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>> Councilmember Liccardo: Call to order. The meeting for December 5th, 2011, transportation and environment committee. Madam clerk would you call the roll please. Thank you.

>> Councilmember Liccardo, here. Councilmember Herrera, here, Councilmember Rocha, here, Councilmember Campos, great quorum.

>> Mayor Reed: We're all here. Review of the work plan. There's one item recommended to be deferred, storm and sanitary sewer initiatives.

>> Councilmember Herrera: Motion to defer.

>> That's asking for deferral to January. But looks like we will not have a January meeting unless the committee wants to go to rules to ask for a specific meeting. Because the overall work plans are going to rules on January 11th. So if the committee's okay we will just defer this to February.

>> Councilmember Liccardo: Okay is that okay to the maker of the motion?

>> Councilmember Herrera: Motion to move to February.

>> Second.

>> Councilmember Liccardo: All in favor. Passes unanimously. Moving on to consent, status report on mitigation monitoring.

>> Councilmember Herrera: Motion to approve.

>> Second.

>> Councilmember Liccardo: That passes also. D-1, regional transportation activities quarterly report. Hello Hans.

>> Hans Larsen: Mr. Chair, just a couple of quick verbal updates on the report, and then Ray Silvano are here to answer any questions you have. First think I wanted to do to highlight the continued progress on the BART extension to Berryessa. This week the VTA board has an action on their agenda to authorize the design-build contract. To the consortium of ANZA SHimic and Herzog for 770 million, this will allow the project to move forward with the design phase and subject to full funding grant agreement from the federal government which is expected in February we'll be able to move parts of that important project into construction. So very exciting times to get BART here to Silicon Valley.

>> Councilmember Liccardo: Amen.

>> Hans Larsen: Second one I wanted to highlight, also this week here in this room we'll be having a meeting on the California high speed train project. We'll have city staff, members of the community, and high speed rail authority, here to share information, and address questions regarding the business plan, the proposed elevated design, the visual design guidelines, within perhaps most importantly an opportunity to discuss the issues regarding the tunnel option that's been studied by staff, the community, and the high speed rail authority. So this will be the first of two meetings that we're having. We're planning to have a second meeting in January, to further address issues and questions around the project. And then based on the direction of the Rules Committee and council, we'll be scheduling a full study session on the high speed rail project in February of 2012. The last thing I wanted to mention was progress on the highway projects in the San José area. Two of the projects that we're moving towards completing design and hoping to get ready for construction are the 880-280 Stevens Creek interchange upgrade and the 101 capital Yerba Buena project. Both of those projects need combined about \$17 million to be fully funded for construction. Good news is, is that recently bid projects for construction have resulted in over \$50 million of bid savings. And so VTA has -- is applying to CalTrans and CTC to have bid savings from those other projects applied to these other two projects I mentioned. And hopefully, we'll be able to get those into

construction next year. There will be formal actions in that regard in spring of this year. So that concludes my updates to our staff report. Ray and I are here to answer any questions that you have.

>> Councilmember Liccardo: Rose.

>> Councilmember Herrera: Thank you very much Hans for the update. I was very happy to hear that VTA believes that with the additional savings that you talked about we are going to be able to get all those projects funded and of course, the highway 101 are near and dear to my heart. So the extra will be part of that and we are very excited about the prospects of getting that through. That will ultimately go to the CTC is that right?

>> Hans Larsen: That's correct.

>> Councilmember Herrera: I know Carl Guardino is helpful to us in the past, I'll give him a shout-out. It seems that our projects are contributing a lot of the savings. They are shovel ready. Hopefully that will work out. I had one other question for you. In terms of -- and it's not really on the agenda so I'll tie it to BART. I know that we've read recently about MTC's taking a along at projects that may or may not be recommended in their regional transportation plan and among that is Bay Area rapid transit and light rail. We have already made our comments and the VTP plan, the plan for VTA is solid and is moving forward so I just wanted to know how -- are we planning any support on that in terms of facilitating that with VTA who's going to be -- we're going to be taking a very strong position to push our plan forward to the regional -- to MTC so that all the projects are included. A 25-year vista, we certainly don't want to tell communities that for the next 25 years you're not going to be able to go out and be able to advocate for light rail for example from capital or Eastridge or any of those projects.

>> Hans Larsen: I'll comment briefly, thanks for raising that. The MTC is working on its 30 year master plan for transportation in the Bay Area and the VTA has can -- we have our Santa Clara County version of that plan that's feeding into that process. MTC recently did an evaluation of kind of the cost effectiveness of a variety of projects around the Bay Area for assuming a competition for limited funds, it provides some technical guidance on which projects are deemed to be most cost-effective. I think on the good news side is the BART extension to downtown

San José and the airport scored very well, so we're pleased with that. There are a number of light rail extension and BRT projects that were lower on the cost effectiveness rating. In the discussions we've had with VTA, you know, there's a -- we'll probably address this more kind of fully at the next quarterly report that we have, so there's a lot of information and discussions going on, on the topic. I think VTA's perspective is that MTC's being overly conservative about the amount of moneys that are available. In the 30 year horizon and they believe there are more projects that can be covered in the plan than what they may initially be indicating. So I think, you know, the comments that you made in terms of maintaining support, at least in the long term, for all the projects that we have in VTP 2035, 2040 plan is certainly the approach that the VTA has taken at this point.

