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City of San José transportation and environment committee. Monday, March 2, 2009.

>> Councilmember Liccardo: Welcome to the March 2nd transportation and environment subcommittee. Welcome back Councilmember Chirco. Wonderful to have you with us. At this time we will ask for a roll call. [ Roll call.]

>> Councilmember Liccardo: Wonderful. Let's move on to a review of the work plan. We see a whole list of items to be dropped or deferred, 2.1 through 2.7 on the agenda. Any motions or concerns?

>> Councilmember Chirco: I would move to drop the items on the agenda as so noted.

>> Councilmember Liccardo: And deferred?

>> Councilmember Chirco: And deferred also.

>> Councilmember Liccardo: Okay, great. Any opposed to that motion? That passes unanimously. So it brings us to the consent calendar, 3.1. Norberto, are you filling in for the traveling Ed Shikada?

>> Norberto Duenās: , Norberto Duenās, staff, filling in for Ed Shikada. Any questions? If not, we will ask you to approve.

>> Councilmember Liccardo: Okay, motion to approve. All in favor? Any opposed? That passes unanimously. Moving on to the plant master plan update.

>> John Stufflebean: Thank you very much. John Stufflebean, director of environmental services. We have a presentation and then we'll take any questions you have. And is it best if I point on this screen up here?

>> Councilmember Liccardo: I guess we can all see that.

>> John Stufflebean: All see that okay? Okay. So this is about our plant master plan. As you know, we're very excited about the possibilities that might come out of this master plan. We updated you last in September so this is to bring you up to date on what's happened since then and also to tell you what's kind of in store for the next few months and years. This is the plant service area. And just noteworthy that it includes San José and seven other cities in the South Bay. Population of 1.4 million people. About 16,000 businesses are in this tributary area to our treatment plant. We're currently receiving 110 million gallons a day of influent, from 10 million to 11 million gallons a day as we continue to add customers. This shows a close-in to the plant. The plant is in this location right in here. And I can kind of give you the general location. The plant proper is in this area here, and then we own all this property here and there's landfills up to the north and of course the South Bay. Again, this shows it in a closer-up view showing the plant property and again, this is 680, 237, the plant proper is right in this area, here. About 157 acres and then around the plant in the immediate vicinity, we have Alviso, our mitigation area, buffer lands, years ago, the city acquired approximately a mile around the entire plant as buffer land. Buffer lands to the South, this is Tesla site where it was going to go. We have the wastewater essentially comes in from the south, goes in from the plant, goes around, comes out the outflow here. That's where the liquids go. The solids go to the biosolids lagoons. The Zanker landfill and the second landfill here and a closed city landfill in this area, okay? The plant master plan components include the technical components, which is basically what the plant needs to do. And kind of a major theme here is we want to make the plant newer and greener. It includes land use components and we're using a site analysis as the basis for this and also public community engagement which we're about to start on in a big way to provide input as to how to proceed. The outcome will be a 30 year plan which will include a capital improvement project, land use plan and ultimately of course environmental impact report as well. We've characterized our plant as, the plant has to work. The plant is over 52 years old. We estimate the cost to renovate it is about \$1 billion. I know you've heard these numbers before. We'll be adding an estimated 1,000 people to our tributary area, over the next years. Up to 2 million people. And we're also having to deal with new pollutants as the technology becomes more precise, you can measure smaller and smaller amounts, we find new things we need to deal with. Operational goal, the plant has to work. We have sustainability triple bottom line, environmental goals, social goals and economic goals. The environmental goals are, it has to be consistent with our core mission. Should point out there is already habitat provisions around the plant. Social goals, we expect significant community interest and we're addressing this through both a citizens advisory group and many, many different categories of stakeholders and our interests is improving the aesthetics of the plant and environmental uses. Plant and potentially cities involved. So again, this is a -- these goals will guide the formation of how we evaluate the potential things we could do for site. Okay, and the heart of this has been three workshops that we've conducted that have been really interesting events. The first one has been, the brainstorming workshop. Brainstorming workshop. And the purpose of all these workshops was to gather information and to validate our preliminary conclusions. And these workshops were mostly city staff. So to date it's been mostly city staff, staff from

the tributary agencies and other closely related agencies. And the brainstorming workshops were held last May, we reported back in September and that was out of the box thinking whatever the possibilities were. We then moved into the technical and again we briefed you on that in September. Then we moved into the technical workshop in November, 13th and 14th. We were working at particular issues of what are the possibilities for liquids treatment, for solids treatment. Land use workshop in January 30th. Main categories will be environmental uses of the property, habitat trails and that sort of thing, commercial uses including commercial industrial and educational purposes which was the theme that came through. In terms of the technical workshop, kind of give you a brief update on how that went. We got some of the top experts in the world to come here. We had eight experts, and this is a picture of the experts along with some of us who were able to participate in this. Imagine going back to the professors you had in graduate school the best ones around the country and have them tell you how your plant is working, the future of it over the next 20, 30 years. That was kind of exciting. They looked at the data for the last 20, 30 years and then they made projections for the future treatment needs, based on population projections and water use. They're looking at that time quality of the water. One of the interesting things that came out of this is as we conserve water and generate less water, the solids may stay the same. Example of what we have to look at as we move out into future years. The planning principles that came out of our technical workshop, one of the main themes was that we need to look beyond the fence line of the plant, that what happens upstream of the plant is also important as to what happens in the plant such as water conservation. Water conservation theme. How can this plant be more beneficially ready for recycled water, what are the connections we have with recycled water. We met with the folks from Orange County a few weeks ago, and they implemented recycled water in their plant. They're finding that chemicals that they use in their water treatment plant can have an effect on the water they use. How the potential end use of the water. Essentially connections between you know, experts were telling us between storm water, how can this plant impact or be kind of integrated with sort of storm water management in the area. And one of the big themes was, what's going to cause us to make changes in the future for the plant? Many plants, it's -- you're growing and you need to make the plant bigger. What will trigger needs, you're growing or you need to do regulatory changes, more advanced treatment. The experts helped us look at solids treatment and liquids treatment. As far as solids treatment, one of the main things they talked about was potential to have additional screening, up at the head of the plant. Right now we just use five eighths inch screen and they're suggesting we go to much 99er screens at the beginning of the process, that has additional benefits downstream of that. They certainly recommended we need to maintain our primary tanks, our very first treatment processes that the water seize and that we might want to look at ultimately getting into ultimate vital disinfection. On the solids treatment side, one of the first question was 16 digesters do our solids treatment. Right now five of them are out of service. Circulate we get those back into service? The recommendation was a strong yes, that the digesters are going to be needed if not just for the treatment plant, there are other potential materials, waste products that could be put in the digesters such as food waste and that sort of thing. This was a strong recommendation that we need to get these back into function. Solar drying beds, 800 acres of land that we currently use to process and dry the solids. And so if we can do that in a much smaller amount of land, that potentially opens up more lands. And potential energy from our plant. And one of the final theme was one of their favorite quotes was people smell with their eyes. How the plant looks is important. We've compared a picture of our plant which look pretty industrial to some of the plants around the world, architecturally striking. Munich is striking architecturally, and it makes a big difference, when people see something that looks really nice, they tend to think of it as well operated, they don't notice the smells as much. Okay. Now that was the technical workshop. Really interesting information we got from our technical group. We're going to have them come back two more times as we go through the process. This happened January 30th, I want to go over the basic things that happened. First thing we did is we did a site analysis. One of the things that you quickly notice is that we are kind of the conjunction of two major watersheds, the Coyote creek watershed and the Guadalupe watershed. And the red is the land that we own. That the plant owns. We are kind of the center of the universe as we see it. Kind of the center of the bay, the little red dot. And then we also look getting closer into the site, here is the operational area, property boundary all around here. We own over four square miles of land. It's a big piece of land out there. How many other pieces of land four square miles there are in Silicon Valley? Not many, right? One of the interesting things is which way does the wind come from? This is the prevailing wind direction, planes take off to the north. What is the topography of the land? What we showed on this map is here's the sea level contour, this is bay back here and land over here essentially. And then this is five foot above

sea level and then ten foot above sea level and 15 foot above sea level. Obviously water tends to flow this direction. And as you look at what to do with the land the elevation of course is a very critical aspect. Particularly because sea level is predicted to rise. And so this just shows if sea level rose one meter which is the prediction of what will happen in one century, we'll be underwater. And it is hard to treat water when you're under water. How do we deal with that in terms of levees and so on? It has big implications. Then we talked to city staff and partner agencies about what kinds of things would be good to think about on this property? Four square miles of land that we have to work with. And so we just put up here just some representative size, these are actual size boxes for what amount of land that use might take. Four square miles that you have, I'm sorry you can't read these very well, but one of the ideas that came out was some kind of a wildlife museum. I came from Tucson, it is a museum, highlights the animals and plants in that area. Really it's in a Bay Area, bay museum that you can really go down and see the bay life close-up. So that may take something like 50, 60 acres. Sports and field, soccer fields, baseball fields, what the parks people told us was there's a big need for more of those around here. Well we could accommodate pretty much all the needs that were identified by our parks folks just that amount of land you know, compared to how much we have, something to think about. Then we've also, looking at maybe habitat for owls, again we have some of that. That also has some economic value potentially. If you provide owl habitat, maybe others need economic value of that. This is a unique place of this is where the owls hang out. We have a spot for them. In terms of demonstration of wet land, how much this land required and then how much of this land should be for development. You know, some would say none, some would say all of it. But maybe a reasonable amount of about 400 acres. This is what 400 acres of commercial land would look like compared -- we're not saying it's here, up here, where it goes is another question. There is a potential for a fairly significant industrial development. And one of the big things we learned was, there aren't a lot of big tracts of industrial land left. So this might be an opportunity for a big piece of industrial land that could then be used for that. As we -- as we considered that, back one sec, I also want to mention that when we looked at the connections of our planning effort with a lot of different things. All different connections, need to transportation, parks, employment land. We're closely connecting with envision 2040 plan, bay trail goes right by our plant, habitat plan, zero waste plan watersheds plan, all of which this site is kind of maybe the flagship for all of these things that are happening. Then as we focus in on the site analysis, purpose of the site analysis was to review the opportunities and constraints of the site and to validate kind of what we've done before. And the land use workshop consisted of, this is the participants, we had about 40 people, mostly city employees but also staff from agencies, other agencies. Are there other things we should consider for the site. Here is a list of the participants. We covered almost all the city departments, plus Silicon Valley, City of Milpitas, west valley and everyone came to help us. This is a very interesting slide. This gives you some idea how much land this is. Again we can kind of see on this site the outline of our property compared to Golden Gate Park. Our property is significantly larger than all of Golden Gate Park. This gives you an idea how much property we have. California academy of sciences. Lot of things we can do on this site. We don't have to pick one thing. We don't have to pick whether it's all recreation, all habitat, all wildlife. One idea of course is, somewhere on the site is economic development. This slide shows an aerial view of Munich, Germany. Again this is the size of our plant. Munich, Germany site is much smaller and right next to it is the soccer stadium. So again, major use, right next to their plant. Other things we could do on the site, typical commercial industrial use, we don't want to make it typical, we want to make it special, very nice, and then renewable energy, potential for solar and wind power and that sort of thing. Second thing is habitat, environmental uses just showing some of the different animals that live around there and examples we might look at, Chrissy field in San Francisco. Shoreline development. This is the shoreline, this is San José shoreline. One of the major aspects of it. We don't really take advantage of it. We could be a city by the bay too and what are the opportunities of that? This is the edge of our drying beds. It could be something more interesting of course. One thing that comes up is we're going to have to improve the levees if the sea level rises. What opportunity could we have as we turn it into an asset and connect more with the bay. And then community development possibilities. One of the themes that has come up in every workshop from the brainstorm workshop to the land use workshop was water is the theme. It's where the rivers go, the bay, we generate water, we treat water so there's certainly you know a lot of, is there some possibility of having kayaking or some kind of boating in the area and so water has been a major theme. There is also again the possibility of sports fields riding trails, all sorts of possibilities. Of course the plant has to work but it can be a thing of beauty. Here is a couple of pictures showing the Munich plant. Artwork out there, almost like a university campus as opposed to a wastewater

