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>> Councilmember Constant: I'd like to move item D-3 to January mainly because the report was not out in time. And just wanted to let the committee know that I am going to receive the draft work plan for next year, by the end of the day, we'll be going over that to make sure that everything we've talked about continues to stay on our work plan. We will be reinstating something that we haven't had in a while. And that's a report from the fire department on their performance measures such as response rates, and things of that nature. Some reason that dropped off a while back. So I talked with the chief and the city administration will be adding that back in. Also, just a notification that the January Public Safety committee meeting will be on the 24th of January, not the 17th of January. So make sure you check your calendar and confirm that you have the correct date. It will be the 24th. Anything else under review of work plan? I see the chief just walked in. Hi, chief. I just mentioned to the committee our discussion about adding the fire performance measures and response rates in next year's work plan. And we'll set up the timing to discuss that on a regular interval going forward.

>> If I could Mr. Chair, I did talk with the City Manager's office this morning and asked them if they would take care of it for us so they will be adding it to the work plan so we can go through the normal process.

>> Councilmember Constant: I appreciate you taking care of that so we can get it back on our regular schedule. With that I'll take a motion on the deferral. All right, we have a motion, two seconds which means we have all in favor so thank you very much. Oh Mr. Wall you wanted to speak on CPLE, but we're not hearing that, is that okay? Thank you. We're now going to move on to our consent calendar which is item C-1 the bimonthly financial report. And we do have one request to speak from the public, Mr. Wall.

>> Sir, I first want to give my thanks and congratulations to our budget and finance people. I think they've done a stellar job throughout the year and they should be singled out for thanks. And merit increases, whenever that policy is involved. One issue I would like for them to think about and maybe it's how they calculate their projections. For example, the business tax receipts I don't think the projection of \$11.3 million? I don't know how they project it math mat click. I don't think it's going to occur. This is no negative reflection on how they do things. It's just a question. And that's it. Thank you sir.

>> Councilmember Constant: Well thank you very much.

>> Vice Mayor Nguyen: Motion to accept.

>> Councilmember Constant: We have a motion to accept, do we have a second? All right all in favor, that motion passes. We'll now move into our regular reports. Starting with D 1 which is the monthly report on public safety, communications initiative, Chris welcome.

>> Good afternoon councilmembers, committee members I'm Chris Godley director of emergency services and manager of the office of emergency services in the San Francisco fire department. For interoperable communications, a very brief report this month. The Silicon Valley regional interoperable communications system is now under way with Motorola as the final contractor. Final site negotiations are also being conducted for an additional two sites as part of that initial efforts. All phases will be complete by October of next year. For BayRICS, the Bay Area, regional interoperable communications systems, the board is continuing to attempt to obtain frequency license approval in order to continue to develop and implement the broadband technology opportunity program or B top wireless project. The chair and general manager attended a meeting of the first net governing board in Washington last week and also met with the first net subcommittee to review the Bay Area's B top efforts. First net may report back on the potential for allowing for B top projects to proceed as early as next month. In terms of first net the State of California has yet to schedule the first of their three forums to establish the California first net executive governance board with staff remains engaged with all three programs at this point. Pending your questions that concludes the report for this month.

>> Councilmember Constant: Thank you very much. Questions of my colleagues? No. I want to say thank you for the meeting that you and I and others had in an effort to kind of get together the administrative thoughts and the administration's thoughts on SVRIA's thoughts department there than we do here. But I appreciate that very much so we have a motion to accept the report.

>> Vice Mayor Nguyen: Motion to accept the report.

>> Second.

>> Councilmember Constant: Motion and second, no members of the public requesting to speak on this all in favor that passes unanimously. We're going to move on to items D-2 and D-4 which we're just going to let you go through those together if that's okay. It's all yours.