>> Councilmember Herrera: And that was 30 years, not the 25 that you corrected. It was not funded, but to deny a project that the community's voted over and over again and would tie in the most transit dependent folks to BART, actually, would give them a connection to BART, that's the capital Eastridge line, is very important that we keep on the drawing board. To tell them no, for the next 30 years you're not going to have that opportunity, we're going to keep you disconnected from BART and you'll not be part of that, we can't let that happen. And I know the VTP -- the VTA is going to be supporting all the projects so I just wanted to make sure that that was highlighted. Thank you.

>> Councilmember Liccardo: If I could weigh in there, as an MTC commissioner I can say this. What has happened so far in this mathematical beauty contest we've had up to this point is really a ranking of projects, as Hans said, both on cost benefit analysis as well as along 10 criteria that was already identified by the board as being what we're trying to do in terms of reducing vehicle miles of travel and greenhouse gases and on and on. That's not the final word. That's simply where the numbers end up. It's going to come back to the board. Obviously and the board is going to weigh in certainly by the middle of next year at the latest. With the constrained list. And the expectation is there will be a lot of qualitative factors that are going to be part of that. Certainly the amount of leverage that's provided by local funding will be significant consideration. And I think the last thing to remember is that the extent for instance we have BRT already almost under construction really, along that Santa Clara, Alum Rock corridor, those projects that are locally funded with local dollars, as many of our projects are in this county, we'll go forward regardless. This is really about where MTC moves its regional

money and those are really a different set of priorities. So we recognize that this is important certainly in the city, to get light rail going, obviously to continue with BRT build-out. But it's a long process and the mere fact that the numbers came out as they did doesn't end the discussion.

>> Councilmember Herrera: And if I may, in terms of numbers, they're quite controversial in terms of that scoring system, and I think there's going to be a debate on the numbers projected. We need to look at who's being impacted and in the case of capitol to Eastridge it's transit dependent folks, low income areas and folks that have voted on measure A since 2000 to get the light rail. We have to move with equity and get those projects in the pipeline, we have the right to go out and hunt for the money for those projects. When I look at high speed rail which is a concept I love, but if we're going to look at revenue and being very picky about how we not look at the future, I look at high speed rail, and if we can support that we certainly better be able to support the regional projects that connect our folks to all of the transportation in the region.

>> Councilmember Liccardo: Xavier.

>> Councilmember Campos: I'll weigh in a little bit on that as well. Especially since BRT was supposed to be the most cost effective, if it's not going to be rail, it's going to be rail hybrid. I'm a little puzzled why it would score low. Anyway, in the report the project is about 35% under design review. I do know that Hans, did you inform me that we were -- no, actually, it was Manuel pineda. That to include two pedestrian signal crosswalks and we were waiting for response back from VTA. Is there any response? Back in -- they were going to be at Eastgate and Alum Rock and I think sharp and Alum Rock and considering you know with their 2040 update that we're trying to create these grand boulevards that are pedestrian friendly, I think that would certainly meet the criteria. Do you know if we have any feedback from them?

>> Hans Larsen: We've raised those issues that you mentioned with VTA and in fact we have a meeting with their BRT staff this week. We'll continue to raise that and look and I think the intent is that we want to have these BRT corridors particularly Santa Clara and Alum Rock and the other ones we're working on be not only transit friendly but also pedestrian friendly and support the community vitality along those corridors. As I mentioned we

have a meeting with them this week and we make sure we bring that up. And follow up with you and your office on the status.

>> Councilmember Campos: Okay, thank you.

>> Councilmember Liccardo: I just had one question. The timing on the EIR with high speed rail, given all that we know around the funding challenges with that project. Both in Sacramento and in Washington, are there opportunities for the city to be able to put the brakes, to slow the process on decisions around design at least long enough for us to know how viable this project is or how likely it is to get to San José in the next two decades? Are there -- is this a set in stone, you know, their schedule for getting EIR in and moving on to design and so forth?

>> Hans Larsen: I would say it's not set in stone. I think we're in a period of time where the project is being reevaluated from a number of perspectives. So I think there's very new information that's come out with their new business plan, in terms of the overall timing of the project, and the funding strategy. And I think that question is certainly one that we can have discussion about, with the high speed rail authority when we have the council study session in February.

>> Councilmember Liccardo: Okay, thanks Hans, I look forward to that. I know several folks wanted to comment on that issue so we'll go on to public comment. I have cards from Scott Knies David Wall and Roland LeBrun. And David I just realized you have a card for C. We're going to return to that after this item.

