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>> Councilmember Nguyen: At this time I'd like to call the Rules and Open Government committee to order. And we will start with -- March 22nd agenda. Pierluigi, you wanted to provide the invocation you certainly can. Any comments or questions on page 1? 2 or 3?

>> Dennis Hawkins: Madam vice mayor, I just handed out an additional ceremonial item for the 22nd. It was an e-mail that we just received.

>> Councilmember Nguyen: Oh.

>> Dennis Hawkins: So it will be 1.3.

>> Councilmember Nguyen: So this is a presentation of a commendation to the Publication Hasrak of Persia for providing Iranian Americans with a vital link to their language and discussion of Iranian culture. So that will be added under the ceremonial items for March 22nd.

>> Dennis Hawkins: Correct.

>> Councilmember Nguyen: Page 4 or 5? I have a note under here on 4.2, it says open and continue to April 3rd.

>> Dennis Hawkins: I believe it's April 5th.

>> Councilmember Nguyen: Oh, April 5th.

>> Dennis Hawkins: Madam vice mayor, if I could, on page 3 there may be some further language change, so the language might be slightly different than what you're seeing here.

>> Councilmember Nguyen: Okay on page 6. On page 6 the Mayor's Budget Message, I actually have a request from the mayor's office if we can take that up right after consent item. So whoever makes the motion we can amend that. Anything else?

>> Councilmember Herrera: Motion to approve with the addition of the commendation and moving mayor's March budget message after consent.

>> Councilmember Oliverio: Second.

>> Councilmember Nguyen: I'm sorry, we also have another request and this is action related to the mayor's travel to Washington, D.C. to be included in the March 22nd.

>> Councilmember Herrera: I'd add that on.

>> Councilmember Oliverio: Okay with the seconder.

>> Councilmember Nguyen: So we have a motion and second to approve the agenda, all those in favor? Opposed, hearing none, motion carries. We'll move down to March 29th agenda. Anything on page 1? 2 or 3?

>> Vice Mayor, on item 4.1 we had hoped to get that out on early distribution, but it didn't make it so we'll need a 14 day sunshine waiver to get it out in the packet.

>> Councilmember Nguyen: Okay. Page 4 or 5? And 6. Okay. Can I get a motion?

>> Councilmember Herrera: Motion to approve agenda of March 29th with the additional 14 day sunshine waiver for item 4.1.

>> Second.

>> Councilmember Nguyen: Moved. Thank you. Okay. We have a motion and second to approve the agenda. March 29. All those in favor, opposed, hearing none, motion carries. Redevelopment.

>> Madam vice mayor, March 22nd the agency has no item and we recommend the committee allow us to cancel that afternoon session, if there is any reason to be in a closed session or any joint items with the city we would be there for that but for the afternoon session we recommending cancellation of the 22nd.

>> Councilmember Nguyen: Very well. Okay.

>> And if I may continue, the March 29th at this time we have no items for that meeting date either but we would reserve the opportunity for next week's rules committee to see if we actually need to cancel that meeting.

>> Councilmember Nguyen: Okay.

>> Councilmember Herrera: Motion?

>> Councilmember Nguyen: I don't think we need a motion. Thank you. Item number D legislative update. What's going on in Sacramento Betsy?

>> Betsy Shotwell: Madam invitation mayor, members of the committee, Betsy Shotwell, Director of Intergovernmental Relations. The assembly caucuses had been trickling in, still no talk and the senate had not become televised live. I assume they are still doing the same, off the interior in caucus discussing how they're going to vote this afternoon if it indeed comes up and we've been told the leadership wanted the vote this afternoon, called them into session, the Republican legislators that had been interviewed have been saying they don't have the votes, that the two that they need to support the governor's proposal and all the trailer bills many of them requiring a two-thirds vote as well so that's where we are right now.

>> Councilmember Nguyen: You'll keep us posted.

>> Betsy Shotwell: Absolutely. And I'll run back to my cubicle now. Thank you.

>> Councilmember Nguyen: Item F, the public record, anything the committee wants to pull from the public record to comment?

>> Councilmember Constant: Motion to note and file.

>> Councilmember Herrera: Second.

>> Councilmember Nguyen: Actually, we have someone who wants to speak on the public record. Martha Obromowitz.