treatment plant. Okay, so now, where we're going from here. The next big phase is, to really get into outreach in a big way. Now, we've been already doing some outreach. We had a baseline survey, we're proposing a midpoint and an end survey. We're also proposing heading into our first full fledged community workshop. We have a community advisory group can, again, that's come to council for your -- for to you look at consists of 18 people, people who were picked by the San José and tributary agencies. We have a really good group. Not only are they geographically dispersed but they also represent all the different issues, community, neighborhood, all the different groups coming together. We have had two orientation meetings, orientation of the group and then around the neighborhood. And I think it's going to be a real fun group to work with and very valuable to have that input from them. They're going to meet quarterly from here on out and council workshops. We'll have presentations like this one, we're going to start up the plant tours again, those incredibly popular plant tours. If you haven't been out there to see the lambs, so cute. We have the cutest wastewater treatment plant in the country, I can guarantee. We also had targeted stakeholder outreach, where we've identified all the stakeholder research, where we specifically go to them, engaging them, letting them know what's going on telling them we want to hear from them and we have the Website that's also going on. Again, we talked about the survey. Here's kind of the highlights of the survey. We got the survey response. Participants included, we broke out Alviso, that is part of San José, San José, Alviso, we had participation from all our major tributaries. Participants were concerned about the bay, but didn't realize we had this billion dollar need to fix up the plant. We have two sanitary systems and storm sewer system for outdoor water. There was confusion about them. Several cities combine them. San Francisco combines them. All the newer systems have them where it's separated like ours. A high percentage of the respondents said the plant was a good neighbor. We're pleased with that. We have done a really good job of decreasing odor, we haven't gotten odor complaints for several years now. High priority, spills of sewage into the bay, none of those were us. But you know people hear about that and they say we want to make sure you don't spill sewage into the bay. That would be a bad thing. People get that. They generally prefer wetlands development over some kind of development. And we would generate more revenue from the development so we have to figure out how to balance that out. We have a rate structure for charging people under property tax, when we told them what it was they thought it was a reasonable amount what we were charging per year. And again, we're focusing on raising public awareness. The plant tours have been our kind of key stone to that. Invite people to a meeting, might be a hundred, how many times are you going to get four, 5,000 people come to a meeting? They get to the plant, get in the plant and see it, smell it, so on. It's been a really good thing I think we have. And then also on the Website. So our purpose to move ahead is to engage the ratepayers and the stakeholders. Taking advantage of our citizens advisory group that's 18 members and the various stakeholder interest groups and we have a speakers bureau to introduce the master plan and to get to know about our stakeholder interests, concerns and maybe even their dreams. And this just kind of shows our tributary agencies, all the different cities, and the fact that we are next to the John Edwards wildlife refuge, they also attract people, and we're going to Milpitas city council this month to help them understand what we're doing. So next step, again elected official presentations. We're going to all the cities we can, we're already set for Milpitas. Additional stakeholder tours, agency and regulatory input, and scheduled next month, developing alternatives. And finally our recommendation is to accept our progress report, and we'd be glad to answer any questions you have.

>> Councilmember Liccardo: Great, thank you John and for those of you who have not yet done a plant tour I strongly recommend it. It's been widely compared to the pirates of the Caribbean ride at Disneyland. Any questions?

>> Councilmember Chirco: You had talked about the drying beds. And I was talking about, is there a model for reduction of the drying beds that we currently have? You talked about how many acres we have.

>> John Stufflebean: Sure. Our -- it's actually a processing and drying area about 800 acres. And the reason had a we do that is because it's the cheapest. And we just are basically taking advantage of the sun and the land that we have to dry the solids. There are many other plants used more expensive means which are -- one more -- more expensive means based on mechanical drying, thermal drying. We could go to that at any time. It's a matter of how much that costs. We're also look at something sort of in the middle which is why we went to the Munich plant. The idea of greenhouse drying so we're really intrigued about that, that it is mainly 100 acres as opposed to 800 acres, doesn't have the high cost of mechanical drying. You take advantage of the sun and solar energy but getting the results you want in a

much smaller area. We are looking at that. The issue becomes how long does it take to transition from the current system to this system? The answer is ten years. We don't transition overnight. Solids, it is four years from when we put it there to when we take it out. It is a four year process to use the land. That's why it takes so much land. So I think what very likely will come out of this is a plan to transition from the current system to some new system but it won't happen overnight, and for kind of economic reasons you'd also want to kind of phase it in so you take advantage of that and do it over a number of year period.

>> Councilmember Chirco: You made another comment that kind of caught my ear. We smell with our eyes. And I think greenhouses might be part of that changing perception.

>> John Stufflebean: Right. Downtown have the open drying beds, exactly, that's a very good point.

>> Councilmember Chirco: Thank you, John.

>> Councilmember Liccardo: Rose.

>> Councilmember Herrera: I want to thank staff for this excellent presentation. I think it's great that we look to the future and utilize how to move into the future. I was wondering economic development hat, is our Office of Economic Development looking into this in specific?

>> John Stufflebean: Oh, yes, they were the participants in the land use workshop. I have my visions for what the plant would look like. This is not our core business so we are pulling in those whom this is their core business, economic development, planning, redevelopment agency, and helping us plan what we have to do with the property.

>> Councilmember Herrera: So are there any companies that we're thinking of specifically or too early?

>> John Stufflebean: Too early for that. We're looking at what was the location, we're certainly thinking about clean and green businesses as our theme.

>> Councilmember Herrera: I think that's great. The other thing is I'm concerned about residents' misunderstanding of the two systems. What kind of educational training are we doing, since they're more protective of the bay, certainly some education is necessary. Two sewer systems, it concerns me that everything is going to waste treatment. If they pour something you know, if they pour oil or whatever they're doing into the storm drain, it's not going to be treated and it's going out --

>> John Stufflebean: Out into the bay. That's one of the major things we'd like to accomplish in this. As people do their tour of the plant, we stress that there are two sewer systems. The treatment plant is coming along, one of the major things we'll push over the next few years is the difference between the two systems and how they're so different and you don't get treatment on the storm side.

>> Councilmember Herrera: Thank you.

>> Councilmember Liccardo: Thanks, Rose. Do you have any questions? No. John, thank you. I agree that was a wonderful presentation. Couple of questions I have. One is, in the enormous capital cost that we know, what we know it's going to cost, in terms of rebuilding the plant and whatever else we may want to do, have we already factored in the cost of protecting the plant from rising sea levels? Is that -- the great wall or whatever it is we happen to be building there?

>> John Stufflebean: The \$1 billion does not include that. The \$1 billion is just replacing the treatment parts of the plant. It doesn't include replacing the levees. Right now our outflow is gravity flow into the slough. Doesn't include that cost.

>> Councilmember Liccardo: I was worried you might say that. Do we have our arms around how much that would cost?

>> John Stufflebean: What is the best strategy, our plan, what is the best strategy for addressing the sea level rise and what is the cost of that.

>> Councilmember Liccardo: All right. With regard to potential use of the land for habitat, for wildlife, I understand we're already using some it for owls and we're engaged in this particularly in south county with a major habitat plan there and there is a lot of discussion about fees and offsets and things like that. I wonder have we engaged in conversations with some of the -- some of our friends to the South about whether or not we could use this as both a revenue opportunity and as an environmental opportunity, basically allowing developers to develop down there and get offsets for habitat up here?

>> John Stufflebean: Absolutely. And that's one of the big ideas that we're exploring, absolutely.

>> Councilmember Liccardo: Great, you're three steps ahead of me. And finally in terms of our brainstorming analyzing potential land uses have we started to engage at all with the philanthropic community? Agencies that might be interested in investing in some kind of community vision up here? Have they started that at all?

>> John Stufflebean: Are they part of the stakeholder groups? [ Off microphone ] to try and get into some community foundations and groups. We have not yet gone there, as John mentioned, this is -- the community workshop will be the ending of the first phase and we want to get out to the community again to let them weigh in before we target these other groups to go in. But certainly Office of Economic Development has brought that up and our office has suggested that too. Venture capitalists, to be involved as well.

>> Councilmember Liccardo: Great, I'm sure there's good ideas. Judy.

>> Councilmember Chirco: I remember when we had to look at that time cost to the citizens and realistically looking at what we expect in the not-too-distance future in the matter of sea water and the rise of the ocean and all that. In all this study are you looking at the cost and anticipating the dollar amount that will be needed? Because I think that's something that needs to be thought of first, rather than last. Because there was not fun when we had to do a significant increase after many years of not doing anything of -- I really don't want to do that again. Now I won't be here in the next two years. But I don't think any council should be put in that position. So to be a little bit forward-thinking on the needs, realistic needs of the plant, and building that into the cost as we project out what we're going to have to charge our citizens?

>> John Stufflebean: Yes, part of the master plan effort will include the cost of how we'll pay for it all. That will depend on what we decide to do. If it's just going to toss recreational uses that don't generate a lot of revenue, that may be one scenario that would cost more. Or energy generation that could bring revenue to the plant that would ultimately decrease the rate. Our plan would show the impact on the rates. Fairly balanced, where we do have revenue generating things happening but also the things that maybe don't generate as much revenue but are valuable to the community as well.

>> Councilmember Chirco: Well, I got all that. I'm concerned about you were talking about the incursion of sea water. And I didn't really hear that that was part of your anticipated cost out into the future.

>> John Stufflebean: Oh, it is. Like I said it wasn't part of the \$1 billion we looked at at our quick look at what needs to be done to the plant but we are looking at the implications of all that.

>> Councilmember Chirco: Good because it all needs to be part of the package.

>> Councilmember Liccardo: Okay, unless there are further questions or comments, we don't need a motion on this, do we? We're just seeing report. Move on to 3.3, commercial solid weighs system redesign.

>> John Stufflebean: Okay, so I'm just going to give a brief introduction and that is, this item is coming back to the committee, last month bigger main issue of course was the prevailing wage and we're going to turn that over to the City Attorney to answer. But before we go to that I just wanted to mention one thing, that we had received some additional feedback from our haulers regarding our system and I wanted to take a minute to describe why we are recommending what we're recommending. We're listening carefully to the feedback and we will consider that carefully before we move ahead. One of the issues that come up is why are we combining collection and processing into one contract. And we're doing that for a number of reasons. One is that we think that's the lowest cost option to the city and for the businesses in the city. The costs are lower when we combine processing and collection, because basically you have one procurement process, and there's economies of scale when you have the vertical integration and it also would be less administrative cost if we combined processing and collection. Best chance for increasing diversion, one of our green goals is to have zero waste ultimately. Diversion, hire when one contract is responsible for everything you get this closer relationship between those who are doing the collection and those who are doing the processing. And they will each have to work together to succeed if there's a partnership they're working together to increase diversion and they're being held responsible for that. The other advantage of that is that if there are problems that are happening at a processing plant, you want to quickly be able to feed that information back to the collection and find out if there's a problem out in the collection system and remedy that.

We also think it provides us the best opportunity to make changes in the program. We're envisioning a long term franchise agreement that will be for a number, quite a few years but new technology could come along. And if you have two contractors it might be difficult to make changes, as opposed to one, technology if somebody is doing collection and processing. Especially if that processing involves handoff between the collection and processing equipment. And again also as I said it allows us to hold one company responsible. We had kind of a bad experience a few years ago with one company doing the processing and another doing the collection, one was pointing to the other, it's your fault, it's your fault. We would eliminate that possibility. We also believe there is an adequate number of processing

areas available between collection and processors. It would be best rather than us to decide who processing should be. We believe there are existing processing facilities with sufficient processing capacity. We've already provided for disposal through the Newby island contract and we will include negotiated applying for organics processing, for the processors to use. Finally we feel we can readily address the feedback we have received, within the recommended system, and we'll continue working with the haulers to do that. So now I'm going to turn it over to the city attorney's office to talk about the wage issue. At the February 2nd C and E we presented the key components of a system and the council asked us to clarify whether prevailing wage could be a condition of the issuing commercial franchise, the city attorney's office issued a memo, but they received a -- some questions from the local 350, and like right before the meeting so the city attorney's office needed some time to address that. I'm going to turn it over to them now, thank you.

>> So I have Rosa Fong Tetari the attorney in our office who has worked on the commercial solid waste franchise prevailing wage issue. You have in your packet the January 22nd memo and I believe you should also have distributed to you a follow-up letter which was to the correspondence from local three 50. Concerning why we think that the living wage is the appropriate standard for the commercial solid waste franchise. Rosa is here if you have further questions or you want further answers on the solid waste contract.

>> Councilmember Liccardo: Do you want to make further presentation?

>> I'm here to summarize key details if you would wish me to do so.

>> Councilmember Liccardo: That would be great.

>> The question was whether the prevailing wage to the commercial contract, and we issued the answer, highlighting between the residential and the commercial system. The city has been able to require prevailing wage in the issue where it purchases services. Some examples of that is construction projects, consultant services and residential services. We actually purchase the residential service. We are the ones that have taken on that service. And we recover our cost through the ratepayers. In situations where the city is getting a license in which to use our streets to conduct its businesses, like franchises here, some examples of that are police generated tow companies, water, gas and electric, and in this instance, the commercial garbage service. So when we do that and we're imposing requirements on them, we are regulating them. And in general, the federal law, national labor relations act, says that when you are regulating, in that capacity versus buying the service, you cannot impose requirements which interfere with the collective bargaining process. And the case that we rely on is in the ninth circuit, which actually discusses prevailing wage. And in that case, it stated that prevailing wage is not a minimum labor standard. Because if it was a minimum labor standard that's an exception of being able to impose that condition when you are regulating the industry. So that's kind of a summary of what we discussed in our memo, and our response to Teamster local 350 concerns.