>> Good afternoon, Chairman Liccardo, members of the committee, Scott Knies, San José downtown association. I have three items. I'd like to talk about on high speed rail. The first is embellishing what Hans already told you. We have a big meeting in here this Thursday night. What's unusual about that is, the community is actually going to be participating. It's not going to be the same old message, high speed rail authority talking to us about just their message. We're going to be able to present equally. And I'd like to thank Hans and his staff for allowing the community to have equal time with the authority. Second thing I'd like to say is, I'd like to thank the mayor. He met with the authority's CEO, Rolith Van ark and said hey come on, we gave you a response in

May. Where is your response? If you're so serious about kicking a tunnel out of San José why don't you give us the facts? Because we're on the fact-finding mission. They did present a letter. We're not going to waste our 15 minutes on Thursday night talking about the letter and debunking the parts that they did in there. We'd like to speak to everybody about two things we haven't talked about yet: One, the problems with the aerial, two, the benefits of the tunnel. It's amazing in two years, we've yet to talk about those two things. And the third thing I'd like to say is: You're all invited. I'm sure you've got plenty to do on this Thursday night. And I know that there is some meeting fatigue around high speed rail. But if you come about 7:10 p.m, come hear our presentation.

>> Councilmember Liccardo: Thanks Scott, look forward to it. David.

>> I'd like to thank the previous speaker's commentary on the tunnel. I believe that is the only viable option for the Bay Area. But unfortunate though I think high speed rail is just a walking corpse. There are two things I'd like to talk about outside funding for BART and high speed rail. Those are two tied together. None of these issues talk about funding for local projects. I think that should be out front. I'm at a loss to thank outside of the director of transportation because he's running a really good show, the only department that can make bricks without straw. But page 3, the 101-Tully change upgrade, I don't know who to thank, and I'm going to quote this, bullet point number 2. "Public art participation will include contributions from local schoolchildren to be incorporated as part of the interchange design motifs on the page 2 elements of the project." I don't know who to thank about that, but is it Councilmember Campos that deserves this credit?

>> Councilmember Campos: I was just saying those are (inaudible).

>> All right, well, fine. As a side bar, this type of project involving the kids is great and I would also like to link it to the public art component funding for all city buildings. Instead of how it's done now, to be looking at that as a revenue stream for the schools for their public art participation, versus the type of public art that's hoisted upon the public that draws a lot of criticism, undue criticism for some, thank you. As to that other matter --

>> Councilmember Liccardo: No, I'll ask you to come back up. Thank you, David. Roland.

>> Good afternoon, Chair Liccardo, members of the committee, I'd like to key in on some of the remarks Scott Knies made. I watched the November 9 rules meeting video very carefully multiple times, and the direction from mayor to staff was very clear, mainly that he is expecting the high speed rail authority to take some kind of action that the city council might be interested in. Looking at the agenda for the Thursday community meeting, we are seeing another ten minutes of no concern left behind PR, a ten minute presentation of the authority's business plan which is cratering in Sacramento right now as we speak, and another ten minutes of visual design guidelines which frankly most people are not interested in either at this time. In conclusion it would be very helpful if the city council could give staff further directions to work with the authority, on the design of the downtown tunnel alignment. Because when they do they are likely to find more benefits than issue. One last comment Councilmember Liccardo, with regards to the EIR, the City of San José is not going anywhere right now because they have been sued on the two lanes of the Monterey highway.

>> Councilmember Liccardo: I expect that to be overcome with the revision of the EIR, the first revision was as well. Ross Signorino.

>> Thank you, Mr. Chair. Members of the board. What I want to talk about is BART. Bringing BART to San José. I've always thought that we need another plan and we're not doing that. We have one plan, thinking of bringing this to downtown and tunneling. Now, what I've always said, bring BART to the airport. Now, we can -- we're thinking of building a ballpark there. Which is going to be a big draw. We're thinking of building a soccer team there, a stadium there, too. That would be the most practical place, to bring Bart to that area, and not bother with this tunneling business, which is expensive. Very expensive. And even now, I understand the light rail said, the high speed rail said this: That we're not going to do any tunneling in San José because of the water table. There you're trying to put BART there. Go to the airport, go to the different stadiums and then light rail can take care of the downtown situation that can you get people to the airport from downtown instead of having these people movers and they are very expensive. I suggest this: Since we have no alternative plan I don't hear it at least when we built these new building here this new City Hall there were 13 different locations that we could have chosen. As far as BART is concerned, nothing. Downtown tunnel and so on. I think the best thing to do right now

to have a grand jury look at this situation and see what's the best alternative, compared to how expensive we're trying to do it in the first place. We are talking about a great deal of sums of money and I don't think that putting Bart, trying to get it downtown, is not going to serve the public in the best way. Get it to the airport, get it to all these other different facilities, and I think that would work much better for the people of San José and the whole region. Thank you.

>> Councilmember Liccardo: Thank you, Mr. Signorino. I think all we have to do is accept the report.

>> Councilmember Herrera: Move to accept the report.

>> Second.

>> Councilmember Liccardo: All in favor, opposed, that passes. Number C, I failed to allow for public comment. David Wall you have a card to speak on C-1.