>> I was here to pull item D, I wasn't here last week, but I'd like to address the issue of the mobile home rent control. First of all I'd like to thank Vice Mayor Nguyen for her timely response. Within four days we had a written confirmation that she did not tell these two gentlemen that she supported opening up the rent control ordinance, and for those of you who did not follow this, two gentlemen in San José stampeded over 100 frightened seniors into a meeting using Madison's name and that of assembly person Beall, claiming that they had advocated opening up the mobile home rent control ordinance. And these folks did not realize until three or four of us stood up that once the ordinance is opened the city can be sued, the statute of limitations begins anew. I'm just reiterating that from the packet, thanking Madison for her timely record, and that assembly person Beall also put in the record that he does not support opening up the ordinance. Thank you.

>> Councilmember Nguyen: Thank you, Martha. We have a motion and second to note and file the public record. All those in favor, opposed, hearing none, matter carries. We have boards commissions and committees,

item A, approve the appointment of Leslie Gilroy, center director and business and community liaison of career systems development for the San José job corpse.

>> Councilmember Herrera: Motion to approve.

>> Second.

>> Councilmember Nguyen: All those in favor, opposed, none, that's approved. Item B, approve the appointment of Daniel Earl to the deferred compensation advisory committee.

>> Councilmember Herrera: Motion.

>> Second.

>> Councilmember Nguyen: All those in favor, opposed, none, carries. 2 A, approve the senior citizens commission fiscal year 2010-2011 work plan.

>> Councilmember Oliverio: Question on that one.

>> Councilmember Nguyen: Councilmember Oliverio.

>> Councilmember Oliverio: Yes, will this commission be meeting less times than last year as part of the reduced -- reduction of staff?

>> Dan West from Parks, Recreation and Neighborhood Services. The answer is yes, they have been given a quarterly basis to acknowledge that last year's NBA 16 I believe the number was.

>> Councilmember Oliverio: Thank you.

>> Councilmember Nguyen: Anyone else? Martha you want to speak on this item?

>> Yeah, that O'Connell. I want to speak in support of the work plan of the senior commission. I'm on the commission but I'm speaking as a citizen. The last time there was a work plan, the HR human rights some comments were made up at the table there that if they had a county counterpart they should be considered for elimination. And I've been thinking about this and sometimes the simple -- you don't think about the simple. At least I don't. I tend to get real detailed. One of the strongest reasons for not eliminating this commission is the obvious. It advises the city. The other commission advises the county. And there's a whole bunch of services that we have that they don't have. And I'd also like to tell you that yesterday at the county level, vice president of the board Shirakawa introduced the creation of a Santa Clara County seniors agenda, and part of that agenda is the coordination with the City of San José senior commission. So those are two good reasons not to eliminate the senior commission.

>> Councilmember Nguyen: Thank you. Councilmember Herrera.

>> Councilmember Herrera: I just want to go on record saying how important I think this commission is. I know in my district, District 8 I hear often from the members of the commission that are on -- that represent from my district and they really keep me informed as to what's going on in the community with regard to seniors. I think they are effective advocates and also, particularly with the senior nutrition program which I'm very concerned about I think that this is going to help us stay informed about that, and continue to have that advocacy from our seniors. And I fully support them working with the county. I think that's important too, we should not at all consider losing the senior citizen commission. We absolutely need it.

>> Councilmember Nguyen: All right. Can I get a motion?

>> Councilmember Herrera: Motion to approve the work plan.

>> Councilmember Oliverio: Second.

>> Councilmember Nguyen: We have a motion and second to approve the work plan. All those in favor? Opposed, hearing none, motion carries. Moving down to H, H 2, we have a motion for Councilmember Oliverio for the grant to the midtown specific area. Do you want to speak to this?

>> Councilmember Oliverio: Sure, this is an opportunity for everyone to work together. This is highlighting a specific item but it is really the citywide topic. In that in this case the council unanimously passed the development that 100 units to the acre, next to an eventual light rail station, but we know that cities and VTA don't necessarily have all the funds to do these things. So we look to the grant world whether it's MTC, BAAQMD, federal, whatever it is, to try to garner these funds. So in this case this is using the example but it could very well be an example laid out to any infrastructure we're trying to provide to the city whether it's Eastridge or different part of the city. The idea is, let's move forward to get grants but at the same time let's acknowledge that our private partners may could do some of the legwork for us. And they're certainly incentivized to go do that because many of mayor projects hang in the balance of these transportation improvement projects. The city will still be the decider of whether or not it wants to apply for the grant but certainly having the ability for our private partners to facilitate or do the legwork would be great in focusing the opportunities of staff to grab grants. I don't think that's an opportunity we want to miss. So I make a motion to put this up for the council discussion.