>> Councilmember Liccardo: Thank you very much. Any questions, comments? I'm sorry? Okay, all right, sure. Let's move on then to public comment. We may have questions when we come back. Any speakers that would like to speak have two minutes.

>> Mr. Chairman, members of the committee, I'll be very brief. As attorney for Teamsters local 350, [ Off microphone ]

>> Now you have to listen. [ Laughter ]

>> Local 350 of the Teamsters represents the large bulk of the employees of contractors who are presently collecting and disposing of the residential as well as commercial waste. Is the union was particularly anxious and originally successful in attempting to persuade those who are involved in the program here to include a prevailing wage component that would be part of the franchise agreements for the contractors for the commercial redesign. September 16, last year, the city council voted that voted in favor of including a prevailing wage component. Now, that is not in the synopsis which is before you at this time. And it will not go to the city council, because the city attorney's office, as has been explained, has issued a legal opinion that it would not be legal to include the prevailing wage requirement or franchise agreements specifically, that it would be contrary to and inconsistent with federal labor law. The union disagrees, more specifically, I have advised the union that this is a wrong conclusion as a matter of law. So we have a problem in which, on advice of the city attorney's office, legal advice, the prevailing wage issue, which has been favorably -- to which the city council is favorably disposed, will not be part of the franchise arrangement. Put differently, the city council has been told that it cannot have its way, or its preference with respect to this particular issue. The union through my office and myself specifically has been in correspondence with the city attorney's office, showing our reasons for disagreeing on this legal

issue. We understand completely that the city council and the committee are not going to dispute the legal opinion of the -- of its own attorney. So we have a problem which apparently has no way of being resolved as to whether or not this actually is a legitimate part of the program, or whether it is -- it would be illegal to move along though lines. The result, from my point of view and the union's point of view is that we're going to have to go to court. There's no other way. We think that it's going to be a lawsuit that will be in the interest of the council, because the position that we will be taking is one which has already been approved by the city council. It will be a legal issue as to whether or not that position can be sustained, and I think that the only way in which to have that handled unfortunately will be by court action. But I'm here in part, Mr. Chairman, to also make very clear that this is a legal issue in which there is a difference of opinion with respect to the parties involved, and should be resolved by the courts, because that would be in the interest of the council, this committee, as well as the City of San José. They have, through their representatives on the city council, already indicated that they would prefer to have have a prevailing wage component. I would like to stress to the members of the committee and I hope this message will be carried on to the city council members themselves that this is a friendly effort on our part to get a final decision made. We offer our full cooperation and we solicit the full cooperation of the city attorney's office in handling this as quickly and as expeditiously and with mutual cooperation.

>> Councilmember Liccardo: Mr. Beeson, I'm sorry to cut you off. If you would remain at the microphone for just a moment. I wonder if there are any questions of you at this time. No? I actually do have a question of you, sir, it seems that the component of the ninth circuit is an important one, especially from the city attorney's office. I'm not aware of the existence of a letter so I'm still trying to get up to speed. I'm trying to understand why you believe the bragdon case does not control in this case.

>> I'm certainly willing to address that head on, this is going to be lawyers back and forth, the bragdon case is not dispositive on this because simply it dealt on the effort of a part of the entity in that case, the public entity to deal with a private enterprise. In other words, what the answer should be with respect to prevailing wages, concerning just private industry. City with was not involved, there was no public involved. Here we're asking that the city get involved, not in regulating what's going to happen in private industry, but rather, what the city, in the connection with its program, will insist upon as a legitimate condition in having franchises awarded. This gets into a whole area of law having to do with federal preemption of the efforts on the part of state organizations, or cities, to try to regulate in the field of wages.

>> Councilmember Liccardo: If I could channel the City Attorney for a moment, I think the City Attorney, I believe and she can correct me if I'm wrong, would be saying that these are private actors in this case, as well, the city's not a market participant but a regulator of private participants. We're guided by the ninth circuit.

>> Ninth circuit is going to be part of the argument. Another part of the argument is Supreme Court decisions in which the authority has been allowed to regulate, on the part of its contractors, who are involved in a program in which the city is directing. The case to which I refer is frequently called the Boston harbor case, where actually it's a sanitary district, in Boston tried to clean up the entire harbor and that was a massive effort and they had a number of contractors and subcontractors involved. City was held in that situation, or the sanitary district, was held by the Supreme Court to be entitled to include contract wages and conditions that they directed through collective bargaining. I hesitate to get into this area, but I'm telling you that we do have a legitimate position. Now, it's a position upon which there is legal disagreement. And that's why we're seeking to have it resolved in court. I'm hopeful that we will get the cooperation of the city attorney's office here in expediting it here and handling it in a way that will be least costly to the parties and getting an early decision and not meet any procedure delays.

>> Councilmember Liccardo: Thank you, Mr. Beeson.

>> Thank you for listening.

>> Councilmember Liccardo: Anyone else here from the public to speak to this item? Yes, sir.

>> Steve Johnson Garden City. Just a quick question. If you are doing living wage if you do an adjustment in two years, are you going to do something above minimum wage as your threshold or actual expenses? I don't view this as you're going to have to award a specific contract, you're going to have to protect that area and make sure nobody else comes in to interrupt any of the services you're being provided by whoever the chosen operators are. So I think you have more than just regulatory position in this whole thing because you're setting the rates. You're going to have to honor it because you are going to get franchise fees, you're going to have a partner in this thing. I see it as pretty important. Somebody who gives a number somewhere above minimum wage and bid this contract for drivers, for processors for

anything, is going to have a distinct advantage in the marketplace over somebody that is paying prevailing wage which we all have to pay and want to pay. There's going to be a difference. I don't know how you would ever adjust the rate. And I also don't know what the quality of the driver would be. You're paying a driver somewhere over minimum wage. You're going to have a problem. So I just think those are issues that you need to consider outside of the legal because you are going to go in two years and adjust rates. So you're going to adjust what you're paying or just above minimum wage?

>> Councilmember Liccardo: Anybody else from the public? If I could follow up for a moment on Steve's point. My understanding the drivers are covered by collective bargaining agreement am I right? Good that's correct.

>> Councilmember Liccardo: My understanding, the question is on the sorters?

>> That's correct.

>> Councilmember Liccardo: Rose, did you have a question?

>> Councilmember Herrera: Thank you, chair. I want to go back to the RFP process when we're talking about the recommendation to combine -- someone needs to turn their mic off.

>> Councilmember Liccardo: Set your tasers to stun. Thanks to coming to the rescue.

>> Councilmember Herrera: I'm new at all this, you guys be patient with me as we go through this. Right now we're talking about combining this RFP into one, and right now vertical will save some money. I came out of software and I came out of vertical integration myself. On paper it looked like we were going to save money but we weren't as efficient at the vertical piece we integrated so we actually lost money. I don't think vertical integration is a good argument for saving money. I want to make sure we have enough people bidding on this and he getting enough competition on this so we can really get the best cost for the city. I'm actually thinking about splitting this up, you got to help me make sure I am saying this correctly, the people who collect it, the collection folks making sure we get the best bid on that and the best bid on processing. I'm thinking what if for example we put out a bid and we had a much lower cost coming back from people who do the collecting? Much lower, than it would justify looking at these things together? So I am very concerned about putting it together, in only one RFP, both processes forcing it to be together. My other concern is how many people are we eliminating from even bidding? How many companies are going to be allowed to bid because they have the ability to do both of these things? That -- I'm afraid that's just going to limit us to a couple of companies. That concerns me. I think that we need to expand it beyond that. So I'm -- I'm concerned about that. I don't really support the idea of just -- of combining these. And only doing it that way. Second, I wanted to ask, also in this proposal is living wage, that is part of it. Am I right about that? Okay. So living wage is what we're talking about \$12 an hour, is that what we're talking about?

>> John Stufflebean: Living wage is \$12.83 an hour. Is health benefits provided and \$14.08 is health benefits not provided.

>> Councilmember Herrera: I'm talking about living wage, all the workers in that? Including the processing side called MURF?

>> John Stufflebean: Yes.

>> Councilmember Herrera: Again, I'm just getting used to this. Living wage, I want to make sure we're including all the workers. And then I want to address Steve Jones, was that Steve Jones who was up here talking, maybe, his point about prevailing wage. I think we need to look at the real business environment not just the very letter of the law here. We need to talk about the spirit of the law, we need to look at how -- what kind of industry these folks are working in so we don't put our companies at a disadvantage. I'd be very interested in what the City Attorney has to say about it but I would still like to keep open the idea of prevailing wage.

>> Councilmember Liccardo: All right, Judy.

>> Councilmember Campos: I think that Councilmember Herrera kind of outlined some my same questions. So I would just sort of reiterate some of her comments and ask the attorney if she could comment on a few of those things. I also want to go back to I believe it's Mr. Jones that spoke and I know that you were talking about Santa currently right now you're paying one particular amount and you're happy to do that because you know that's the right thing to do. But then if we were to go down this avenue where a living wage is -- I don't know if it's \$5 difference or even greater, what does that really do for the competitive process? And I guess I'd like for you to answer or explain that to the best of your ability. Do you remember his question?

>> John Stufflebean: I guess I would say first of all with respect to the drivers, it doesn't make any difference, they're already getting prevailing wage. The issue become the MURF workers and if they were

paid prevailing wage it would increase the cost of this service. And our estimates are somewhere between 25 and 45%, that are increased. And that's the direct, that's the financial impact of prevailing wage is that much higher than living wage would be for the MURF workers.

>> Councilmember Campos: Let me ask Mr. Jones, am I correct, are you currently paying prevailing wage for the MURF workers right now?

>> Tws is -- Cws as the processing side, Cws is paid prevailing wage, not a living wage.

>> Councilmember Campos: Okay, so my question to staff is, I think this is where I think he was going is that when you go out for an RFP and you have one paying one particular and another company paying you know a lower standard, in the competitive process, how does that -- I mean is it an even playing field? And I think that is where he was trying to go with that.

>> John Stufflebean: Right. I guess I would say the CWS facility is unique in that it does pay prevailing wage in that it's handling only material from city contracts. So in that particular case, they are paying prevailing wage. Other facilities are not.

>> Councilmember Campos: What happens when they come and they bid on this?

>> John Stufflebean: We would evaluate the proposals based on all the factors --

>> Councilmember Campos: Is it an even playing field?

>> John Stufflebean: If one company chose to use a facility that paid prevailing wage and one chose to use a facility that paid living wage, living wage would obviously be able to provide a cheaper proposal. That's true.

>> Councilmember Herrera: I just wanted to find out about the response on my question, about the RFP.

>> John Stufflebean: Right. Well I -- I'm not sure I have much to add to what I said before. Maybe Joe can add some more thoughts to the matter. But to me the primary question then becomes, what do you do if you have one company doing the hauling, and another company doing the processing, and they're not connected, you know they're just totally, they're each doing their own part of the vertical integration and what do you do if you don't meet conversion rates? Then who's responsible? And as I said we had a pretty bad experience with that, where the company that was doing the collection was saying, we're providing clean material. The people at the processing plant aren't processing it right. And the people at the processing plant says we're processing it fine. They're bringing us material that's contaminated. So that becomes a very difficult issue to resolve which is really approximate the primary reason why we're recommending that one company be responsible for that. We think there are possibilities for teamwork, processing company can team up with processing they went through an arduous process of getting these facilities in place. I want to less Jo add whatever she wants to that .