>> Thank you, sir. Director Horwedel has come up with an outstanding methodology to correct a deficiency. And this deals with the overall city policy where you delay collecting funds for projects. In other words, the dollars from yesteryear are the same dollars for today unfortunately. And so the CEQA monitoring business is not up to funding par because of this he's put this out on page 3 and I think page 4 of his report. Get two examples. First of all, the first example is, the City Attorneys aren't listing here as getting any of this money, the City Attorneys should. The City Attorneys have to look at everything and they don't get the money. But two CEQA items come up to mind that haven't been looked at. One, for City Hall. Now I'm speaking from many people that have come to the desk, not lying, the ecopass as part of this traffic mitigation and CEQA thing for City Hall and yet it's slated for destruction. If it was monitored better perhaps that program wouldn't be in arrears, and the city wouldn't have an embarrassment. Second, would you have to have the acting director of ESD come give comments upon the nine par digester, the anaerobic digester for that CEQA business. Whereas I'm told the area 4 construction was bulldozed, habitat destroyed in preparation for this project. And then the CEQA project after the fact. Now, I think that that's probably far afield but the people that have told me this have no cause to lie. And so it would be

interesting just to see if this program was properly funded and properly monitored the ecopass program would still be in our midst. And perhaps the City of San José would be a trend setter for the rest of the state of California which under the guise of your great leadership could happen. Thank you.

>> Councilmember Liccardo: Thank you, Mr. Wall. In light of our failure to hear public comment, I'd like to ask the maker of the motion to either change --

>> Councilmember Campos: If coy have a question?

>> Councilmember Liccardo: Sure, Councilmember Campos.

>> Councilmember Campos: Who would be the appropriate person to come back and give us an answer? Because Mr. Wall does bring up a good question regarding for example City Hall, and part of the traffic mitigation was the ecopass. So what happens when a private developer does not or stops complying with their mitigation requirements and what happens when the -- well, the city, since we're the ones that are supposed to be doing the monitoring and enforcement?

>> Councilmember Liccardo: Well, thank you for hang around.

>> Laurel Prevetti: Of course, thank you. Laurel Prevetti assistant director for Planning, Building, and Code Enforcement. We try and do as much mitigation monitoring as we have, given the resources that we have and the work plan you have before you is essentially our program how we are going to go today forward. We are currently working on the City Manager's office on the ecopass issue to see how we might be able to come to resolution. Basically that was an integral part of the City Hall project so if there's going to be change we would most likely need to do some additional CEQA around that and then make it available for public comment. With respect to private development it would be the same process. If a developer changes a fundamental assumption then we can redo CEQA and maybe find other mitigation. But the most important thing is for us to be tracking these items, so if there is a change we have a plan going forward.

>> Councilmember Campos: So I guess my question or my point is, and I think CEQA is very clear, that you can't get away or go around the mitigation. You do have to provide the mitigation, is that correct?

>> Laurel Prevetti: That's correct. You need to provide the mitigation. Sometimes it's part of the project itself, so it won't be called out as a separate mitigation but it's really how the project was designed. So making sure that the projects that are designed at the earlier part of the permit are the same as the ones that are actually built is also absolutely key.

>> Councilmember Liccardo: Any further questions?

>> Councilmember Herrera: Redo the motion, motion to approve.

>> Councilmember Liccardo: All in favor, that passes unanimously. Thank you very much, Laurel. We'll jump ahead then to item D-2, and I guess for purposes of facilitating the many public comments we have on both D 2 and D 3 maybe what we'll do and Kerry you tell me if this makes sense, we'll have the presentation on D 2 and D 3 in succession then we'll have council discussion or public comment on it jointly.

>> I think that would make a better presentation.

>> Councilmember Liccardo: Okay, good idea.

>> Good afternoon, Kerrie Romanow acting director environmental services, I'm joined by Melody Tovar and our pollution prevention program manager Elaine Marshall. This first presentation today is going to provide an overview of the many options we have to meet our storm water permit. A plan is due February 1st to the board and we have a lot of decisions to make along the way, although we can come back and revisit them throughout the permit period. In order to ensure the program that we're proposing and we put forward down in January time frame, needs expectations of the entire city, ESD formed a citywide trash reduction team and that includes folks

from stakeholder departments throughout the city so we can make sure we are making one plan that meets the expectations of the city. And with that I'll turn it over to Melody Tovar.