>> Good afternoon, I'm lieutenant Chris Monahan from the police department I'm the commander of our research and develop development and crime analysis unit. Island like to bring the committee up to speed on the burglary rates as they've gone year-to-date as comparison to 2011 and then a month by month comparison. If we look at January through October of 2011 to 2012, we see that we still are floating around a 28.1% average increase. It was right around 28% last year when we looked from our last month when we looked at January to September. So the burglary rate within the City of San José still continues to be an issue. The police department has made some positive progress in terms of some districts, and as you reflect on that chart you see that some districts are up. Some are up dramatically and some drop. And it does seem to fluctuate as we go month by month. As I draw your attention to the next slide you can see that for example in district Edward we have a 66% drop a reduction from 18 burglaries within that police district down to 6. That's a significant drop. But as you look at some of the rest of them for example if you look at the bottom of the middle column in district X ray, we have a 71% increase these do seem to fluctuate but on a monthly committee and the rest of council are aware of what's happening with respect to burglaries within our city. I would like just to take a second to talk about some of the things that the police department is striving to do with the current staffing levels that we have southern division that has been successful but to bring up a recurring thing, the common staffing continues to be an issue. There are so many officers to so many burglaries. With the contact completion, it's the officer's responsibility to try to take that event as far as they possibly can and in many cases the officers in our department have been very successful to the point they can parenthesis the suspect and we have several very, very successful incidents where that was the case. But the overwhelming amount of burglaries still continue to be the overall issue for our department. Contact to completion has better than utilized in our other division, foothill success with contact to completion as a result of overtime. The officer is so busy during the covers their regular shift that they do their-up

on their days office, they come in early they stay late and that's how they're having these positive results. Whether it's an arrest or identification or fingerprint result. There are so many hours in the day to accomplish that. It is riding on the back of some overtime expense. We found that in those cases where the citizens or the victims have had photos of the suspect or suspect vehicle or camera footage those have been very, very helpful and instrumental in identifying where burglars who have caused those crimes. The police department is utilizing different tactics easier than they might be if they were in a marked blue and white police car. We've also implemented a rapid deployment patrol model which means as a call comes in perhaps of a suspicious person in the area that a team might saturate that area, again saturate that area and hopefully either catch that suspect before they commit the crime during the course of the crime or shortly after the crime. So with what limited resources we have we are finding success, burglars are being arrested but the sheer numbers generally unfortunately extend to outweigh the positive outcomes of the officers out there doing a very good job. I'm available to answer any questions that you might have.

>> Councilmember Constant: Thank you. I think it was last month or maybe it was the month before we talked about the rates in the surrounding cities, because we know we don't live in a bubble. And I had brought some news articles that showed how increase in Palo Alto for example was up in the 68%, Sunnyvale was in the 40 something percent. Do we as an organization monitor those as well or do we get reports from those cities or can we easily to see where we sit in relation to our geographic region?

>> You've asked several questions within your one question.

>> Councilmember Constant: Usually I do.

>> On a regular basis I don't monitor the activities of the other police departments within this county, for example. Certainly if a city was to inquire about our rates we are very well versed at our rates having studied them quite dramatically. But I have not reached out to any other agencies to determine the highs and lows or ups and downs or anything.

>> Councilmember Constant: I know we are in flux with our leadership but anything we can do in the future to either get the picture from what the county chiefs are discussing or something, I think it just helps give us a little perspective on what's going on. Questions from my colleagues? Pierluigi.

>> Councilmember Oliverio: Thank you. Yeah, just believe that would be helpful to show as you said there are no walls around the cities and weigh tend to have the same regional things and many of incidents are you know happening all over the county and are neighboring counties and then just question for you. On the burglars that we're catching, is there any feedback on the level of punishment they were receiving? Because we can do a great job of catching them. But if the -- there's really no level of punishment then they just sort of come back and do it again in a short amount of time. So any thoughts there or what you've heard?

>> I have lots of thoughts.

>> Councilmember Oliverio: Okay, how about -- take those --

>> I'm not going to give you those thoughts. Certainly that's not the push view of the police department. That's the District Attorney's responsibility. The police department's job is to catch the suspect and presented to the District Attorney is really up to the District Attorney and the charges that are charged and the recommendations for sentencing and stuff like that all falls on the shoulders of the District Attorney's office. So it would be very, very unfair for me to speak about what happens to each individual burglar on a different basis. In some of the cases that I reviewed just why to come here to hear some of those positives stores, I do see again third hand that the District Attorney does seem to be inclined to charge burglary when they think they have a good case they're going for it. What happens in terms of the sentencing or the end result is beyond my scope of knowledge.