>> Jo Zintek. That system has been performing extremely well. And the issue of that on the recycling side is how you collect the material is so heavily relates to how you process the material, and the education and the level of service, they're very integrated. In San Francisco Bay Area it is very common for collectors and processors to join process on proposals. We saw that in the recent San Mateo County process. And this allows once again one neck to choke so to speak for the city. Because as we lived through before, there are a lot of issues. It allows the collectors and processors to pick their own dance partner, on a daily intimate relationship of making these things clean, material specs, they're able to be processed through the facility, and making sure the materials are processed to highest and best use, we're able to sell the materials, it is a very tight relationship. What we're proposing in the RFP is to allow as norm in the recent procurement from cities that need to get high diversion rates is to allow collectors and processors to make their own partnerships. Make sure they have their right mix of equipment and collection capacity to meet the requirements of a very aggressive zero waste contract that was put out to then San Mateo county, Palo Alto recently awarded a highly aggressive contract. Our goal is to reduce the garbage stream and increase the recycling stream. Makes it easier when that is in one package. There is an incentive for both parties to work together, to get the profit they need and have to mold the system and meet the needs to not have two separate systems and we're not sure until we finalize the agreement. The most aggressive system to really meet waste diversion goals including our own experience here at the city is combined systems because there are so many interrelationships at play. We haven't said there won't be interrelationships that happened. As to what happened with San Mateo County and Palo Alto, we don't want to interfere in that process, or presuppose how aggressive the collector and processor want to be in on their combined systems. And to take -- and we are going to offer an alternative for the most difficult to procure services where we will be providing costs at different

composting facilities if proposers want to use our negotiated cost versus having to negotiate that in a competitive environment and then we will be offering disposal capacity.

>> Councilmember Liccardo: You know, if I could just jump in for just a moment. I think that's an important and complex question as to why we combine them rather than have them separated. And it might help because I know there are a lot of issues, your administrative cost, economies of scale. I think some of Rose's intuitions about whether or not vertical integration really saves money or not. It would help if it's really explicit. Judy.

>> Councilmember Chirco: Our previous experience, Nora and I had the experience of being here in that other time and it was totally not pleasant. So why would -- you talk about San Mateo. Why are those relationships different than what happened to us in the past and how do those relationships -- how do we not get in the middle of that again? And that hasn't been explained to us. We hear that there's different types of strategies, but I don't hear how they're different than our previous experience. So I think that is also something that needs to be outlined when this comes forward. It would I think help Rose's concern and also maybe assuage some of Nora and myself's concerns having been there in that previous time.

>> Councilmember Herrera: I guess I'm concerned about the cost. You know there's a cost-benefit analysis. If haulers were going, if individual haulers were significantly less individually and there was some way to work out that relationship with the other side of it, the recycling portion of it, I just want to make sure that we're not leaving a lot of money on the table too, by doing it this way.

>> John Stufflebean: Right, I did want to reiterate what Jo mentioned, we are looking at getting the most difficult material to process is the material for composting. We are in the process of getting agreements with the companies providing composting. If they were able to reach an agreement on the price, which should help a number of haulers to then enter into that relationship. So we think that's a good way to get there and still maintain this one person's responsible notion.

>> Councilmember Herrera: So you're helping them on the other side.

>> John Stufflebean: Yes.

>> Councilmember Herrera: You're saying somebody who might be incredibly competitive on the hauling, they're going to have the opportunity, you're going help them find a partner to do the other, is that what you're saying?

>> John Stufflebean: To facilitate that happening, yes.

>> Councilmember Herrera: That sounds better. From what I heard is there would be basically only two companies that would be able to bid on this. As it is now. I would really want there to be more than two.

>> Councilmember Chirco: Well, I think some our concerns have been called out and we're only part of the council. So I think if you can clarify some of the concerns that you heard here, I would make a motion to approve the staff's recommendation, and then look for clarity on some of these issues, so that we as a council have a better understanding of what does this look like. And then also, to concern -- address the concerns of the attorney, and then I think it was 350 -- Teamsters 350. Because there seems to be a point of disagreement there. So -- and I know that our attorney, which I thought he did a good job, the attorney for the Teamsters, that we as a council must be guided by our City Attorney. But also, to help us understand that point, also. So I'd like to make that motion.

>> Councilmember Campos: One question, I'll second it but I have one question.

>> Councilmember Liccardo: Sure, Nora.

>> Councilmember Campos: I wanted to ask, will labor peace be a part of this? And if you don't know the answer, I guess I'll ask the City Attorney to have that answer for us by the time this comes to the full council.

>> There is a limited part of labor peace that is applicable to living wage. But we will answer that in more detail for you.

>> Councilmember Campos: That would be helpful to my last question.

>> Just to clarify, what the council did in September with the city, with our office is they directed us to evaluate the feasibility of allowing labor peace and that's what we did. The letter to Mr. Beeson has been distributed to the full council. And I will be glad to note that you do want additional information on what would go with living wage in the way of labor peace but at this point, our office has responded to Mr. Beeson's letter in writing plus we had the original memo that we wrote in January of 2009. I mean, of course, the City Attorney will be at the council meeting and able to answer any questions that the full council might have on the legal analysis.

>> Councilmember Liccardo: And that will be part of the motion to come back to something on labor peace. Can I also ask that the motion include the spelling-out all the reasons why we're combining hauling and processing.

>> Councilmember Chirco: That was my intent.

>> Councilmember Herrera: And can we add something about costing to make sure we're including the best or the lowest cost to the city alternatives in this, that we're looking at costing as a factor?

>> Councilmember Chirco: That would be fine.

>> Councilmember Herrera: And I wanted to add something about labor peace. That my understanding of living wage, that that is part of integral to that, that labor peace is certainly part of that. We certainly wouldn't want to have to deal with the situation of sanitary workers are on strike and we couldn't get those things collected for the customers.

>> Yes, there are pieces that reply in this context and we'll make sure to address that before the council meeting.

>> Councilmember Liccardo: Great. I just have a couple questions. Now the motion is on the table, do we know what the prevailing wage is for, sorter? I think the focus is on the people who are performing the sorting duties at the MURF. Thank you. It would be really helpful for us to know what we're really talking about in terms of the wages.

>> Our office has established prevailing wages for residential, drivers, yard waste drivers, and the MURF. Per the direction of the council. So we've established those rates, we distribute those rates.

>> Councilmember Liccardo: Do you know what the rate is at the MURF?

>> Currently?

>> Councilmember Liccardo: Yes.

>> There are a number of classifications. We'll just use the sorter.

>> Councilmember Liccardo: General classification.

>> Sorter basic their hourly rate is \$12.19 per hour and their total rate is \$18 per hour.

>> Councilmember Liccardo: Okay.

>> It's a range of we go for a high of 26.15 per scale operators to the sorter which is 18. And these will be adjusted annually, based on the CPI.

>> Could I offer one point of clarification? The rates that Nina gave are based on her survey. There are also the collective bargaining rates and the one that we have is with California waste solutions that employs 20 waste sorter workers, the average rate is around \$29 an hour and that's information that we received from CWS. The analogous prevailing wage that includes the value of the benefit is 18.12 and a living wage is 14.08. And in case Nina can correct me if I'm wrong, in the case of a collective bargaining agreement, that does become the prevailing wage. What Nina gave you was the survey, but the rate at California waste solutions is approximately 29.06 including the value of the benefits.

>> Councilmember Liccardo: I think it would be helpful for council to know something about the numbers in terms of the impacts, for both people and the businesses. Would you be willing to include that?

>> Councilmember Chirco: I think so. Anything would be helpful because this is a very complex issue.

>> Councilmember Liccardo: It is. The other question I had was, let's say that assuming our City Attorney is right, that really the 9th Circuit pretty well ties our hands on this, is it possible for us to include, as we do for instance, local preference in RFPs, and a preference for disadvantaged businesses, that we'd also include preferences for those businesses that pay prevailing wage? Is that something we can do in the context of an RFP?

>> I think all of those would be problematic. Because again, this is a franchise. It's not a service that we're procuring. But I mean, I'll certainly take that as an additional question to be looked at for the council. But I think you need to come back to the fact that our legal analysis is based on the fact that you are talking about a franchise. It's a regulation. It's not a procurement of the service. It's not like our residential program.

>> Councilmember Liccardo: Right, I get the distinction between the city acting as a regulator, and the city acting as a market participant. I was wondering if there would be a third possible way.

>> I think local preference is problematic for similar reasons, that's my recollection.

>> Councilmember Liccardo: Thank you. I don't have any other questions, unless there are other questions or comments, we'll vote on the motion, all in favor? [ ayes ]

>> Councilmember Liccardo: Any opposed? That passes unanimously. Okay, move on to 3.4, street landscape maintenance and program report. Boy, that cleared out a number. Next we'll call it first. Sorry, guys.

>> Jim Helmer: Chair Liccardo, members of the medicate, Jim Helmer, director of transportation. Helps oversee the street landscape and tree services programs, are going to provide you with an update of two recommendations on our street landscaping in the urban forest program. It's timely in that we've spent a lot of time over the years looking at our service models, entering into public-private partnerships, public service districts in ways that we can continue to maximize the quality of the urban landscape. So with that I just wanted to turn it over to Kevin O'Connor who will give a presentation of the PowerPoint and then take your questions.

>> Good afternoon, members of the committee, here brief presentation of our tree landscape and tree services program. There are nearly 550 acres of median islands and road landscape parcels throughout the City of San José. The City's General Fund supports 202 acres of these median islands and road side parcels, additionally, we have 317 acres that are maintained through maintain districts and community facility districts throughout the city. In 1994, two standard of median island landscape design were approved by the council for all new installations throughout the city. This was done primarily to ensure that the new General Fund maintained landscapes could be properly serviced through the limited General Fund services. These design standards are referred to as type 1 and type 2. As illustrated above, type 1 with this example on Coleman avenue, this is the standard of our General Fund maintained parcels, trees, maintained service and nonmaintained ground cover such as ground mulch or rocks. Property owners agreed to pay an assessment to pay for the maintenance of the landscape. Type 2 include a variety of landscapes, and depending on the residents agree to pay for. Type 2 design includes tree, flower and plant material. To illustrate the widespread location of General Fund street landscape throughout the city we have broken out the landscape parcels into the otwo categories. This first map shows our current distribution of type 1 and type 2 General Fund median I islands. This is just median island landscape properties. As you can see the location in green shown are type 1 and the locations in 2 show our type 2 landscape properties and they're fairly equal in terms of quantities. The next map shows our General Fund road sides for type 1 and type 2 properties. As you can see the vast majority of our road side parcels fit the description of type 2 designs, that they are just more than just trees and rocks. Since the time that the landscape median island installation standards were established in '94, 64 new acres of General Fund maintained landscapes have been developed throughout the city. This system expansion has included 26 acres of type 2 landscape installations. Many of these type 2 locations were built along retail strips, where higher level of landscaping was desired. Unfortunately at the time that the inventory has been growing our resources at the same time have been declining. As you all know, the city has faced seven straight years of budget reductions and these restriction have hit our landscape maintenance crews very hard. In fiscal year 2001-22 the program had 33 positions and 190 acres of landscape to maintain which equates to approximately 5.7 acres per person. Based on our budget projections for next fiscal year our program will be down to about six positions which averages out to nearly 38 acres per position. It's simply not possible to properly maintain the city's landscape at these funding levels and unfortunately the overall level will decline from a peak of 87% to our current level of 45%. If the program is reduced as we anticipate next year's position will be declining to 20% or one in five of our parcels in good condition. As I stated previously projected levels are expected to decline. The landscape program will shift away from actively managed plant care including things like regular pruning and trimming, replanting, weed control, and irrigation system maintenance to the only lipper and debris pickup once or twice a year. Spraying once a year but not removed. The reduction of level of service will be more trash, overgrown plant material dead or dying plants that will not be removed and a lot of weeds. We anticipate that there will be a definite increase in the number of complaints received regarding the condition of our landscaping and unfortunately we'll not be able to respond to all of them primarily only the safety related requests. We have developed strategies, the first strategy is the conversion ever our type 2 to type 1 design. An analysis of existing parcels identified 62 acres of type 2 landscape that could be targeted for immediate conversion. For the most part these are older parcels, whose condition has significantly deteriorated. The plant material has died and has not been replaced or not been properly trimmed or overgrown. You can see by these photographs a few examples. Here is a example of Senter road, before and after, we removed the overgrown ground cover and installed rocks and mulch. The second example on Yerba Buena road, we removed dead or dying ground cover that collected trash and we installed just mulch. Cleaned up the area looks much nicer and much easier to maybe it. Also doesn't collect the trash that the dead or dying plants do. As I previously mentioned there is a network of property other than funded districts throughout the city and this is where community has interest in supporting a higher level of landscape and its ongoing maintenance. Our strategy of improving landscapes across the