>> Thank you, Kerrie, good afternoon. So for background, the stormwater permit requires that the city demonstrate a 40% trash reduction coming from our storm sewer system coming by July 1st, 2014, just two and a half years away. The permit also sets targets to be included in future permits of 70% reduction by 2017, and virtually 100% reduction by 2022. The permit requires that the city also submit a short term trash load reduction plan. An actual plan. Which is to outline the actions the city intends to take to reach that 40% reduction target. As Kerrie mentioned that plan is due to the water board February 1st. While each city is required to submit its own separate plan, 76 plus cities under the regional storm water permit the foundational permits are being coordinated regionally. These elements include a methodology for the cities to determine their baseline trash load and an approach to determining how much credit you get for various trash reducing actions. These products are in draft form right now and will be finalized for submittal to the water board concurrently to the individual city water plans. In context while the 40% plan is coming in February with the reductions due just two years later also in 2014 in February of that year the city is required to submit a plan to address how we'll reach the 70 and the virtual 100% reduction targets then. When we introduced this effort to the committee back in February of this year we identified these guiding principles, to align the City's efforts to meet the trash regulatory requirements with the other city priorities. Specific tactics can be considered for how well they, of course, achieved demonstrable progress towards that trash reduction goal, but also for how well they balance cost and effectiveness, how well they support quality of life for our community, support other water quality and environmental objectives, and how well these various programs and tactics leverage resources and partnerships. With these guiding principles environmental services has been through the citywide trash team developing components of the trash load reduction plan. Overall these tactics can be set into three overarching strategies or three buckets for how we get there. These include prevention. Preventing litter before it happens and becomes litter. Interception. Removing the litter before it reaches our creeks, like for example when it's still in our storm sewer system. And cleanup. Removing trash once it has already accumulated, most often along the creek. Coming back to our baseline as we look at a 40% reduction for San José where are we starting from? The presence of trash throughout any city varies and is dependent upon land use, population density, socioeconomic factors, levels of existing services, and

other issues. The methodology for determining a city's baseline trash load under this permit is one of those foundational elements I mentioned earlier and is being developed regionally. That effort has consisted of a very broad literature search to evaluate studies of this kind of work worldwide, and a characterization study of material being collected from storm drains across the Bay Area quite a few of them in San José. These data has been coordinated to adjacent land uses and from that model you can generate a map that depicts where we find lower trash loads expected, there in the green areas, and moderate and higher trash loads in the red and orange areas. Generally but not exclusively trash control actions that were in place when this permit became effective in 2009 are considered already part of our baseline. Things we do here bring forward new and expanded actions will be attributed towards that 20% credit. Based on preliminary data we think our baseline trash load is between 1000 and 1500 cubic yards per year, going to our creeks from our storm sewer system. There's additional sampling and monitoring that is still being done at the regional level so we expect these numbers to be refined prior to our submittal of the final plan. To give you a little sense of what one thousand to 1500 cubic yards look like, this is a four cubic yard bin one that you might commonly find at a commercial business or an apartment complex. So when we talk about a thousand plus of those, you are talking about 250 to 375 of those bins or roughly enough trash to fill about 40 large backyard swimming pools, that's about the amount of material we believe is coming from our storm sewer system annually into our creeks. The other foundational component is that method for determining where credit. What kind of credit do we get for the various actions we might take to reduce trash? The credits shown here on this table are based on the current draft proposals being developed by the Bay Area Stormwater Management Agencies Association. It is subject to additional review. These numbers may change. We anticipate that even once received by the water board they will be posting all of the trash plans and these methodologies for additional comment and review. But based on the information we have there are several city initiatives that are planned or already ongoing and underway that are attributable for credit under this trash load plan. For example, number one shown here, the single use bag ordinance effective in just 26 days is the more comprehensive side of bag actions that are contemplated in BASMAA's plan, and the way we've done our programs, it would achieve a proposed credit of 12% towards the 40. Number 2 shown here for polystyrene has a range of credits. The city's existing policies already excluding its use at city events would garner a 2% credit. Our next presentation we're going to talk about expanded policy action. Our, outreach activities these are activities that are planned to go on over the next several years mostly with our county wide and regional partners would

garner a credit of 8%. Our existing hauler agreements already require that their loads be covered. Under the proposed system that gets us 2%. And our current approach to managing public litter cans and our work with the downtown Groundworks crew may be eligible for a credit of up to 4% again within a range shown in the BASMAA proposal. The other items listed here are things that we do at some level but not necessarily to a level that would yet get us credit. They are also considered part of baseline. Or we've yet to quantify them. We have more work to do to estimate the actual credits. So even with this first screen the city may be able to claim trash credit for 28% towards the 40 based on our planned and programmed activities. Again, these are based on a proposed credit system. So while we're moving well toward the 40% goal we also continue to note that the 2017 requirement of 70% reduction need to be achieved by 2017 and that's also quickly approaching just five years away. We believe that additional investments will be needed to get to those outlying goals and that these investments are likely to be more challenging as we will hopefully address some low hanging fruit here in the early stages. We will now turn our presentation to the additional actions staff recommends to consider as part of the trash load reduction plan. These are presented in your staff report and we've also provided a handout today large 11 by 17 sheet that summarizes them as well. As in the staff report we've attempted to illustrate costs in a couple of ways. Because some of these activities require a high up front level of investment with a lower or very limited ongoing investment while others have a very even level of investment across implementation we've evaluated the implementation cost over ten years and then provided you an annualized figure. To give you a sense of that up-front investment we've also shown you year 1. And lastly, for comparison we've provided a cost per 1% trash credit reduction. How much bang do we get for our buck in each case? This is the analyzed cost divided by the amount of credit. The numbering you have on the handout matches the numbering you have on slide 7 and on these individual actions to thread these things through. So for example under the strategy of prevention, number 2 is a prohibition on EPS -- this is hard to say -- foam foodware at food service establishments. This cost estimate here is based on implementation and outreach costs from similar programs for about one year given that the City's costs are incurred very early with the credit being ongoing or complete for the program, the amount of credit is 6% per BASMAA's proposal so that comparative cost estimate becomes \$3200 for the 1% of trash reduction credit. While all the actions discussed today have the benefit of reducing trash from creeks, we've also summarized some additional benefits that individual tactics may bring. In this case reducing the use of polystyrene at food service establishments would also reduce litter in the community, as many of these would, and because it's such a visible