>> Councilmember Oliverio: Okay so for further follow-up whether it's myself or concerned citizens they would really call the District Attorney's office who would track that better or do you have to go down to the courthouse to figure that out to what the judge decides?

>> I would guess that the District Attorney's office probably keeps some statistical information on. We have charged 100 burglary suspects and as a result the mean sentence was one year two year probation stuff like that. I would suspect they track that but it wouldn't be fair for me to speak firsthand about that.

>> Councilmember Oliverio: I appreciate that and appreciate you pointing me in the right direction.

>> Councilmember Constant: Rest of my colleagues, Vice Mayor or anything? Okay let's -- you're going to do the D-4 as well?

>> Yes.

>> Councilmember Constant: Why don't we roll into that and we'll take one action to accept both at the end.

>> At this time the report there have been no operational changes at the police department.

>> Councilmember Constant: Well, that's a very thorough report.

>> Easy enough. I suspect there are some coming but for this time no.

>> Councilmember Constant: I still have a question although I'll direct it to the administration versus to you, lieutenant.

>> Is there something you would like me to at least carry back?

>> Councilmember Constant: I'll send it through the City Manager's office not to put you on the hot seat. We have had an outstanding matter on the committee for the last couple of months no on staff allocations not the FTEs that are funded but rather, the FTEs where they're placed within the department. And we made a request

from the committee, we got something that didn't quite fit our request in reply. We asked for clarification. And we were told we'd get either a report back or options or follow up or neither. .

>> I will follow up with you.

>> Councilmember Oliverio: Mr. Chair, if the felt sensitive just bring it to closed session but we've had no update on that topic which has been a month. It slipped my mind until Councilmember Constant engs mentioned it but I think we should have that conversation January 8th in the morning. If it's something sensitive otherwise come back here to Public Safety.

>> Alex Gurza: Clearly O&M but if not then we certainly would be prepared to discuss it at the January Committee meeting.

>> Councilmember Constant: That's where we left it that there would be some movement.

>> Councilmember Oliverio: Mr. Chair there was no update.

>> Councilmember Constant: 60 days since we asked, 30 days since we got a partial update. Mr. Wall.

>> First of all I want to express my extreme glued to the San José police department. They're always proficient in my neighborhood and whenever I call them for neighborhood watch help they're always there. I think on the deterrence side for burglary I really suggest that you follow my suggestions, that the city does need the United States military police, to operate a stockade. County jails are impacted with the shift-out from state prisons and for deterrence we need to keep these people locked up for a long time, put them to work at hard labor or in my personal opinion, we need from the legislative side of the ledger, to bring back public hanging. I want to know how many illegal aliens are being picked up whether or not they're detained for immigration customs enforcement. Also there was a murder a couple of months ago at least on the Guadalupe river in between Coleman and Hedding, person was torched, and I just want to find out, I know the person that got torched. But I

want to find out the particulars whether it was -- because he fell in the river and I don't know if you fall in the river after you've been burned to death that qualifies as a homicide in San José because of admiralty law issues. As far as the next chief is concerned. I don't want any money spent on a national search or any of that routine. I think we have dedicate professionals within the San José police department that could easily become the chief so I would like to see the next chief hired from within. And enough of this politicalization of the chief's position about going around, trying to placate these different groups that want special treatment. And this is with reference to illegal aliens within our city putting pressure on American -- Mexicans of American descent to give them preservation treatment under the law. -- preferential treatment within the law i'll look into that myself thank you very much.

>> Councilmember Constant: Thank you. I just wanted to mention in case my colleagues weren't aware or the public wasn't aware, I do appreciate that the divisions of each set up web pages now within the police department Website that we can direct our residents directly to the western, southern, or foothill division. Website page which has information on how to contact the captain directly, get information about what things are happening in our neighborhoods, more directly, and I've already received several positive comments from my constituents about that. So for whoever set that up, send our thanks, and with no further questions I'll take a motion on both item 2 and 4 to accept the report.

>> Vice Mayor Nguyen: Motion to accept.

