.

Jimmy Flannigan: Okay so I submit an amendment to also execute and pass the Item as originally posted on the Agenda.

Steve Adler: Okay. It's been moved to add execution. Is there a second to that? Mr. Renteria seconds that. Discussion?

Ann Kitchen: I have a question.

Steve Adler: Ms. Kitchen.

Ann Kitchen: Is your motion for the three years?

Jimmy Flannigan: Yes.

Ann Kitchen: Okay, without the renewals?

Alison Alter: Without the automatic renewals.

Ann Kitchen: Yeah, without the automatic renewals?

Jimmy Flannigan: Which is how it's posted on the Agenda.

Alison Alter: No, it's posted on the Agenda with the extensions.

Jimmy Flannigan: No.

Ann Kitchen: It's posted on the Agenda with the automatic renewals. We had suggested out of our Work Group not to include the automatic renewals. So that's why I was asking did you mean just the three years?

Jimmy Flannigan: So the annual renewals would still require staff execution, but it wouldn't require Council execution as posted.

Ann Kitchen: Correct. Because they're automatic.

Leslie Pool: My understanding is the first term is for three years. Is that correct, Mr. Scarboro?

Jimmy Flannigan: Maybe I'm reading it wrong.

Andrea Lloyd: Andrea Lloyd, Assistant City Attorney. As it's posted, it would be the three-year base period and the three extension options, negotiate and execute. So it would not have to come back to Council for any of the extension options.

Jimmy Flannigan: I see. If the will is just to do the 36-month, I'm fine with just the 36-month.

Steve Adler: Okay, the amendment is to make it negotiate and execute, and the execute for the three-year term.

Andrea Lloyd: You can negotiate and execute the initial three-year term, but only the negotiation of the extension options. And we can add in language that says that the execution must return to Council.

Jimmy Flannigan: After three years.

Andrew Lloyd: After three years.

Jimmy Flannigan: I'm fine with that part. As long as –

Steve Adler: It would come back to the Council in three years?

Andrea Lloyd: For the extension options, yes.

Steve Adler: In three years.

Alison Alter: I'm not sure what we would need to do this, but one of the things we discussed in our committee was not to be coming back to us so close to end of the contracts so that we had a little bit more of a leeway time. So I'm not sure what the right timing is for you to do the execution of the extension, but I wouldn't want it written in there that you had to come at three years because part of the reason we're having a problem is we're coming up to the ends of a lot of these contracts and so maybe Mr. Scarboro if you have a suggestion of the appropriate way to frame that, that would be helpful.

James Scarboro: Mayor and Councilmembers, per our previous discussions in this regard, we contemplated securing authorization for the initial term, leaving the ability to execute the additional extension options upon further authorization from Council. And in addition to that, if there was interest to issue a new solicitation as we completed the second year so that we would have the ability to compare the results of that second solicitation to the current contract and then decide whether to stay on the current contract or to award a new contract under the new solicitation, or to keep both.

Alison Alter: So what would be the motion that would capture that? Or can we just say we move that?

Ann Morgan: I think though you have a motion on the table, which is to extend it for three years and then to come back to negotiate, but not to execute. And we wouldn't write in the amount of time for staff to come to Council in the contract but we understand that that's what Council wants us to come back early. If I understood your motion correctly.

Steve Adler: So they also raised the question about rebidding and there were other issues too. So, and I don't know – so the motion was to negotiate. It was amended to say you can go ahead and execute as well. And that was the initial three-year term. If you wanted to come back with us with a proposal for an extension of that I think it would be appropriate for you to do that whenever you thought that was appropriate to do, if you ever thought that was appropriate to do. You can just bring –

Andrea Lloyd: I'm not sure I'm clear. Is this motion seeking negotiation of the extension options, just not the execution?

Steve Adler: No, the motion and his amendment is to allow you to negotiate and execute the primary term.

Andrea Lloyd: Only.

Steve Adler: That's it. Now, with the understanding that if at any point in the future, you wanted to come back with a proposal to extend it, come back with a proposal to extend it. If you want to. And if you don't want to, don't. And then there was the additional question about whether or not you issued another RFP. Is that something we have to handle now, or, I mean...

Alison Alter: No.

Steve Adler: ...I don't know that it needs to be. So...

Alison Alter: So just – may I just clarify? With this scenario, you would still have the ability, if ARR thought it prudent after year two, to issue an RFP, to which By Gosh could also respond, as well as look at the extension. That would be something, you would just come to us and ask for authority to negotiate at that point?

James Scarboro: Correct.

Alison Alter: Okay. So that's not precluded by the motion. So the current motion would be to authorize negotiation and execution on the three-year term.

Steve Adler: Right. If you want to come back in the future and ask for authority either to extend, to extend the periods, fine. If you want to come back for authority to issue an additional RFP, that would be fine, too.

James Scarboro: Okay.

Steve Adler: So the amendment is to add to the charge not only to negotiate but also to execute the primary three-year term. Has been seconded. Is there any discussion? Mr. Casar.

Greg Casar: Could I hear from Mr. Gosh just generally the impact of waiting until August versus executing now. From your perspective. The impact to you of us executing now, as opposed to waiting potentially to execute in August? That's what we're debating right now.

Phil Gosh: I would prefer to execute...

Greg Casar: I understand that's your preference. I just wanted to know generally what the impact would be.

Phil Gosh: The impact.

Greg Casar: Yeah. From your perspective, what's the view of the impact of us extending to...

Donna Gosh: Money. Money. Plus we had to take another day off and come down here and spend with you lovely people, which we do love you, but I mean, goodness gracious, please. May we just stop the nonsense and be done, and get on? Please.

Greg Casar: Okay. I think you answered my question. I appreciate it.

Donna Gosh: Thank you.

Steve Adler: Okay. Councilmember Alter.

Alison Alter: Just to keep in mind that if we do not execute today the Anti-Lobbying Ordinance for waste management is not in effect, and we will all be lobbied all the way through August.

Greg Casar: So it's our time, too.

Steve Adler: And let's go ahead and take a vote. I'm going to vote no to the amendment. Not because I don't like these people or think they shouldn't have the contract because both those things seem real reasonable to me. It is... we had sent this to get additional information. I hope that report comes out. I would really like to see what we had asked for several months ago. But on that basis alone is why I'll vote no. Yes.

Leslie Pool: And what I've done while we've been talking here is I've posted to the message board under Waste Management Policy Work Group a link to the page that staff set up that has the agendas and the videos from all of the meetings. It does not have a list of all the stakeholders and their affiliations and I've asked my staff to get that and post it. You will be impressed by the number of people, I think there were easily two dozen people from the community in each of those meetings, and then all of the handouts and presentations that were also put together by staff and attendees, I'm asking them to be uploaded so we can have a complete record of the work that we've done. It's just at our website and you can find it on the message board.

Steve Adler: Let's go ahead and vote on Mr. Flannigan's amendment. Those in favor of Mr. Flannigan's amendment, please raise your hand. Those opposed? Those abstaining? All right, I'm no. One abstention, Ms. Kitchen. Ms. Troxclair off the dais. The amendment passes. Now let's take a motion on the main motion as amended. Those in favor, please raise your hands. Those opposed? It's unanimous on the dais with Ms. Troxclair off.