litter it would also improve aesthetics. We'll be discussing this more in at our next presentation. Number 4 shown here would add inspection staffing to enforce requirements that we already have for uncovered loads at our South San José solid waste facilities. Under the proposed system this would get us up to 3% credit. This is not trash coming out of the creeks it is increased public safety because there is less trash on the roads. Also as part of prevention we've included options for additional enforcement to ensure that properties have adequate containers and using compacting trash containers in key areas to reduce litter as it avoids overflowing containers. This can even save on maintenance costs. Item 5B here. The airport has had a few of these self-compacting trash units, and they report a change in maintenance frequently from three times a week down to one time a week. And so this can provide ongoing savings to the city beyond trash reduction. Enforcement related to illegal dumping here includes staff to conduct a thorough investigation of complaints or dump sites, collection of actual evidence so we might identify a responsible party, Oakland does something similar, and then you enforce based on your actual evidence of a responsible party. 6B includes the idea of surveillance cameras in areas where we know we have heavy trash dumping. This expands on an activity that parks currently does for illegal dumping to address litter hot spots as well. And number 7 would add D.O.T, Department of Transportation staffing to really return service levels on the amount of calls that they get to come and collect illegal dumping hot spot sites now that's been reduced over time, restoring that or part of that would give us trash credit. For interception enhancements to our street sweeping efforts provides several alternatives shown here. Trash reduction for street sweeping is highly dependent upon location, specifically the areas where the sweeping is occurring. So if we make improvements in areas where we expect a lot of trash we get more benefit from those improvements. So if additional parking is -- parking prohibition is identified in those areas, again we'll get more benefit. 8A gives you an idea of what it would be like to increase our residential street sweeping across all of San José from one time a month to two times a month. We believe that would get us a credit of up to 8% with an initial cost or year one cost of over \$2 million but an ongoing per credit amount cost of \$533,000. Focusing on parking and prohibition in specific areas again where we know it might matter most would also provide credit. Here these numbers are slightly different than what's in the staff report. The staff report provided the full range of trash generating rates. Here we focused it in on the kinds of trash rates that we found when we overlaid previous parking prohibition areas with that low generation rate that I showed earlier, and so there are narrower ranges. So this is most likely to occur in residential areas, though we did find that the loading rates were generally low. These were generally not the highest trash load

areas because they weren't commercial. Also, in interception, trash capture devices offer a very reliable opportunity to collect trash from our storm sewer system before it reaches the creek. Here we've included three proposed program approaches. Their relative cost effectiveness is heavily dependent upon the assumptions we made when we did this analysis at the time. Number 9 shows retractable screens, and that's shown in the photo at the very top. These are screens that go on the face of the storm drain inlets and they keep the trash from getting into our storm sewer system. The litter does remain on the street, but high rain flow will then move those screens so that the rainfall runoff can still flow and the sewer system can still function. The litter again would remain on the street until the next sweep, the way we've evaluated here we've included no additional cost for additional sweeping. It would be based on the same programs. 11 A and B shown here are both devices that we actually put in our storm sewer system. 11A being small screens that you put in every inlet a reminder that San José has 30,000 such inlets and 11 B being large devices that we put in large lines in our storm sewer system collecting a larger area with a bigger device. Both are considered full capture and highly effective. In general the large devices require less maintenance since the crews go to fewer locations in order to do their work. We have installed two of the large devices already. For a cost of nearly \$700,000. We've also spent just under \$200,000 installing 118 of the smaller devices. So as we pilot these activities here in San José we're collecting more information on what it really takes to maintain them and we expect that to further refine in the coming years what these real cost estimates look like because maintenance activities and maintenance costs were a big part of the assumptions in 11A and 11B. And lastly while creek cleanup activities are often considered stopgap measures since they address trash only after it's already reached the creek. We have included two opportunities to consider. 12A proposes additional hot spot cleanups on areas where storm drain litter has accumulated. And 12B includes new options for managing trash and other impacts on creek encampments. Here we sought to leave the door open to build on the prospective success of the clean creeks, healthy communities pilot along Coyote Creek in partnership with the downtown streets team and others. This approach of course has a potential for multifaceted benefits as well beyond litter removal. Again the plan will be submitted to the water board will outline the efforts that the city intends to implement. It will acknowledge that the city will need to implement the plan over time and based on lessons learned and other factors.