>> Councilmember Herrera: Second.

>> Councilmember Nguyen: Hans, do you have something to offer?

>> Hans Larsen: Briefly, yeah, just some context comments. Certainly going after grants is a top priority of ours. Wherever we can get outside money, that's been something that we focus on. And particularly in this area, we are working with the VTA towards the development of the light rail station, at west San Carlos street and there are -- this is an area where there are some active development projects and so there's a close relationship between those projects and the city. We are working with the VTA on a co-op agreement that establishes the

roles and responsibilities for developing the station. And that's probably something that would come to council later this fiscal year. Because it is a light rail station obviously the VTA, it's their facility, that they'd ultimately build and operate but certainly the city and the development community can partner and provide support for it. So I would say the spirit of this memo is consistent with the way that we're working now. If you know we need to formalize it or just you know get support for the direction we're going that reflects this, we certainly don't have any problem with that.

>> Councilmember Nguyen: Thank you Hans. Just a quick question. You know, when I was doing this memo I just -- I feel like staff is already doing a lot of the work here. I know for sure that my office has been working with PRNS in the proposition 84 grant in regards to some of the projects that we have in the district. So if this memo is just sort of, you know, reaffirms what staff's already doing that's something I can support. If it's asking staff to go out and do additional work in addition to what they're doing right now we don't have that kind of time, we're very limited with our resources. I just wanted to know if the intention to reaffirm what staff is already doing, then certainly we can move this forward for the full council for that affirmation. But if it's additional work I would like Councilmember Oliverio to sort of reconsider because we don't want it to take any more staff time from things they are already doing.

>> Councilmember Oliverio: Certainly proposition 84 is an example of the funding available to the cities for certain items and that listed there as well as MTC grants et cetera. Essentially we are offering to the council guidance to staff that they don't pass up grant opportunities. But on the same side it is also saying that there are those in the private sector that have as much or equal incentive as the city to see these things come to fruition and shouldn't they be able to expend their time and do the legwork to bring those grant opportunities to us. And then if we as a city want to accept or not accept we can make that decision but I think we are dealing with as you can imagine, limited resources. So why not enable those that want to see these projects come to fruition as much as the city be able to do so.

>> Councilmember Nguyen: Anything to add?

>> Ed Shikada: Certainly Vice Mayor, Councilmember Oliverio, perhaps for the purpose of clarification, are you envisioning that this might, say, be a resolution that then a private partner could take with them to, whether it be a regional agency, state agency, what have you and use that as an indication of support from the City of San José? If so, I think that we could certainly accommodate something like that. We just want to try to make sure that we're attacking it in a way that would be the most value-added.

>> Councilmember Oliverio: Yes I think for the value-add requires a council discussion because we are going to be faced with a myriad of challenges in the city and we're going to have a myriad of finite resources. So if we can get essentially free labor for people to go facilitate those grants from regional bodies, what you have and bring them to the city and do things that are basically mesh with what we're trying to do anyway, a light rail station, transportation project, freeway interchange, things that facilitate developments around it, that would be good and council should have discussion on that topic. Because otherwise we go down a road of -- you know, we will miss opportunities. And I don't want us to miss those opportunities. Because I think we get that sometimes, criticism from people, why don't you go out and seek more grants. And I think the city does seek grants, but I think at the same time, enabling more them to come in, or at least enabling the city to say no I don't want that grant, that's the idea.

>> Councilmember Nguyen: Councilmember Herrera.

>> Councilmember Herrera: Yeah, I seconded this, for purposes of discussion but also because it looks to me like it's supporting what we're already doing. I wouldn't support it if we're asking staff to go off in some different direction. But I also want to commend Hans Larsen's group, transportation and our city in general for how cooperatively we work with VTA. So we're doing a lot of projects where we're having agreements we're providing labor in District 8 and some of the projects going on out there with the phase of light rail and with the transportation central area that's going to be happening at Eastridge, city is very involved in it. So I think we are doing a lot working together. I think the other thing I would say is these that you have listed here I think we are -- we're engaged or VTA is engaged in all of these I think right, Hans, is that --

>> Hans Larsen: Yes, these are grant programs that we're familiar with, particularly -- it was the first one with MTC, some -- the memo references more than just the light rail station. So I think you know the prop 84 grants or little -- those aren't ones that could actually fund the station but potentially could do other planning work in the area. So I think we can take a closer look at that. I would just as a suggestion, because we do have an action that we're planning to take to cancel on this, the agreement with the VTA that should be coming forward, I would say in the next two, three months or so, that that might be a vehicle in which to kind of -- to address some of the items here, that the councilmember's raising in terms of the role of the developers in the area, to help assist with. Certainly if any developer there has an interest in a project believe there's a grant that we should pursue, we're happy to take that input anywhere in the city. But certainly, given the level of development and interest in the midtown area, we view development of the West San Los street station an important regional transportation priority for the city and will be working very diligently with the VTA on this as we do with 101 Tully and capitol. Fortunately those are highway transit projects so they're not competing with each other. So I would I mean generally this is on our radar screen as a priority and we are following through with the spirit that this represents.