>> Second.

>> Councilmember Constant: All in favor, I guess that passes thank you very much, thanks lieutenant. We'll move on now to item number 5, monthly report of the City Auditor's activities. Welcome Sharon.

>> Sharon Erickson: Sharon Erickson City Auditor my report is very brief. During the month of November we issued several reports, one was the impact of staffing reductions, that report is scheduled to come back to the city council on January 8th. We also helped staff the audit of the City's annual financial statements. The annual audits of the voter approved browns and parcel tax all of those reports were what we call clean opinions. In addition, I

wanted to let you know and you may have received yesterday, we've issued this month the service efforts and accomplishments report. You should have received copies of this yesterday. I hoped to get you to you in advance because it will be heard by the city council on January 8th as well. So a little light Christmas reading for you. Coming up on your agenda, we'll have the Team San José convention center performance review in January. We're hoping to give you the audits of deferred compensation and the office of economic development's performance measures in February. Fire prevention audit should be following shortly thereafter. With that I'm happy to answer any questions.

>> Councilmember Constant: You know what my question is: Overtime audit. Not overtime. Overhead audit.

>> Sharon Erickson: Overhead.

>> Councilmember Constant: When will we hopefully get that on track.

>> Sharon Erickson: You know I have a meeting scheduled to discuss the timing of that audit.

>> Councilmember Constant: Vice Mayor.

>> Vice Mayor Nguyen: Under audits not yet started what is the time line for completion for these audits?

>> Sharon Erickson: We're hoping to at least begin all these audits in the fiscal year. The airport taxi santa Clara cities water pollution control we probably will not be beginning until about February so they will follow after that. If there are any items, it helps knee know which items you're thinking you need faster. As the chair keeps reminding me, overhead is at the top of his list. So it does help me to know if you have any of these other items you're interested in us pushing forward but that's our current schedule.

>> Vice Mayor Nguyen: Yes, you thank you. I was just wondering about the airport taxi dispatching services model, you said you were going to begin when we come back so thank you very much.

>> Councilmember Constant: I tried get the county P-card audit to come through my committee but they wouldn't led that. Any comments from the public? Mr. Wall.

>> Once again I want to give my extreme gratitude to the office of the auditor. You've saved the city countless millions of dollars. Mr. Chairman I would like significant steps to be made that the entire office of the City Auditor receive the same compensation that was foolishly given to the IPA. I would like to see -- because this is where the merit performance increases should go -- is to the auditors because they save the money. He want a mathematical algorithm that takes away in addition to their salary and also a certain amount of that money also goes to the attorney's office to compensate their pay loss because they're always overshadowing everything the auditor does. The voter approved parcel tax measures especially the parks recreation bond project fund I think it needs to be monitored especially with that slipshod performance with that softball project. That was a complete waste of time, money and those charlatans from Southern California should be given the necessary treatment if they ever show up again. With reference to consulting agreements there needs to be a permanently assigned auditors and attorneys over the water pollution control plant because of the incompetence and corruption that exists within the environmental services department. Let me underline corruption and mismanagement. These people should be outright fired that run ESD instead of Molly coddled by you folks. Performance measures i don't understand why those things haven't already been accomplished. With all the running around that these people do with setting up different things, projects that they command they should have some idea of taking care of their in-house needs first. Thank you much and thank you, madam auditor.

>> Councilmember Constant: I love your internal clock. You always end right at two minutes. Because of our merit based increases for council appointees so we won't get too far off track here. any further comments from my colleagues? Motion?

>> Vice Mayor Nguyen: Motion for approval.

>> Second.

>> Councilmember Constant: Motion and second. All in favor, none opposed, thank you very much. Our next item is a verbal report update on workmen's compensation reform. Leam.

>> Alex Gurza: Good afternoon, Mr. Chair, members of the committee I will be very brief in that I do not have a report this month but will have a more substantive report an the January meeting.

>> Councilmember Constant: Thank you Mr. Wall your report.