>> Councilmember Liccardo: Thank Melody. Are we now transitioning into the polystyrene discussion?

>> We were just going to continue going.

>> Councilmember Liccardo: Is that Elaine?

>> It will be Elaine. I'll start it. So as requested we'll move on to the green to go public stakeholder process. Melody talked a little bit about the litter created by expanded polystyrene food service wear as a particular type of lit they're a lot of communities have begun to address or already implemented. Our outreach efforts are intended to ensure that if -- whatever steps if any we take going forward really meet the unique needs of our community. So there's -- we don't believe there's a boilerplate one size fits all solution to this. We think there's a lot of flexibility, and our proposals to move forward or recommendations to move forward including allowing time for us to really shape those up, so that we have something that meets not only our storm water permit, but also the needs of the residents and the businesses in San José. So Elaine now will talk a little bit about the outreach efforts and then we'll have more conversation about what to do next.

>> Thanks, Kerrie. I'm Elaine Marshall, with environmental services. I'm the storm water program manager. First off, I want to get us started with a visual. What you see in the top photo is actually taken from google earth. It's a picture of Coyote creek just south of Story Road, off of Roberts Road, adjacent to Yerba Buena high school. And through the clearing in the trees along the creek can you see a white trash accumulation what we lovingly refer to as a trash raft. What you can see in the lower photo is a close up of that trash raft, and you can see that a lot of the whiteness from that raft is actually polystyrene foam.

>> Councilmember Rocha: If I may when was this image taken?

>> This image was taken last summer. EPS food foam or polystyrene, I'm going to refer to it as EPS food foam going forward, is very cost effective for restaurants and cheapest option for restaurants to use. However, foam is a ubiquitous and problematic product in our creeks. It floats, making it highly visible. It is -- it breaks up into smaller pieces which makes it really hard to clean up. It doesn't degrade and marine life often mistake it for

food. So as I mentioned the bottom photo was taken this past summer. We have cleaned this location since, during our efforts removed about 6.8 almost seven cubic yards of trash from the location. Due to the nature of this area along the creek, trash tends to accumulate here and we actually clean this location about once a year. In April 2007 the state water resources control board published a study assessing trash in creeks and through their study they found that about 55% of the trash in creeks is plastic. CalTrans conducted a comprehensive study of trash in 2000. One of the objectives was to gain a better understanding of the composition of trash as it moves in streets to storm drains. In their study they identified that 15% of the trash in the storm drain is polystyrene foam. The study also found that the amount of polystyrene foam doesn't necessarily change as it moves from the street to the storm drains whereas paper proportionally diminishes. Paper once it hits the water environment tends to degrade and disintegrate while polystyrene remains durable. To start our stakeholder process we did extensive outreach in the spring of this year. We conducted knock and talk to the 350 small and local neighborhood restaurants. We visited neighborhood districts including East Santa Clara, Story Road, Alum Rock and 13th street among others. We also sent direct mail notifications to all San José restaurants notifying them and inviting them to attend our stakeholder meetings. Participating stakeholders included representatives from some restaurants, plastics industry, packaging distributors, environmental groups and concerned citizens. We've held seven meetings to date with this group during which we initially defined the problem. We also allowed the groups and any interested stakeholders to present to the group as a whole. This allowed them the opportunity to share their perspective on the issue and identify any alternative policies for considerations. Through the presentations we heard from industry representatives, the California restaurant association, and environmental groups. The environmental groups included save the bay, save our shores and clean water action, each sharing their perspective and experience in communities that have already banned EPS food foam. Clean Water Action also shared information about their recent efforts to study the composition of litter in the Bay Area. Dark container corporation and the California restaurant association presented their perspective on the utility and benefits of the permitS food foam. The potential impact on restaurants and encouraged the city to undertake more efforts to prevent and control trash from occurring and also to look at expanding EPS food foam recycling. Through the rest of the meeting we assessed the alternatives and documented issues and concerns. Other concerns raised by the group included potential impacts on restaurants with already small profit margins. Concerns about what types of alternatives would be allowed, and concerns that actions targeting just EPS do not address the overall litter