>> Councilmember Herrera: I like the idea of leveraging the private sector to help out, but the other thing I want to say in terms of light rail is we've had initiatives, prop A -- am I calling out the right one?

>> Ed Shikada: Measure B?

>> Councilmember Herrera: Measure B I mean, where voters voted and specifically have tax money that was supposed to finish certain light rail projects, who have been waiting for many, many years and feel that they have a certain level of prioritization in that. And I know that MTC and VTA and all of these regional agencies have to look at all of these projects in terms of ridership and how that's going to meet regional needs and so they have to go through and score these things and figure out which ones should go next, which ones should go after that. So there's always projects competing for these dollars, too. And I just want to acknowledge, you know I just want that to be acknowledged, too. It's difficult to take one project out and say that's going to be first just like I care very much about getting the light rail finished from capitol to Eastridge it has to meet certain criteria. And one of the things we all can do to help more money for transit is simply get people to ride transit. Unfortunately, it's taken the

gas prices to go above \$4 to see substantial increases in people riding transit. That's one of the things that's looked at is ridership and who's going to be riding these things. We need to encourage people to ride and we need to understand how the criteria works to get projects funded because it is quite complex. I sit on the VTA board and so there's a lot of thought and a lot of evaluation that goes into how these projects move forward. But I'm very glad that the city and VTA are working so closely together. I don't know, I think this is probably more so now than ever before, I think I'm right about that, is that correct, in terms of how closely working together and the fact that the City's actually participating in some of the design or construction of these projects, which I think's really, really good.

>> Hans Larsen: Well I would say we've always had a close work relationship but I think the one now I think it in terms of the city participating in the actual design and delivery of regional projects that the city is closer now than it ever has been. The other context in terms of the priorities, there is -- as you go after grants it is a competitive process and so the projects that have the most compelling case in the terms of ridership and benefit will score best in that process. Certainly project readiness plays a factor and that's one of the things that we're working with at VTA on, is developing a game plan to get the West San Los Street station planned and move it towards design so that it can be more competitive. So I think again probably the opportunities along with this co-op agreement that we're working with the VTA on comes forward, we can talk with the full council about the strategic plan in terms of developing the project and we can work with the VTA between now and then, and give council assessment in terms of how this stacks up against other priorities. The other opportunity that's coming up is that the Bay Area region is developing a sustainable community strategy and it's going to look at you know what are the priority investments for the whole Bay Area. And then specifically, with the focus on Santa Clara County, and what San José's priorities are. So we're in the midst of developing that strategy over the next couple of years so certainly this project will fall into that context.

>> Councilmember Nguyen: So let's see if you can answer this question for me. So if this memo is approved by the council, does it require additional staff time and resources for you to implement the direction on this memo? I just feel like we're already doing a lot of the things that Councilmember Oliverio indicated in his memo. If it doesn't

require any more staff time it's just an affirmation, just reaffirming what staff is doing. That's something I could support.

>> Hans Larsen: Yes, I would characterize this as a work we're already doing.

>> Councilmember, if council wanted to modify it just to say to direct the administration to continue to work which assumes that they're already doing it but you're supporting the fact that they're doing it and you want them to continue working on it which basically would indicate to do work they're already doing but that's up to the councilmember.

>> Councilmember Nguyen: Councilmember Oliverio.

>> Councilmember Oliverio: I'm sure up to the modification of the wording, but I would put and our private sector partners. I really envision the council having the discussion about private sector partners having a little more ability to track down these grants. I've heard competition mentioned several times during this discussion and we are in competition. We are in competition with other cities. And oftentimes other cities get sizable grants and they're not building nearly the density that we are. I think these developers who are asking us to build to a certain density, then let them get those grants to help facilitate our general plan vision of the city, otherwise we'll have the housing without the infrastructure and then good luck getting the community to support the next sensible land use project. So really, that's what we're talking about here.