>> First of all I would like to give commendation to you chairman constant for your tireless efforts on this matter. My only concern's possibly based on complete ignorance this matter is that in-houseworker comp adjustors have caseloads of ongoing 400 or so whereas these contract employees by state law as I am told only have to have 150 cases. And so therefore, I look at the amount of money that's being spent for contracting-out with reference to work done. Is incongruent because you would need your in-house people because they save you more money. Now, if what I say is actually true, and is allowed to continue, therefore, I become very skeptical that some form of skulduggery is occurring because it makes no sense to me. Now if I've been proven wrong that's fine. I can stand up and make a public apology and I don't have a problem with that. But I want if actual mathematics as far as how much these caseloads of these contractors are made public versus how much that our in-house dutiful city employees are doing. There's a lot of problems with the whole worker comp problem throughout the state and I think you chairman constant have taken on the lion's share of this work and once again I commend you as I in my speech earlier. Thank you.

>> Councilmember Constant: Thank you for your donation of 20 seconds back to our time. Motion to accept the verbal report.

>> Vice Mayor Nguyen: Motion to accept.

>> Second.

>> Councilmember Constant: Motion and second all in favor, thank you very much. We'll now move into our preventative maintenance program report from Public Works. Welcome.

>> Thank you, good afternoon, I'm Matt Morley deputy director of Public Works here to talk about a program we start they had fiscal year and talk about some of the successes that we've had and what we're looking to do with this program moving forward. To start us off, going into the budget cycle last year, we saw that we needed to make a strong case for our program that could help to address the degradation of our city facilities. We were look for aproactive program something that we could grow into but something that had industry benchmarks we could point to and would show that -- allow us to demonstrate that we're being responsible as we develop the program. With that, we were able to come forward with a -- 1.8 million dollar program, 500,000 was ongoing. The program was to address preventive maintenance with a focus on the long term effects on our deferred maintenance backlog. To give a summary of the types of maintenance that we deal with, we have -- we break it into three categories. The first being corrective and where we spend most of our time. It's a very reactionary place to be. We respond to calls to fix things that are broke essentially. And our goal ultimately is to minimize our corrective maintenance. The area that we focused on is preventive maintenance. It tends to be a scheduled maintenance program where we go out on a regular basis to address needs and hopefully to ensure that our facilities are operating in the ideal mode, pro actively. And in the third category of maintenance is predictive maintenance which is a little bit above and beyond of what we're typically able to accomplish although we try do a little bit. Types of maintenance like infrared scans on equipment that fail and able to act proactively on those. We don't do a whole lot of predictive maintenance but the point being, here, that as we have developed this preventive maintenance program we've been realistic with what we can afford and wanting to be responsible there. On the maintenance backlog we did report out in T&E that our facilities backlog was \$250 million across all our city facilities so a substantial amount of money there. As we are developing the program moving into this fiscal year there is a couple of things that we needed to get ahold of. The first was updating our database. We do have a pretty decent computerized maintenance management system that we utilize, help us to track our work, distribute our work amongst our contractors and our in-house staff but we had definitely allowed that to lapse a little bit in its updating over time, as we had been sort of on our heels reacting to corrective maintenance so we