city is growing this network with healthy beautiful landscaping. This map shows the location of our existing network district. As you can see, most of the districts are in the Southeastern and northern parts of the city. We want to look for the opportunity to expand districts throughout the city where there are these higher level generally funded landscapes in the city. Most of these areas are near generally in better condition than the parcels identified in our conversion efforts. I want to assure the committee and the council that these areas we're looking at we're doing everything we can to maintain them in their current condition, they are looking nice and we don't want that to decline until we can maybe establish some alternative funding scenario. The next map shows some locations we might consider doing these focused districts. You can see that we've included areas where you probably recognize higher levels of landscaping, Berryessa road, Wynn chest, San Carlos, and we like to illustrate one example how the process might work. Looking at Berryessa road 680 to Piedmont it contains approximately 3.5 acres of median island parcels, there is a combination of retail residential, parking frontage, commercial businesses include a Safeway, three gas stations several strip malls a McDonald's and Bank of America and many others. In addition there are 150 residential properties that have sole access from their property to Berryessa road. As can you say the landscape design is fairly high level and based on our funding levels we won't be able to maintain this landscaping in the future and conditions will continually deteriorate. However, we can provide a higher level of service if the residents and business owners in this area were willing to fund it through a maintenance district. This is an aerial view of that same area. The parcels that would likely include in the district are highlighted in the gray-purple there. There are -- these are the parcels that front or I'm sorry, the properties that front the median islands and part of the cul-de-sacs. To form a new district we would initiate a community outreach effort, include mailings, community meetings in discussions with property owners, determine an area of support for landscape maintenance services. Through this outreach we can determine what if any landscape maintenance they would like in the area and what they're willing to pay for. If there is support engineering work is then done to determine the special benefit that each property would receive and the assessment formula that will calculate the district. 50% plus one yes vote from the respondents. The weight of each vote is the amount that the property owner is assessed. So wrapping all this up in terms of recommendations, in order to provide the best landscaping processes within our city we are recommending two things, that no new type 2 landscaping areas be installed until a funding source is provided. We cannot continue our type 2 landscapings and we need an alternative method to do that. Secondly we are proposing or recommending that D.O.T. continues seeking resources that would fund the expansion of maintenance district networks for some our existing General Fund properties. Funding will need to be considered among other General Fund obviously, but each of these districts would cost \$30,000 to start, including staff time, enough to establish seven or eight districts throughout the areas where there is strong community interest and higher levels of landscaping desired. And lastly, I'd like to just quickly run through with you, the status of our current urban forest management efforts. As you know a temporary interdepartmental task force was established in January to tackle some of the priority tasks of our urban forest program. This including men's from environmental services, Planning, Building, and Code Enforcement, PRNS and D.O.T. They are currently working on a policy which would be completed by the end of the fiscal year. Other priority tasks, determining the best methodology for accurately tracking all tree planting activities throughout the city in support of our green vision plan to plant 1,000 trees. With that I'll end the presentation and answer any questions you might have.

>> Councilmember Liccardo: Thank you. Any questions?

>> Councilmember Chirco: Yes. You mentioned \$30,000. Is that to create a district? Is that the cost per district?

>> That would be the cost for each one of these little districts to do all the outreach, to do the noticing of the community, hold the meetings, perform the engineering work to determine the level of service and the assessments that would be applied. And then holding the election process.

>> Councilmember Chirco: And so -- and I thought I heard you say some funding amount that would be able to form seven districts or something.

>> We are considering about a \$250,000 budget proposal to go out and perform about seven or eight of these districts throughout the city.

>> Councilmember Chirco: And how would these areas be selected for the process?

>> They would -- I think we would go out and we would see what type of interest there are. Certainly we identified eight or so that are potential locations but we would looking for input from our economic

development partners, certainly from you all where there would be interest in doing that. We haven't finalized any provisions or made any plans at this point.

>> Councilmember Chirco: You talked about converting type 2 to type 1. And you showed examples of that currently going on. So there seems to be two parallel processes, one is conversion, and the other is looking at funding streams to create maintenance districts. Is there any conflict between these two like are you converting type 2 to type 1 when there's a possibility of forming a district?

>> Good question. The -- our conversions right now are in areas where the landscape material has declined. Where it doesn't look well. The plants are dying, they're dead, there's as you saw by these pictures, there's high dead material, high amounts of debris, where we're really going in and cleaning it up and making it look better. That's been the focus of our conversions and will continue to be the focus of our conversions. It's not our intent to go at this point to Berryessa road or some of these other areas that we identified where the landscaping is looking pretty good. We're really trying to hold those on and hope we can develop some funding source to keep those in good condition.

>> Councilmember Chirco: What happens if you get 16 areas that are interested in looking at what would it cost to have the enhanced maintenance landscaping?

>> I think we would certainly welcome that. I think we would have to look at how we fund the up-front cost but knowing that there's ongoing savings in that scenario, I think that would be a good problem to have at this point.

>> Councilmember Chirco: And then I had a couple of questions about your urban forest management plan. And I know because this is something we've been looking at in my office, the climate-smart, and then -- because that would buy credits and then they're planted somewhere else. And looking at how do we keep that in our community. So PG&E had sought permission from the PUC to contract for urban forestry emission reduction. And they have just recently passed the urban forestry protocol, which means that we can use those credits within our community. So is that something that you're incorporating into the urban forestry?

>> Diane Milowicki, division manager with D.O.T. Yes, currently the acting urban forestry manager is working along with staff from ESD to use the climate smart dollars for tree planting and also getting the carbon credits from the increased tree counting.

>> Councilmember Chirco: Sand there any possibility, you know, that any of this money can be used for maintenance of these trees, like maybe for a year -- until they are established?

>> That is certainly a big consideration with any tree planting effort. The bigger cost with tree planting effort is the establishment which typically takes approximately three years. So that is definitely something that is being looked at, and any plan that we would put into action that would account for additional tree planting, would have to include some money, some funding source for the establishment of those trees.

>> Councilmember Chirco: Because I know one of the goals of the green vision was to plant 100,000 trees. And so looking at this new urban forestry, which is very important to me, because I know we've been looking at it for something I want to be declared green, but I didn't want to spend money anyplace other than in our city. So I think -- and then are we working with our city forest on this project?

>> Yes, we are.

>> Councilmember Chirco: No small task. Thank you.

>> Jim Helmer: I just wanted to comment that although it sounds like we're in conflict with going from type 2 to type 1, it's really the end product, type 1 looks much better than the type 2 did.

>> Councilmember Herrera: Yes, thank you chair. I had some similar questions that the Vice Mayor had, about the number districts. So initially it's been like we were looking at only seven so there's not a maximum number of districts at this point. And I'd also be concerned about where we're changing type 1 to -- type 2 to type 1 that it's not disproportionately in one area of town, that we're making sure that we keep a relative balance of type 2 versus type 1, for example east San José and those districts would be another concern. The other question I had was regarding water usage with our landscape. I'm sure that that's being factored into how we're developing landscaping for type 2 or obviously type 1 requires a lot less so I wanted you to kind of comment on that. Looks like maybe the drought is not so severe now, I'm crossing my fingers that it keeps on raining. I'd like to hear your comments on that kind of overall with regard to water planning.

>> Certainly water is a big piece of our planning, I believe, it is in the area of about \$200,000 a year so it's a significant investment. That is one of the reasons in '94, why the type 1-type 2 policy was developed because they were experiencing a drought at that point as we are now and hopefully does get better. But certainly we just can't afford to continue watering all the higher level landscaping. It is just not feasible. So

we have to look at reducing that demand. As we're converting the landscape properties we're shutting off the water and irrigation. In addition we're not able to keep the irrigation systems working properly. We don't have the manpower to go out there and do the repairs and the replacement that are needed. So we're kind of being forced through some of the conversions and stopping watering because of that as well. So we're literally shutting off water as we convert locations.

>> Councilmember Herrera: And the plants that you're maintaining too, are there recommendations for drought resistance that sort of thing?

>> Sure.

>> Councilmember Herrera: I know everybody wants to have whatever foliage, but we have to be mindful of our water usage. I also want to support the comments that we've talked about with urban forests that absolutely we need to do whatever we can to increase it and I really support the goal of getting 100,000 trees. Thank you.

>> Councilmember Campos: I think that my colleagues have asked great questions, so the only question that I have left to ask is, currently right now we don't have a permanent manager for the urban forestry, is that correct?

>> That's correct, yes.

>> Councilmember Campos: Do we have funding that is set aside for this position or is that something that will be coming to the full council for approval?

>> We did receive one-time funding in this fiscal year for the urban forestry manager position, for one year, temporary funding, unfortunately because of the economy and the nature of funding there wasn't a lot of interest in the position. So people did -- that we can speak to indicated it probably wasn't a very attractive position. We haven't been able to secure long term funding. I think potentially the council will be seeing a proposal for the urban forestry manager position again. I think that needs to be worked through the administration. But we would like to see that position be funded.

>> Councilmember Campos: Have we been able to make any progress without that position? I mean, you're reporting now, it seems like we've done quite a bit.

>> Yes.

>> Councilmember Campos: So I'm wondering, because we're in tough budget times what is really the likelihood of us moving forward on this, if we're able to accomplish the goal, maybe not at that time same level but we're able to accomplish the same goals?

>> Yes. We put in a temporary plan in place, where our city arborist, Ralph Mize, acting manager, we have had to backfill his position with a temporary manager, we do think that long term given the complexity of our urban forestry and all the community interest and input that needs to occur, that we can't properly fund and manage it.

>> Councilmember Campos: Thank you.

>> Councilmember Liccardo: I just had a couple of questions related to the districts. Any chance we can include things like -- I can see Jim saying no, no -- tree trimming, sidewalk repairs, lighting, you know, and throw the whole thing in there as long as we can create this district?

>> We've done a fairly extensive analysis on some of the possibilities of those other infrastructure items. We worked with the consultant and the city attorney's office on those things. Where we do see some potential is in tree maintenance. The significant obstacle there is we will have to put together an entire street tree inventory to be able to connect the benefit that a property owner gets with his or her street tree. So significant effort there.

>> Councilmember Liccardo: You're kidding me?

>> No. It's because of the proportionment of service to the property owner. We have to prove that what the property owner is paying for, they're getting. So tree maintenance is an area. Sidewalks does not appear to be a model that is conducive to a maintenance district at this point. There are other alternatives. There are taxes and community facility districts which you can include but they have different thresholds for voter approval, different scenarios.

>> Councilmember Liccardo: I was just hoping that we eventually could move to a model that would make this a whole lot less complex. Everybody trying to cleat which funding stream is funding which particular individual. It sounds like this is just too messy.

>> It is. We're with you but we understand the nature of proposition 218.

>> Councilmember Liccardo: And 218 in no way would allow us to do anything citywide, given the fact we all use these roads and benefit from the greater beautification of San José.

>> They do need to have a tree inventory and be able to establish what the property owners get from the tree in front of their location.

>> Councilmember Liccardo: Even if we were to do median, for instance.

>> Let me clarify that. We did look to the city landscape means, we could not assign a property owner deep in a neighborhood with some benefit from a median island landscape. That's why we've gone through this in a more defined district, that we can say they're assessed for the benefit they get. In that's the traditional approach to a maintenance district.

>> We did look at a more citywide approach and it just wasn't feasible.

>> Councilmember Liccardo: It involves a lot of brain damage. I'm sorry Jim.

>> Jim Helmer: We also looked at the interrelationship that the tree and the sidewalk have, they're adjacent to each other, usually the sidewalk damage is caused by the tree. And while we would not likely be able to assign some level of benefit of all of the sidewalks we are exploring with the attorney's office in the life expectancy of a tree, are they prone to break sidewalks and could there be some special assessment in that regard.

>> Councilmember Liccardo: Okay, thanks Jim. Last question I had, just dealing with the P-bid process downtown, but for the fact that the RDA and the city was a major landowner, we probably would not have passed, think back what the percentage was, we may not have passed the P-bid in the downtown. I'm concerned with whether or not we could even pass this in a lot of areas unless the city or RDA were a large landowner. Have we had some sort of sense how likely people are to do --

>> We have not done the outreach yet. That would be our first phase in doing some sort of survey in determining what sort of, we want to ensure that, not ensure but we want to have a sense that it would have some legs and it would pass. So we haven't done any of that work yet. We did do our transportation master plan in 2007 which indicated there was some significant level of support among the community for enhancing services. But it wasn't specific enough to say would these landscape properties be funded through a district that's still to come.

>> Councilmember Liccardo: Okay, thank you.

>> Jim Helmer: With a new installation or new development, you approach the property other than at the beginning, once it's established it does become more challenging.

>> Councilmember Liccardo: Rose.

>> Councilmember Herrera: Thank you. It sounds like then the assessment districts are more for neighborhood streets and not for the big median areas out on -- just want to make sure I understood that.

>> No. The area that we identified -- the areas that we think have potential for landscape districts would be those median islands along the major arterial roads.

>> Councilmember Herrera: Just want to make sure.

>> Councilmember Liccardo: Great, okay. So we don't need a vote on this, is that correct? We simply move on?

>> Jim Helmer: Actually, there is a recommendation.

>> This one needs a recommendation to go on to council.

>> Councilmember Herrera: I make a motion that we accept recommendations of staff.

>> Councilmember Chirco: Second.