>> Councilmember Nguyen: What do you see, inserting the word and?

>> Councilmember Oliverio: I would say and, if you are looking at sentence two, prior foundations, and in addition including our private sector partners. Because I envision the council discussion as adding a little bit more flexibility than we do today, or allowing us to -- yeah, essentially, allow them more opportunities than we do today. Again the city and the council is the final decider whether we accept a grant or not or whether we apply for one or not. But again I think we ought to allow those people to go out and do the work.

>> Ed Shikada: If I may play that forward a couple of steps, I think working with standpoint who might propose it is that based upon council action on this direction, that when we come back with the VTA MOUs, I think you described it as --

>> Hans Larsen: Co-op agreement.

>> Ed Shikada: Co-op agreement, that we could use this direction to help factor into how this agreement could be structured, as well as the role of developer going forward. So I think it would certainly help us provide additional context.

>> Councilmember Oliverio: And that co-op agreement could slip into August/further out, based on my historical perspective on it. So I think there's a sense of time and a gap, and at least have that council of discussion on the item.

>> Councilmember Nguyen: So would this memo come back with that particular item or is it going to come back to the full council prior to Hans bringing forward that piece?

>> Councilmember Oliverio: I think the City Manager's Office talked about if we bring this first, then this would be coupled, with whatever council decides, into the co-op agreement with VTA X time later.

>> Ed Shikada: So if I was just laying out a personal perspective on this, I think we have two options. One would be to have it go forward now, in which case it would provide staff that additional guidance for when we come back with the co-op. The alternative would be to when it does come back with the co-operative agreement, we could provide more meat how that would actually look. I think the tradeoff and the choice in terms of the policy direction the council would like to give staff.

>> Councilmember Nguyen: I would recommend that we go with option 2, had a we give this to staff and have you bring back both with this direction and have that mesh well into you know all the projects that you're working with. If it's going to you know a more substantial discussion then that's my preference.

>> Councilmember Oliverio: The only thing would I say, chair, is that makes it a discussion about really one thing and the city is much larger and has many more projects going on. So I think again, the council discussion on whether or not what role should private sector entities have, and are applying for grants, is really the discussion I'm sort of looking for and I feel waiting four months is waiting four months but certainly not -- I mean we're seeking this money on a constant basis and other cities are getting awards of again substantial amounts for not building the same density as we do and shouldn't that -- shouldn't the council as a whole have a discussion on how we utilize our private sector partners that have a stake in the game?

>> Councilmember Nguyen: Councilmember Herrera.

>> Councilmember Herrera: I'd feel more comfortable and I totally understand what Councilmember Oliverio's saying and I'm very supportive of looking at how we can engage the private sector, we should do that, it's very important. I'm liking option B better because I want to hear staff, this is not a simple issue, it's complex. There's lots of ways to go about getting funding. What I don't like to see is us being uninformed and we really don't know the complications. I'd rather have staff do their work and we can come back and have a more fruitful discussion.

>> Councilmember Oliverio: If you want to go to public comment.

>> Councilmember Nguyen: You need a break?

>> Councilmember Oliverio: I saw someone got up, so might as well get someone from the public's input.

>> Councilmember Herrera: Would you agree to a friendly amendment on your motion?

>> Councilmember Nguyen: Hold on, let's hear from Mr. Wall.

>> David Wall: This is a very innovative approach. Now, as I sit back here, and read your memo and listened to the discussion it's almost like a condition precedent for developers to develop, if they have gone through a list and say hey, have you applied for grants? Am I correct? Is this what I'm hearing that you're going to put the onus? This is going to be very innovative and it puts the onus ton developers to do a lot of work on this grant application, their own negligence or whatever, whether or not they've applied for it, their exhaustive search for these grants, they may object because it's burdensome and oppressive, I agree, it's a good idea, I think the city should cease residential projects immediately. Until you've consolidated your financial position, and stabilized the organization, any more housing development is contraindicated, because you don't have the money to service them. I could go on for hours how dumb it is to begin with. But this particular issue is outstanding, councilmember and it's another feather in your great cap for progressive thinking. Good job.

>> Councilmember Nguyen: Thank you. Back to our discussion.

>> Councilmember Oliverio: I just need to get that positive affirmation in. Whatever the case is, I'd like to move the memo to go to council discussion. Happy to make the modification that Mr. City Attorney made and then just go up and down vote on that. I would make the motion, see if there's a second.

>> Councilmember Herrera: Would it be B or A?