needed to get back in front of that and we've done a substantial amount of work there. We also knew that we needed to have reporting tools and methodology. So we've used the software for that. We needed to be able to distribute information to all levels of the organization to the front line staff, who were doing the work, up through our administration and up to ultimately to you all here today. And we wanted to be able to connect to industry standards, that was important to us so we've looked to benchmark to industry standards along the way so we have some sort of comparison. As we developed this program we knew we wanted to get off to a fast start. We pushed hard at that and the numbers that I'll talk about in a little bit I think demonstrate that. But we knew we needed to show immediate results and really get in there and get our hands dirty and then we also wanted to focus on a flexible service delivery and by that we mean utilizing a balance of contract services and in-house staff to do the work. Our funding is -- and our goal is ultimately to use a prom prawnments of contract Santa funding. In the short term however we, with some challenges in getting contracts in place we've had a little bit of backwards focus on that and we've been using a lot of in-house staff to get the work done. It does -- as I'll tubing about in a few minutes point to the dedication of our staff in getting good progress going on our work. The chart that on if next slide shows where we were in 1999, we had 90% completion rate on our preventive means. Can you see that steep drop off as things changed for us on the red line there and as we ended last year, we were at 38%. The dashed line at the end showing our target of reaching 80% in our program, so getting us back up to not 100%, not something that's a total wish list, but certainly a substantial amount of our work in something that we think is sustainable. On the blue line, shows our workload and you can see through the decade of investment the climb on that blue line as we increased the size and number of our facilities. But as I talked about before, we had let some of our work in getting our facilities into our database lapse. And so we'll see that we'll climb from about 11,000 work orders last year to 17,000 this year. So not only are we increasing our percentage of completion substantially but also the number of work orders, the amount of work that we're actually addressing. This is just a quick slide to show you some of the tools that we have at our disposal. And ultimately this is a splash page that our staff used when they log on to the computers in the morning. This is what they see. They're able to see how we're tracking in the department and what our work looks like. So when the arrows are pointing to the red it tells us at a glance that things are not so good or when the sun is shining there versus the alternative which is cloudy weather or rainy weather shows we are hitting the targets there. We see this on a daily basis, we are really able to track and dig deep and customize it to the individual. In to the important part which is the performance for in fiscal

year. We started out fairly well in July with about a 60% completion rate on our preventive maintenance work. And steadily improved that over all this year to date, we're at an 84% completion rate, when you take every -- all of the months into consideration. With the high point being October where we hit a 99% completion rate. So I think fairly good numbers across the board, and again, points to us wanting to get a quick start and really, really get ahold of this workload. So looking forward, we have some things that we want to do. That we've identified in this program number 1 we know we need to achieve better balance of in house and contract service delivery. We'll soon have all of our POs in place and be able to focus our attention to get contractors on board and that will help us to continue especially as the work orders that create that 17,000 really start to build on us and allow us to distribute the work a little bit better there. We've also seen -- had a good chance to look at our performance measures and the one that we're talking about right now how many work orders we've deferred or completed in comparison to all of our work. However, when we start to look at that some of our work orders are small. Short, ten-minute jobs and some of them are much larger even into the multiple day jobs such as work doing preventive maintenance can be police communication the building that took a significant big differences there and what we're tracking as equal work orders so we want to take a look at that moving forward and adjust our performance measures. We also would like to do some reporting-out on what this work does to our corrective workload. How are we affecting that and how it is affecting our deferred maintenance and the deferred maintenance backlog. We think we should see an almost immediate longer as we start to affect that over the life of our assets. And then next year's budget proposal will be some modification of what we came forward with last year. We hope to continue the program on at the funding level that it's at now knowing that there's competition for dollars but we think we've been pretty successful and there's a significant value to this work so we'll continue to work that forward. And with that, that's the end of my presentation and of course I'm here for questions.

>> Councilmember Constant: Thanks Matt. Thanks for bringing this presentation. We all know that there's some buildings that we've seen over time that have received very little maintenance. In comparison to what they've needed. And others that have received what they have, the two I'm thinking of are the convention center and the arena and you can see the difference in the look and feel and workability of those buildings decades after they were built. I know that unfortunately for far too many years, the budget has been balanced by deferring, and deferring infrastructure maintenance, deferring routine maintenance, preventive maintenance. All those different

things. And it is snow bald and it is huge and so it is something that's going to be the challenge of this council and future councils as we move forward to get back on track with that. I think this is a good report to show the value of us getting on track and starting to work on it fairly quickly. Comments from my colleagues? Mr. Wall, your report.

>> Sir, I'd like to commend Public Works for all their efforts in this arena. However I think they need some assistance from the office of City Manager. And the legislation group. First I think at a deferred maintenance should be placed on the auditors work plan. Second a restricted id use fund should be created to fund this ongoing and needed service. This restricted use fund comes from analysis of your good work chairman constant with a budgeted funds guide. Now if you set it up just perfectly they could be given access to all sorts of funds coming in in addition to their General Fund allocations. A hybridized model could be created using preventative maintenance requirements for example at the water pollution control plant or the sanitary sewer collection system. Therefore you could have interchanging employees helping on one project on another with specific analysis and tracking to the various fund groups. This would give an enormous flexibility in service to Public Works and the good work they do. Furthermore, for example, you could have grease interceptors installed throughout the sanitary sewer system because this will definitely assist the water pollution control plant. The use of for example the environmental inspection series, at the environmental service department, especially the nonpoint source inspectors, also go into areas that could show preventative maintenance. These are just routine examples. But the main issue is the construct of the restrictuse fund and the direction of how to build up fund reserves in this arena to carry on the various projects that have access to specific funding sources as defined by the great budget guidance that guide that you presented. Thank you.