>> Councilmember Liccardo: All in favor? Any opposed? Great that passes unanimously. Moving on to regional transportation activities report, 3.5.

>> Jim Helmer: Changing of the guard here. Clearly, clearly we have a lot of regional transportation and state and federal transportation issues, occurring as we speak. So quarterly, we provide you an update with our regional transportation activities, where we are working with our partners such as VTA, CalTrans and now California high speed rail authority as well as others, to maximize our City's ability to win our fair share of regional transportation projects and make sure they're operated and maintained effectively once they're built. So I think it's great timing because there's so much happening right now that Hans Larsen and Ray Salvano are -- who assists Hans in the transportation regional projects area will present you with an overview of what we are doing in many of these key areas and we expect you'll have some questions particularly on some of those that are in the news more than others lately.

>> Hans Larsen: Thank you, Jim, I'm Hans Larsen deputy director with the Department of Transportation. We'll have a brief staff presentation, over some of the highlights of the report and actually, it's interesting to note some of the things that we wrote about, there's a lot of additional news that's transpired over the last week or so. First item which is very active is the federal stimulus bill. On February 17th the bill was approved, \$787 billion for the country. Of that, \$48 billion is allocated for transportation

purposes and just last week, just to show how fast these moneys are getting allocated and identified, the Metropolitan Transportation Commission which some of these moneys flow through, made decisions on some of the allocations. And we expect that or we will get \$12.7 million for San José for our local pavement maintenance needs. The VTA will be getting \$47 million to buy clean hybrid buses, and in terms of a regional improvement that's close to us, CalTrans will be getting \$12 million to activate ramp meters in the route 280 corridor near downtown San José. So some of the dollars are already being allocated. In terms of pavement maintenance, we would expect those moneys getting spent and stimulating our local economy as soon as this summer. There are still other funding pots that are available and up for grabs at both the state and the federal level. And we're actively working with coalition of interests to try to get as much money for projects that benefit San José and Silicon Valley area. One of the opportunities is getting more money for the California high speed rail project. There are \$8 billion that are allocated for high speed rail development, and California is in the position of having one of the furthest along plans for high speed rail, thanks to our voter approval last November of the bond measure. So we hope to seek a good portion of those funds to continue our progress on high speed rail. There is another pot of money that's available for projects of national significance. And we're trying to promote the 280-Stevens Creek project as one of the federal freeway routes. One of the other projects out there, although they're a bit of a long shot from our perspective because so much of the focus of the program is for projects that are at a high state of readiness, quote, shovel-ready, that already have federal clearance. But none the less we're trying to seek approval for the BART station, the capital light rail project and our Diridon station upgrade. In the energy programs, there are opportunities related to transportation infrastructure that support clean energy transportation, or energy efficiency. And on the energy side of the bill, we're trying to get support for our airport driverless electric transit vehicle system. And another project which you're well aware of is our efforts to convert the city street light system to clean tech street lights that would save us a significant amount of energy. Moving on, on the high-speed rail project as mentioned, is very active. This builds a 200 plus mile an hour bullet train system throughout California that would allow people from L.A. to get to San José in about two hours. One of the interesting things as we reported before is the opportunity for early construction of the Bay Area segment. What the high speed rail authority is planning to do with the \$9 billion that it does have, is build usable segments of the system. And the connection between San Francisco and San José and the L.A. to Anaheim piece are the top candidates for early implementation. As I mentioned, this project is real and active. Can you see here some of the activity that's occurred over the last few months. We had an all-day workshop, actually here in these rooms, with the high speed rail authority and city staff from all -- most city departments represented to get an update on the program and to kind of communicate sort of City's goals and interests regarding the projects. The high-speed rail authority is working on their project-specific environmental clearances. The project is being divided into a number of segments, and San José actually is part of two segments. There's a project that goes from San José to San Francisco, when they had their environmental scoping meetings in January. We're also part of the San José to Merced segment. And the Diridon station is the break point between two of them. And there will be an environmental scoping meeting in March for that piece. In addition, we've been having meetings with parts of the community that are directly affected by the project. And you can see some of the meetings that we've had already. There are a lot more meetings that are going to be scheduled and the high-speed rail authority has been very open to meeting with whoever's interested in the project and helping it move forward. The end goal is to have federal environmental clearance for the project by the end of 2011, as well as 35% design. And this sets the project up to potentially issue design-build contracts in year 2012 and begin final design and construction. And in theory, we could actually see high speed rail service potentially in the San Francisco to San José line, we're trying to stretch it to Gilroy as well. But a design-build contract that moves forward like our airport expansion, we could see by 2016, 2017 or so, a high-speed rail service here in San José. Very exciting. The other exciting effort that ties much of this together is the planning around an expanded Diridon station and the land uses around that. This is an opportunity that is really unique in the world, to have so many transit lines coming together in a single location. Look at that, high speed rail, BART, light rail, CalTrain, ace, Amtrak, several bus lines BRT lines all coming together in Downtown San Jose. We're doing planning work that's funded by an MTC grant to look at envisioning the expanded station, as well as land uses around the station. You may have heard that we have a collaboration with Harvard university, their graduate school of urban design and architecture has selected the Diridon station area for a student project this semester so they will be envisioning for us a modern look and feel of San José, capital of Silicon Valley in this area. So we look forward to seeing their

work that should be complete by May. There's been in the news the potential of a ballpark in this area. And we got the sharks playing next door and doing well. So this is sort of little magic corner that we have going here. We do have a number of stakeholders that have -- are very interested in the work that we're doing. We've met with arena management and HP pavilion and assured them they'd be active in the process. Community collaboratives and green belt alliance is interested in participating and we welcome their participation as we move forward in the study effort. A lot of talk about transit. Switch gears to the highway side and allow Ray Silvano take over.

>> Ray Silvano with the Department of Transportation. Brief highlight of the activities we are primarily working on primarily VTA but also CalTrans in the area of local highway improvement projects. What we've listed here are four projects that are either in construction, or construction is -- the projects are funded and will be constructed in the near future here. The dates that you're seeing on the tags here show the plan dates of construction for the project. Starting at the top, the 880-HOV project will extend the existing HOV lanes from Alameda County to Santa Clara County, 201. This is partially funded through proposition 1B and the project is about \$95 million is currently planned. And as it says, scheduled to begin construction in 2011. Moving down to the next bullet is the 87 landscape project Taylor to 85. I'll have you know that you only need to plant 99,000 trees, as this project will actually plant 1,000 -- approximately 1,000 new trees along the corridor. So it's moving right along for that goal. For that one and really kind of following on the -- based on some of the conversation with our colleagues here, this project is actually broken into two projects. One is going to be constructed 50 valley transportation authority. The other one would be constructed by CalTrans. Both plans would consider a three-year establishment project. We make sure that the plant materials and landscaping are sustainable for those areas where we will likely have some maintenance responsibility. Moving down the 101 improvement project, it's another proposition 1B project. \$63 million, that one is actually scheduled to be -- begin construction in the early part of next year. One of the main features of this particular project will be the reconstruction of the 101-Tully interchange. We're currently working in the areas of completing the design on that particular project and actually working through a lot of the staging issues that will accompany that particular -- the replacement to that -- of that project or the bridge. And then lastly is the construction of the Blossom Hill pedestrian overcrossing. This overcrossing, it will span both Monterey road and union Pacific, it's about a \$10.5 million projects that is scheduled to actually begin construction this year. After a number of years, we're really working on getting that, getting that project going, and actually, having it completed, towards the fall of next year, I would say. And then there are projects that we're absolutely working on right now. Towards the bottom there, Hans had mentioned the 280-880 Stevens Creek project, I'll start with that one. As was indicated in your report, there was a scoping meeting back in January. We thought the meeting was very well attended. About 150 members of the community attended and provide direct input as to what they would like to see included in the environmental or studied in the environmental document. We are actively working with both valley fair and Santana Row in how the interchange gets phased and constructed, being sensitive to some of the major traffic issues that are in and around that area. One of the areas that we are currently working on that wasn't including, was looking at the opportunity to construct a first phase portion of the project early. Where being very aggressive in how we're pursuing the environmental document, betting that completed towards the early part of I believe next year. And then moving into some form of construction where we're really looking towards that on the valley fair side of 880. Just noting that that improvement needs to -- one of the first stages of improvements that can be done and actually, within -- it's not as expensive as some of the other improvements are. As noted in the report, this one's about \$130 million to \$150 million job and we're having -- we're really having to work very hard to try to find all the money to put that one together. Moving back up to the top, actually the rest of the three projects that we have listed there are in support of the north San José area development plan. The Charcot overcrossing, connected to old Oakland road, we're currently looking at 101 improvements in the corridor from Mayberry to Zanker road, one at Mayberry road and one at the future extension of fourth street connecting to Zanker in North San José. Also that would provide a great outlet for airport traffic, using Skyport drive to access southbound 101. And then to the 101 Trimble Interchange, half of that integration with the 87 improvement project, and the other half is the follow-on project that we've been working on. So with that.

>> Hans Larsen: Okay, just one last slide. This is also hot news from the VTA's board workshop from last Friday. At that workshop the VTA reported the sort of bad news in terms of the declining sales tax revenues that they have from their tax programs, primarily the 2000 measure A, forecasted revenues for the program are down 36% based on an adjustment that accounts for the current economic shortfall that

we have. That's going to result in some significant changes, in terms of the aggressiveness that we're able to move forward a lot of the projects, with respect to BART, VTA is proposing to focus on the federal environmental clearance, the environmental impact statement, getting the federal funding for a portion of the project and then focusing the efforts on getting BART service extended to Berryessa. Some of the time frames that are mentioned, we already have a BART extension project within Alameda County it will take it from Fremont to Warm Springs, that project is ready to go and planned to be complete by 2014. From Warm Springs to Berryessa VTA is laying out a schedule of having that done by 2018. And then from Berryessa to Downtown San Jose, that one is still planned. But there's a lot more work to be done to secure the financing for that piece. In terms of light rail, VTA is looking at making the capital light rail extension to Eastridge and the Vasona project, federal clearance for those. With respect to CalTrain, there are investment in safety improvements, continued planning for the Diridon station and coordination with the high speed rail project both of which we just spoke about. There is an investment in bus rapid transit with the first priority project being development of the Santa Clara-Alum Rock corridor, which includes BRT service to Eastridge Mall area, and they are developing a BRT strategic plan that will prioritize BRT plan. And Mineta San José airport. The VTA had a workshop meeting last Friday. These are kind of the initial proposes in terms of what they're recommending for the two year budget that would go to the board in June. That completes our overview. I'd be happy to take any questions that the committee has.

>> Councilmember Herrera: Questions, thank you for the update. It's good to get all this information. I have a question on the slide, on the federal stimulus program. The capitol Yerba Buena piece of the project, I guess if I can go back, my real question is, the 101 project has two pieces. It's referred to as kind of part 1 and part 2, Tully and Yerba Buena. But when it was first envisioned, it was one project. It somehow got bifurcated. My concern is and my understanding is that environmental, the EIS, the environmental work has been done for both piece of this. Am I correct in assuming that?

>> That's correct, yes.

>> Councilmember Herrera: So then 101 to capitol Yerba Buena is shovel ready. Why is that not higher up on a list to get stimulus money?

>> We have the --

>> Hans Larsen: So the environmental clearance we've done for the whole system and the projects were taken to the 35% design. The reason they got separated is that there wasn't enough money to fund both phases. We're focusing on the northern pieces. Right now the capitol Yerba Buena has a state clearance not federal clearance. The design is 35% so there would need to be more investment in design to really get it to a shovel-ready point.

>> Councilmember Herrera: The 280-880-Stevens Creek piece is that shovel-ready?

>> Hans Larsen: The distinction there, the moneys that came to MTC, there's some very strict -- the moneys that came to MTC and the state have very strict shovel ready requirements. There is a portion that doesn't have the strict shovel ready requirements but it's of projects that are considered of national significance. 280-880 Stevens Creek is shovel ready but since they're at the intersection of two routes, we can elevate and keep things going, it's a little bit further ahead of what's 101 and capitol-Yerba Buena.

>> Councilmember Herrera: The answer is it doesn't have federal clearance and doesn't have state clearance. I am very concerned that capitol-Yerba Buena is not at the top of one of these lists. It was part of a project that was Tully, was the first piece, capitol-Yerba Buena was the second piece. It has much of the environmental work done. I don't know why it didn't proceed. I'm concerned that it didn't keep proceeding along with all of those clearances. But that is a priority project. It was paid for by the voters. It needs to be at the top of one of these lists.