>> Councilmember Oliverio: It would be A, to have it go first, to take advantage of time, because I find then some things can take a while.

>> Let me just clarify what their proposal would be. Direct the administration to continue to work proactively with public agency partners like the Valley Transportation Agency, private foundations, and to ask our private sector partners to take a lead in --

>> Councilmember Oliverio: Correct. So is there a second? Appears not to be.

>> Councilmember Herrera: For B.

>> Councilmember Nguyen: For lack of a second. So that motion die.

>> Councilmember Oliverio: So then I would make the other motion which obviously is not my first choice. And if you could basically state that again, City Manager.

>> Ed Shikada: This would effectively be referred to staff to incorporate into development into the cooperative agreement with VTA and to define the role for the developer.

>> Councilmember Oliverio: Okay and then I see the motion or I catch the wording but again it doesn't get to the larger discussion of how does a city utilize these private entities to help us. Do we see the separation where I'm going here? I don't see if we would talk about both topics if you combine them together because then it becomes one specific project versus the totality.

>> Councilmember Nguyen: Councilmember Herrera.

>> Councilmember Herrera: I think it's perfect because it gives you an actual project where you can look at how it could work. And we work through that one, given staff's much more informed on this topic, and we use a real project to look at, and that's not the end of it. I think that's the beginning of the discussion. I think we start with that project, if there's actual promise on that, I think we continue on that and it could end with a council discussion at some future point. I'd like to see it start on a real project and with staff's recommendations on it.

>> Councilmember Oliverio: So we'll move that motion to combine this with the co-op agreement with the VTA, that will come back to the council. That's the motion.

>> Councilmember Herrera: Second.

>> Councilmember Nguyen: Well, there we go, we have the motion and second to approve the recommendation by our assistant city manager, which I'm not going to try to reiterate. All those in favor? Opposed, hearing none, motion carries. I think we are about to be done. Do you have -- we have two cards from the public under open forum. Martha O'Connell.

>> David's got to get shorter, or I've got to get taller here. Dennis, I was here a month ago asking for the structural report on the structural improvements for boards and commissions, it is now 30 days later, there is no report! Meanwhile the HR, human rights wants to look at their bylaws. Is talking about committees. They can't do anything. Ditto. The senior commission. We also want to know about our Emeritus. We're waiting for this bloody report we've been rating for two years. But I have a bigger issue today. I applied for the county senior care commission on 2-18 of this year. I was appointed on 3-15, I was sworn in this morning. Margaret young applied for the city senior commission on October 25th of 2010. She's a woman of color, Chinese, we do not have a Chinese -- she's her community is not represented currently on the senior commission. She doesn't even have an interview yet. So my question is, if I can get appointed to a county commission in less than a month, I think the city council needs to seriously look at this so-called diversity committee which has a strangle hold on these appointments where five, six months can go by and we've got candidates interested, we've got open positions and nothing is happening. Shame on the city. It doesn't have to be this cumbersome and this burdensome and I think you guys really need to look at the process, because it's not working, all right? Thank you.

>> Councilmember Nguyen: Thank you. David Wall.

>> David Wall: This -- I'll try to be shorter next time, Martha. This is a city policy that I'm going to talk about but there's the doctrine of unintended consequences. We see a rush of retirements, fine. But what you're going to see is whatever the time period it is, for a person to sit on the sidelines, the employee, and then to come back as a private contractor. Now, two positions alone at ESD is merit out for discussion. One is the plant manager who runs water pollution control. The other one is the manager who runs the reclaimed water project. Both are retiring,

in one case, we're going to lose one of the City's greatest engineers but that's neither here nor there. The issue, they can come back in theory, and make a ton of money, and there's other employees are doing this too and I don't have any problem with double dipping or anything of that nature. But when the mayor starts these policies of making people who are on restricted use funds take pay cuts or benefit cuts, you can't use the money for your deficit, period, and that it forces this equilibrium to change to where these employees are ditching the city faster than fleas off a dead animal, there's something incongruent here with proper thinking. And then point two, one might ask the bigger question, is what does the assistant director, the assistant director of the environmental services department do? I mean if the person is going to be in charge of the plant when the plant manager retires, and relies completely upon the people below them, below this director, what do you need that person at 200 K, \$200,000 on the payroll for? Just begs the question. In addition, why wasn't the director of environmental services put together an operator-in-training program so you would have a plethora of great trained operators.

>> Councilmember Nguyen: Thank you, Mr. Wall. That's all the time we have for you today. Meeting's adjourned. Thank you everyone.