>> Councilmember Constant: Thank you. Any final comments from my colleagues?

>> Vice Mayor Nguyen: Motion to accept.

>> Councilmember Constant: I have a motion to accept. Do I have a second? All in favor? That passes. Thanks Matt. Our next to the last item is a report on retirement plans investments, you're going to take this Alex.

>> Alex Gurza: Yes, this is the fourth fiscal performance report for both retirement plans, you can see it's a brief report and happy to answer any questions you may have.

>> Councilmember Constant: Thanks, just a couple of things I wanted to point out and Alex I know you and I have had an opportunity to talk about it. But one of the things we've heard and you will see here we have our actual returns and then we have some benchmarks below to kind of give you a comparison. And oftentimes when we have heard in the past how our fund is doing we have heard it in the benchmark it might sound did good we still could have done bad overall so I think this helps give a picture. And I think one of the -- I'm glad you have this column at the end that shows the assumed rate of return because it really is once we get our actuarial valuation and we find out how these things impact us. So one of the things I'd like to look forward to and I know there's not necessarily an easy way to do this but something I'd like to talk about as we go forward when we get these reports, is how perhaps we can incorporate how we did on an actuarial basis compared to what we were projecting. Because that's really what makes the difference to us. All the other stuff some all these other numbers are great. But if on an actuarial basis we got a minus five and we were trying to get up plus 75 that's a huge difference. And so as we move forward especially with our new retirement director coming on board mid February I think maybe we can start having that discussion of how we can present it. And I'd rather see those numbers than benchmark numbers in this context.

>> Alex Gurza: Sure, absolutely and as you mentioned as we have our new retirement director, Roberto Pena joining us in February, I'll discuss that with him and try to see if we can present a little further information for the committee.

>> Councilmember Constant: Questions for Alex? None? Motion. Motion and second. All in favor. One thing on the work plan I failed to mention cover it real quick just to update, we will no longer be seeing get is at this committee. It's being shifted over to the Community and Economic Development committee. I know we've had a lot of work with that as I told Alex when we met the other day. We fixed them and now Community and Economic Development gets to take the credit for it going forward. But we'll still keep an eye on it and we'll get any audit-

related stuff through our regular audit stuff but we won't see the regular performance measures and other things in this committee. Open forum, Mr. Wall.

>> As we conclude this year environmental inspectors serious at environmental services department. Their management is incompetent as I've said but these people are starting to develop a very elite corps of inspectors within this group. They are highly intelligent and can be used in a variety of different ways. Also, I'm a little bit on the irritated side as a taxpayer that when I say I want attorneys' salaries to be raised and they're not raised there has to be some consequences. So all I can do is give speeches and write negative letters and I don't want to do any of that. But we must retain our attorneys because they are getting to be an endangered species. In contracting out legal work is going to be far, far more expensive than anything else that you've contracted out before. I think also that I'm sick and tired of seeing different directors of departments, specifically and I'll use it as an example, just one example, the housing department as far as going around lobbying state people for money, or changes in state laws or what have you. I'd like to give great commentary to Councilmember Oliverio, for his tireless work to try save money for City of San José, not only in this arena but other arenas. Vice Mayor Nguyen and Councilmember Chu, thank you so much for your outstanding shepherding of this entire process as well. Once again, as we close this year, we must first thank the city council for, one, having to put up with me, and just thank everybody that's a city employee. Because they're very valuable no matter what they do. And with that policy, you are correct, chairman constant, once again with that policy about how merit increases are given out. God bless all of you and have a safe holiday. Thank you.

>> Councilmember Constant: Thank you all, Merry Christmas have a good day and we'll see you next year.