>> Hans Larsen: We concur. That is the project that we've raised and the report to council identified that one as one of our candidates. I guess I'll just go back to, is that there -- given the pots of money that have been made available, at this point a lot of the pots of money have been allocated. I think 880-280 is a lot easier to justify in that pot than the 101 capitol Yerba Buena. But from D.O.T.'s perspective and even the VTA's these are one of our leading-priority projects within the valley because of the importance of the project as well as the level of readiness that it has. And so we continue to work to find, you know, a pot of money to move that project forward. I might add just in the context that we are just around the corner is federal work on a new federal transportation bill and the indications that we've gotten from our representatives from Washington is that they're going to -- they're starting to work on that now and should have a new bill by fall. And if you put that in perspective, with the stimulus bill, the numbers that we're hearing in the new federal transportation bill may be in the order of \$300 billion nationally. And if you look

at the stimulus bill providing \$48 billion for transportation, that's effectively six more transportation stimulus bills that are coming up. So we -- I think strategically to keep our eye on ball on that project and continuing with development work will be our best strategy to get that going.

>> Councilmember Herrera: I appreciate you letting me continue to ask these questions. And I really I just want to stress, that 101 project, that highway 101 project might not fall into the pot of some nationally significant project but it's very significant to people who live along that corridor, to people who live that have to access that and who have to travel through there for work and it's been voted on, it's been a top priority. I'm going to keep working and getting to the bottom of why it's not at the top of this list.

>> Jim Helmer: We will work with you.

>> Councilmember Herrera: And see why that isn't funded. The other is light rail to Eastridge. It's listed there with Vasona. I made a comment that I think it should come before Vasona since it's a newer project. I understand this is not the VTA but every chance I get I want to talk about that light rail project and its importance and I want to say that it is shovel ready and a lot of the projects that we are promoting are not necessarily we but country -- around the country that are being promoted, that may end up that those projects aren't really shovel ready and so therefore the money may not get to be utilized. This project is shovel ready. I want to make sure that's considered. Another thing I want to point out is its connection to Eastridge. This is a light rail project that could connect people to go to work, could connect and help Eastridge develop and it also would be economically stimulative as well. The people that use transit the most to the whole transportation system. I'm concerned that these communities not be left out, in this wonderful plan that we're working on here. We need to connect people to transit so they can get on BART. That light rail needs to be completed so we can have east side folks being connected to transit. Light rail, buses all of it. And I'm worried that what I'm really seeing behind the scenes is a move over to bus rapid transit and deleting that light rail system. I really think we need to consider it not as an isolated thing but as it works with development and the whole picture. Thank you.

>> Jim Helmer: Thank you. I just wanted to add the national significance, those two Interstate, those are Interstates, I-280, I-880, whereas federal 101 would not rise to that significance. That's why we decided this key interchange was one of our congested.

>> Councilmember Liccardo: May I follow up on light rail? I understand we have challenges trying to get ridership, why it wouldn't be higher given the enormous bus ridership we see at Eastridge right now. Obviously in concert with the community, would there be some benefit in looking at planning changes, for instance, at Eastridge? For instance intensification of you know, neighbor even housing density there at Eastridge that could significantly boost the ridership projections that would propel this higher in line for the purpose of getting federal money? Because I keep hearing from VTA the big problem is ridership. So what if we altered the formula, so we can get the ridership that it needs to get in the next few months?

>> Hans Larsen: I'm not sure if in the next few months we can do that but it can be looked at in the context of the general plan. Opportunities to get federal money for capitol light rail extension to Eastridge we expect to be easier under the Obama administration than they were previously and so that's one thing we have going in our favor. So I think having a good project with good ridership but also being ready and having local match, those are the key criteria for success in getting outside funds. So I think you know the efforts VTA has given getting it designed, speaks in favor, the demographics considering the area it serves is very positive. The one area in which we could sweeten the pot would be on the land use side. And I know that the Evergreen planning effort previously was put on hold and might have created some opportunities. I think to turn something around in terms of land use, probably the general plan update, envision 2040 is sort of the best opportunity to address that, and again, I think kind of keeping our eyes on the funding pot in the new federal transportation bill, six years of new money, is what we want to try to align ourselves to to get projects like this funded.

>> Councilmember Liccardo: Hans, I agree with you the manna falling from heaven is not going to be enough. The reauthorization is what we need to target and I know that that's a year or so out there. And so I guess what I was hoping was that particularly in coordination with VTA, our city staff could really be giving us good signals, that is, on the city council and those of us on the general plan task force, about what might make the difference in terms of marginal improvements in land use particularly intensification there, and obviously that's something that Rose and others would take to the community to talk about what makes sense. So that way, then, we could sort of have our ducks in a row to really be able to move on Eastridge.

>> Jim Helmer: Let us talk to Joe Horwedel and Paul Krutko and let the administration get back to you on that.

>> Councilmember Liccardo: That would be great.

>> Jim Helmer: I think it all makes sense and if we have the information that helps federal and outside decision makers know that our land use is either happening or going to be happening, zoning changes are in the works, they're being studied in the general plan, but I think we could answer it more clearly if we work with Joe Horwedel.

>> Councilmember Liccardo: Sure.

>> Jim Helmer: And planning, building.

>> Councilmember Liccardo: Nora.

>> Councilmember Campos: I think Councilmember Liccardo brings up a good point, and that's what he's talking about is really supporting what Rose is trying to get to. And I'm wondering, you mentioned the Evergreen plan. We know that a lot of that work got done. It is on hold. But a lot of those numbers for the housing around Evergreen, I'm sure we could use that information to help this effort, maybe carving it out separate from the bigger plan. So that it can help the effort of I think what Councilmember Liccardo's trying to get to, to support what Rose's bigger vision is. I think that would be helpful, and sometimes the --

>> Jim Helmer: That's where we want to talk to planning about those numbers.

>> Councilmember Campos: -- be creative. Thank you.

>> Councilmember Liccardo: The last question or comment I have is about the sales tax revenue forecast from VTA. I sat there on Friday and all of us were less than thrilled looking to be an ascending line beginning to be a flat line clearly. Sales tax projections, 30 years out, very speculative work, more than five years out there. But what puzzles me is, I'm looking at what San José looks 30 years from now, all of the projections are 50% bigger in terms of population, you have to assume business to business sales tax stays constant, that we'd be consuming a third less per person in terms of ordinary products, believe that sales tax is going to have to be flat, while the rest of the population is climbing at that rate. And so I'm just kind of puzzled and I'm also puzzled by the fact that the slope of the line changes so dramatically, from what is very serious recession, but it would suggest to me next year if the slope of the line is suddenly better, are we challenging the VTA on these economic projections at all? My concern is there are costs at us moving so slowly and conservative and he worried about sales tax projections, that at this point to have very low construction bids, low financing costs, to not put shovels in the ground concerns me.

>> Jim Helmer: We're wanting to make sure that proper assumptions are being made by levy and looking at ABAG projections, not necessarily what they say today but what they may say tomorrow.

>> Councilmember Liccardo: Hans.

>> Hans Larsen: I echo Jim's response. Yeah, we are looking at that. I had e-mail exchange with Carolyn Gonat, requesting to get more information on their forecast, Paul Krutko, head of economic development, raised some questions as well. We'll be following up on that and provide advice to council appropriately.

>> Councilmember Liccardo: I appreciate that, appreciate you pushing back a little. Every year we waste seems to add another billion dollars to BART.

>> Councilmember Herrera: To me this sounds like a very challenging time but at the same time, I don't think we should miss a once-in-a-lifetime opportunity, especially with the cost of money potentially going down and being able to get lower costs in building these things. And I think this is our chance to put this infrastructure in place. And I was at the VTA workshop. But it just seemed like an incredibly gloomy picture for the next 33 years. I think every one objective no matter what perspective they hold, in terms of any particular belief, everybody was questioning those numbers. So this is Silicon Valley. We see things bounce back. I fully expect things to bounce back. I wouldn't have run for office if I thought it was that gloomy and doomy. I think part of the problem now I think is confidence and we certainly need to hold that confidence and I think, you know, work towards a lot of these goals happening. Thank you.

>> Jim Helmer: Thank you. Okay.

>> Councilmember Liccardo: Unless there are further questions or comments we'll move on, we don't need a vote there, right, so we're moving on to 3.5, airport ground transportation program and fee adjustments. I know several of us are running up against some time constraints. So I am going to apologize in advance but if I could just ask everyone to try to move as quickly as possible. Great, thank you.

>> I'm Bob Lockhart, operations manager for the airport. It is very much your option as to whether you'd like me to go through the presentation or not. It is a recapture of the things in the memo already presented to you. If you would like to save some time and not go through this, you might want to look at the chart on the third page which is the fee adjustments that we're recommending, and I'm open for questions at that point if you'd like.

>> Councilmember Liccardo: I know this report has come to us once before, before we deferred it. What's the pleasure of the committee?

>> Councilmember Herrera: I do have a question.

>> Councilmember Liccardo: Sure, certainly questions and so forth. But would you rather have the presentation?

>> Councilmember Herrera: I'm fine without the presentation.

>> Councilmember Liccardo: Let's go forward with presentations, Rose.

>> Councilmember Herrera: I'm probably not as familiar with this as other members up here, but my question was, in terms of the increase in fees, I know some of the operators are small businesses. And so I'm always concerned about the impact on small business in a difficult economy, increasing fees. And I can totally see we need to get cost recovery here, in terms of that's a good thing to do, also. Is there any - it's my understanding that this cannot be passed on to the customer, though, this new fee. Is that true?

>> No, there's --

>> Councilmember Herrera: The additional fees?

>> There's no reason why they could not be.

>> Councilmember Herrera: They could be passed on, okay.

>> We have encouraged with the taxi drivers, for example, that they do pass along the \$1.50 trip fee in on the flag drop, it can be done on their meters.

>> Councilmember Herrera: That is my question.

>> Councilmember Liccardo: There may be some desire for public comment. Unless you have other questions we'll take any members of the public. [ Off microphone ]

>> Councilmember Liccardo: Larry, could you use the mic actually? It goes into our recording system. Thank you.

>> Is it on? Anyway, excuse me. First of all I want to let you know that Bob Lockhart, we met with him outside briefly and he's agreed to have a meeting. The cab drivers had a question. I think the line of communication has kind of dwindled off on certain fees, whether or not we can charge it back to the customer and if so how. We plan to be getting together with Bob and the airport staff later on this week. The one question I have, the question is with regard to the chart of fees. We see an \$800,000 deficit, with the reduced amount of trips that are already going on at the airport or coming on the airport, we see \$800,000 there. Fanned so, are there any other fees that would be adjusted in order to make up this \$800,000. Thank you.

>> Councilmember Liccardo: Did you want to respond?

>> Sure. There's a combination of a couple of things going on here. One is yes we have seen a dropoff of trips. We do know that it will affect our revenues and the amount we gain. We also know we are taking some budgetary actions in July, once we've gotten through approvals with the city council that will probably be reducing some of our costs within the program also. So we're expecting is same level to match out as best as we can estimate. We are expecting to take a look at this on an every-two-year basis and if we see a shortfall we'll make adjustments in two years.

>> Councilmember Liccardo: Thanks, Bob. Larry, does that satisfy your --

>> I was just curious if there were any other leads if over the next couple of years would we be looking at any other fee increases, I see you're adding \$200 to a lot of other operators, if we're looking at 100% cost recovery, over the next two years, I'm not a controller or an accountant but I don't see \$800,000.

>> At this point no we don't have any other fees that we expect to be adding at this point. This is the prearranged program, the ground transportation program. The fees for the on demand system will depend on how the contract works the taxi San José currently, that may change for those fees within the ground transportation program. But we think that we can gain the amount of dollars we need to get through this type of increase at this point.

>> Thank you.

>> Councilmember Liccardo: Thank you, Bob. Thanks, Larry. Any other comments from the public? Yes, sir, come forward.

>> My name is Ronnie and I'm a driver also. The reason I'm here to see the \$1.50 increase, we just had raised meters and I'm hoping that \$800,000 is somehow coming somewhere else. We're small business. And the small business is going to hurt. We are already losing a lot of customers. Going in and going out, people are using other transportation. And those money, we going to pay to the airport \$1.50 in and out, I don't know how it's going to be \$800,000 plus. Also we're going to lose the business big time on that too. And too, also, on the meter cost it money time et cetera, now we're going to have to change the meter. At least I'm hoping \$150 is going to come from the customer not from us also. The question you have I appreciate you adding to that also too but I'm still hoping that somehow \$1.50 in dropping in again somehow come somewhere else not to the -- we going to lose a lot of business for that. Thank you.

>> Councilmember Liccardo: Thank you.

>> Thanks for hearing me. Actually my question today is I'm representing the shuttle companies -- no, not the shuttle companies, I'm representing my own shuttle companies. When it's been for a long time since we heard about the moratorium, so many shuttle companies at the airport, I not experiencing public speaking so sorry about that.

>> Councilmember Liccardo: That's fine.

>> So anyway, there is no question about stopping new permits, right now because of a lot of companies, however, it's very critical also, to be to be in place proper way of doing it. The shuttle companies. And I didn't hear it, I didn't hear the presentation or anything like that, right now mention about taxi so just want to hear about some updates for the shuttle companies.

>> Councilmember Liccardo: Bob, could you respond?

>> Sure. The shuttle company portion of this memo is a couple different things within that request to council. One is, to allow the director to stop accepting applications for new companies and new vehicles. We have way too many on the airport right now. We did not limit them when the original model went in place in 2005 and that's what we're trying to do. As he expressed very eloquently, it is a problem right now. That is the first step. The second step is to move forward with some sort of a control over their process. For example the taxis right now work on an alternate day basis rather than an every day basis. They have a cap of 300 permits. We want to look at had a that should be for the shuttle industry also. Very honestly as we added the taxi industry, there is not a lot of consensus. There is a lot of versions as to what should happen. We need to work with the industry to come up with that specific number, how that should be done. What we're asking for the council to give us eventually after it gets through your committee is for the director of aviation to help determine that and set that policy and procedure at that point.

>> Councilmember Liccardo: Thanks, bod. Any questions or comments?

>> Councilmember Herrera: I just wanted to clarify. You have had meetings with the taxi -- with representatives of that business community then?

>> Oh, yes. We had I believe 14 meetings back in October with all the industries. We had -- we now have the door to door shuttles four or five times over the last four months and with taxi San José also to try ocome up with some methods.

>> Councilmember Herrera: You're going to continue --

>> Oh, definitely.

>> Councilmember Herrera: I am concerned that they are small business and I am concerned that we hear their input. I have one question. We're going to stop new shuttles to come in now and then that would be reviewed as -- in time? That will be an annual process?

>> To look at the quantity we need to have and what we don't have and also, we need to determine how to set what the cap is. And if we set a cap that's lower than we currently have we have to find out how to get down to that cap. Is it just grandfathering it down or cutting it off and the newest people go away. We have to go back to the proper process that that works and that has to be for the industry to determine that.

>> Councilmember Liccardo: Okay and we have a set of recommendations.

>> Councilmember Chirco: I would move staff's recommendation.

>> Councilmember Campos: Second.

>> Councilmember Liccardo: All in favor? [ ayes ]

>> Councilmember Liccardo: No one opposed, that proceeds unanimously. We're on 3.6, implementation of airport living wage. Thank you, Bob.

>> Good afternoon.

>> Councilmember Liccardo: Good afternoon, welcome.

>> I'm the assistant director of the airport and with me is Nina Grayson, office of equality insurances. We're here to do two things today, to provide an update on the implementation program for the living wage program to date that was implemented in January. And to present the airport training standards, that is in the process of development over the past couple of months. So on the ordinance implementation to date, the airport businesses have been notified of the program by both mail and e-mail. They've been provided a copy of ordinance, some frequently-asked questions and a list of definitions. Nina's office has completed all the labor compliance forms so far, and have created the rules and regulations, and the first reports are due into Nina's office as of April 6th. And if you have any more specific questions about the implementation of the program to date Nina can certainly answer those for you. On the training program we are introducing this for the first time to you. And what was requested was that we draft, after the loosely drafted after the San Francisco airport quality standards program. And you'll see the goals listed in front of you, and I won't go through them because of time issues. Similar to the San Francisco program, we looked at safety and security, we also looked at adding the training modules of customer service and ADA. We are recommending that the training standards program will be applicable to anyone who is under the living wage standard, if you are paid under living wage then you will also be required to provide the training program. We looked at -- we didn't want a cookie cutter approach on the training standards. We wanted to be able to provide specific training based on your needs. So we looked at different functions and different classifications to establish the training requirements. We looked at security badge classification that you held, your role or your job function that you performed, how much passengers or customer contact you had, and where you actually worked on the airport. And as a result of those assessments, we developed three different training modules. The first one was your basic training module that everybody at the airport will receive. The second one is your airport security badge training, and it will be dependent upon your type of security badge. And then your third area is your rule specific modules. On your training module, this is one that everyone will receive, you'll get one for airport businesses. This is we at the airport will be providing that information. And that will be an introduction to working at the airport, a basic understanding of the layout of the airport facility, basic security awareness, basic safety principles, our evacuation plan which is brand-new as a result of this program, a basic overview on customer service and ADA. Your basic security awareness will be introduction to the security environment at an airport on a real high level. How to call in when there's a problem, who to call, and just going over the general outlines of your basic security. And then you'll have a basic customer service overview as well, how to meet and greet the customers, how to handle confrontation with a customer or passenger, and basic thank yous and sendoffs. More specific, you'll also get airport security badge training. And that rule is based on the TSA training requirements. And it really depends on your work location and your job function to determine the type of training that you'll get. There are four or five different areas. And the more access you need to secure areas, that higher your area of training. I'll keep it at that. It's more clearly defined in the outline that we provided to you. And then finally role specific training module. Depending on your job function again you may need to drive on the ramp. So there will be some ramp driver permits required. Movement area operating permit will be required if you actually have to get out on the taxi ways and runways, that's a higher level of training where you'll actually have somebody driving with you and have radio training and that kind of thing. Physical vehicle inspection limited to security guards and our PTOs. Ramp area safety is anybody on the ramp. There will be a specific customer service for those people who have interaction on a daily basis and a more regular basis with customers that goes much more into depth on customer service and how to -- what it all means and why it's important. And then finally for ADA training, sensitivity training, new requirements, there are new requirements that are coming out in May of this year that we'll train on, and different ways to handle different types of ADA issues for that training. In the program, we will ask that the employers maintain records of the training provided to employees. We will ask for specific information when the training was, the higher date of employ, the job function they hold. We will ask for sign-in sheets so when we go out to audit records, we will have more information. That's one thing that San Francisco didn't have, quite enough information on their record keeping. We will require an annual certification by June 30th of each year from each of the employers to indicate that they have provided their training as required under the program. And then, any kind of compliance provisions, fines and that kind of thing, we're having consistent with the current living wage ordinance, so as described in the ordinance today. And then we want to measure success. So when those employers send in their annual certification, we'll ask them some basic anecdotal questions about have they seen safety improvements, have they seen productivity improvements, have there been employee turnover reduced. And then our

next steps upon acceptance of the recommendation from this committee, we will amend the living wage ordinance to include the training standards program, and then with council approval, we would hope to make the program effective on July 1st of this year. Between now and July, we'll be continuing to develop the training classes, develop training schedules and delivery methodologies, continue the outreach to the tenants to sure they are aware of the program, and requirements, help them understand the training materials and conduct some train-the-trainer classes so in July we can go right into the program.

>> Councilmember Liccardo: Just for clarification, I don't see specific recommendation on the report but are you looking for recommendation from us to certify the training program?

>> Yes.

>> Councilmember Herrera: I make the motion.

>> Second.

>> Councilmember Liccardo: From the audience?

>> Sara development, director of community development with worker partnerships. As you all are aware in April of last year working partnerships put out a report that really tried to document what the need was around both living wage and job training at the San José airport. We found a -- that the combination of low wages and the lack of training produced a pretty high turnover rate, and some key holes around security and public safety issues that we thought really needed to be addressed. And over the last few months, following the implementation of living wage last October, we've been working quite closely with the airport staff to really try and figure out what are the holes that we need to try and fill and think about how we can provide assistance to the airport in developing a comprehensive job training program. The program before you today really incorporates a number of key elements that we think are critical to the airport. The scope of the program is broad enough to include that all workers and employers that are covered under living wage will also be covered under the job training program, the orientation and the evacuation plan will ensure that everyone working at the airport's got basic security, customer service and safety awareness, something that not all of them had before. And in addition, the reporting and enforcement section really will allow us to one, identify who is getting adequate training and secondly, figure out how we have a mechanism to measure the success of the program. So we'll be able to get feedback from employers on whether or not the program has done what we think it's intended to do. So on behalf of working partnerships, I want to thank airport staff for putting together a great program and we look forward to working together in the future.

>> Councilmember Liccardo: Thank you.

>> And I would be remiss if I didn't thank Sara for her efforts. She was there at many of the meetings of the tenants.

>> Councilmember Liccardo: Thank you. There was some hiring that we needed to do as I recall in the office of equality assurance. Has everybody been hired already?

>> Almost.

>> Councilmember Liccardo: Almost, okay. The question I have is, I understand now the airport has shrunk it's budget or vowed to by about a third. And I'm wondering if there's been any conversation at this point with our partners in labor about how we might be able to face in hiring OEA, additional monitoring staff without having to actually push, obviously there's scarce dollars and that's what I'm concerned about.

>> Currently, what we have done, we went out in November, and did a recruitment. And we're ready to move forward with two of the three positions at this point.

>> Councilmember Liccardo: Right. And I guess, the point of my question was, I'm worried that we're laying people off at the airport who are providing services to customers at the airport. At the same time, we're hiring a monitoring staff. And I guess the question is, has there been any conversation with folks at South Bay or working partnerships about hey, can we keep some folks on and phase in the monitoring staff over time as we're able to generate revenues, something along those lines?

>> I don't believe we've had any conversations with South Bay. But Public Works and airport staff have been in communication.

>> Councilmember Liccardo: Right, okay. You understand the point of my question?

>> Yes.

>> Councilmember Liccardo: Okay. Thank you. I'll -- we'll be happy to continue the conversation. All right, the motion's on the table. All in favor, no one opposed, that passes unanimously. We're on I believe the last item which is the terminal area improvement program quarterly report. I understand this is not an

item requiring a vote or a quorum. Unfortunately I need to rush out to a funeral. So I'm going to race out, if that's all right. Thank you.

>> Thank you, Mr. Chair, I'm David Moss with the airport department. Actually, given the lateen of the hour I was going to offer, the project is going quite well, rather than go through the presentation, I'd prefer to handle questions from the committee.

>> I don't have any.

>> Councilmember Liccardo: I'm sorry? Yeah, maybe we can bring it back, would that be all right?

>> Bring the report back?

>> Councilmember Liccardo: Yes.

>> Yeah. At the discretion of the committee.

>> Councilmember Liccardo: That would be fine, yeah. Then we can -- it looks great. I've been running by there and boy, it looks fabulous.

>> I would be grateful to have it brought back. I know the airport's struggling with a lot of things right now so an update would be helpful.

>> Thanks.

>> How do we show that as a referral or just move it to --

>> I think a deferral to the next agenda would be best.

>> Councilmember Liccardo: Okay.

>> Councilmember Chirco: Move to defer it for one month.

>> Councilmember Herrera: Second.

>> Councilmember Liccardo: Okay, all in favor. Ayes.

>> Councilmember Liccardo: David, thank you for your patience. Sorry to have you waiting all the way through this meeting but --

>> Very good, I'll be back this month.

>> Councilmember Liccardo: Before we adjourn do we have time for public comment?

>> Good afternoon. Is this on?

>> Councilmember Liccardo: It is.

>> Thank you. I think this is appropriate comment for today since we were talking about the treatment facility being underwater by the year 2100 and I just had a suggestion. It's my understanding that the city is not going to be participating in this year's earth hour on March 28th. It's the third anniversary, it started in Sydney in 2007, very successful, last year was worldwide. And this year there's 25 cities, in the United States that are key cities or participating cities. And so it's my suggestion, is that this committee maybe look into possibly being a key city or participating city in the next year's event which would be on the same day March 28th, 2009. I think it would be a great opportunity to showcase our heighting system, which is probably the best in the country and we have very innovative head, Jim Helmer, who has been participating in the idea of having solar charging stations, and so I'd really encourage, look into that possibility. And also, if I may change subjects just quickly to, is the city, are we having a climate action plan coming to the committee soon or, I know that it was --

>> Councilmember Liccardo: We will have a study session on the green vision in a number of days as I recall. I can't tell you what date that is but I know it's within the next week and a half.

>> Council study session.

>> For the climate action plan?

>> Councilmember Liccardo: I imagine it will be part of the green vision action plan.

>> My last comment, as we're moving into the general plan, we need to move on the climate action plan on the city council before that process continues to get too deep into. Senate bill 375 is just huge in terms of having a sustainable strategy for our cities.

>> Councilmember Liccardo: Thank you, Mark. I know 375 is on everyone's mind. Thank you Mark. Mr. Wall, do you want to make a couple of public comment?

>> Other than the fact, thank you all for your service.

>> Councilmember Liccardo: Wonderful. Thanks for joining us. We all are. We all do. With that the --

>> Overdue at rules.

>> Councilmember Liccardo: The meeting is adjourned. Thank you.