problem. There is also general acknowledgment that EPS litter is a problem for our community and our creeks. And many of the community members present actually supported efforts like a ban. The alternatives were identified in general, included a lot of what Melody has already covered, bans on EPS food foam, expanding EPS food foam recycling, and increasing the city's efforts and investment in infrastructure to control trash. In reviewing the various alternatives, we have applied the criteria shown on this slide to the policy actions for consideration. The criteria established that any actions should promptly reduce trash to reduce the storm water permit requirements, they should also minimize cost to the city, ratepayers and businesses, and they must balance the cost per implementation with trash reduction benefits. Melody just provided kind of a detailed review of the various actions that were discussed. Many of which were suggested also by the stakeholders for consideration, and really, most of them address litter more broadly than just EPS food foam. Each of these actions as we will discuss later will be considered and implemented in some combination to reach the storm water permit's overall trash reduction goals. The actions were reviewed with stakeholders at our last meeting and are presented in relative ranking based on a comparison of trash reduction and estimated cost. The focus of our stakeholder process was actually EPS food foam and controlling foam. So as shown here, you can see that EPS is a cost effective city solution. The stakeholder group also wanted a better understanding of the cost of switching to substitute products. So we also recognize that a large concern from restaurants is the potential impact on their business. Quantifying that impact was a challenge as it can vary from restaurant to restaurant and is influenced by many factors including what product is substituted, the quantity of the product used by a restaurant, how it is purchased and the proportions that take out food represents for that business. We asked our stakeholders to share information they had for consideration in our impact analysis. However, because most businesses can keep this information and consider it proprietary, we did not -- the stakeholders didn't readily provide hard numbers for our use. So we based our analysis on best available information on industry trends as well as information with -- as well as information gleaned from discussions with restaurant operators. We also worked with one esoteric holder to assess the cost of substitute products. This information shown on this slide was provided by Kelly Ryan with area distributing. They are San José distributor of restaurant take out green to go process. The volumes used here are generalizations provided by Mr. Ryan of what a typical restaurant that does substantial takeout food service would use on a monthly basis. So can you see what we did was identify three common EPS food foam products and what the most -- least costly alternative would be. You can see through, as we walk through this

analysis, that a restaurant switching from a foam cup to a paper cup for hot or cold drinks would experience about a 2 cent increase per unit based on these volumes. Used on a monthly basis. A restaurant choosing to switch from EPS hinge container or clam shell would currently purchase it at about 9 cents a unit. They would switch to a natural fiber based clamshell which would cost about 22 cents a unit. And switching from a foam plate to a natural fiber unit would result in about a 1 cent per cost incremental addition. Overall this could represent as much as a 67% increase in packaging cost for a restaurant. Which is a relatively small portion of a restaurant's total operating cost. We are also seeing that alternatives packaging uses increases the cost for these products is trending downwards. As I mentioned a lot of the restaurant information was proprietary but we did make contact with a limited number of restaurant operators and through those discussions conservatively estimated the take out packaging cost comprised approximately 6% of a total operating cost for a restaurant that does a substantial amount of takeout business. Again this percentage will vary from restaurant to restaurant. To help make it more tangible we did create a sample restaurant and a sample hypothetical case, to in our sample we took a typical \$6 lunch plate and assume it would cost the restaurant about \$5.76 to produce. Assuming the nps applies to 6% of this cost our estimate is that to produce the same lunch plate it would cost and additional 23 cents to provide this lunch plate in an alternative clamshell packaging. This assumes a straight substitution. So like for like. Restaurants would then can choose to pass this on to the customer or they can also reevaluate how they're providing takeout containers and look for other types of packaging. By banning EPS at food service establishments the cost of keeping it out of our creeks and our neighborhoods are born by the users of the product versus the general population. Staff also trenched potential for expanding recycling of recyclers have been trying to recycle EPS food foam through our residential program with no success for the past 15 years and last year EPS foam was eliminated from our residential recycling programs. We surveyed a lot of Bay Area recyclers and found that none of those facilities are currently able to recycle and market the materials. Mostly because of food contamination issues. A few facilities are collecting packaging and industrial foam which by its nature is cleaner than EPS food foam. There are also providers of take-back programs which charge businesses for the service and will require a facility to set aside room to collect and take back containers and also to manage that service. We have seen though, from statewide requirement for plastic bag recycling at large stores, that take-back programs in jean are ineffective. Moreover recycling is not a solution for reducing litter. Many cities have or are working to address EPS food foam. 49 California communities have already enacted bans on food foam

including San Francisco Oakland Richmond, Palo Alto and Fremont. Other U.S. cities have taken action such as Portland, New York, Boston, Seattle recommended county wide action and has encouraged that all cities in the county adopted an EPS ban by July wunlt of 2012. And there continues to be discussion at a statewide level. There was a bill introduced in the 2011 legislative process to ban EPS food foam statewide though the bill didn't passion in 2011 we do. The bill to be introduced in the 2012 legislative session.

>> So our recommendations are, to accept this report, and the to direct staff to first off, support, actively support a regional approach to county wide adoption, the RWRC has sent a letter to all cities asking us to making there be one county wide action together. Second is to if that doesn't happen return to the transportation and environment committee EPS foot in San José if A doesn't happen in that time line and again there would be flexibility in our approach. We don't have a model ordinance to provide to you today for comment. And C to support legislation that would implement a statewide bap which would again have an even broader level playing field. So with that we're now ready for questions.

>> Councilmember Liccardo: Great, thank you very much. We have several comment cards from members of the public, is the committee okay if we go to the public first and then we'll proceed with community discussion. I know this can get quite involved. I have Virginia Polifox followed by Pat Saucedo and David Wall.

>> A couple of things just how it affects us as a recycling fatle oop and odor. Which also makes it difficult to market. Most of the time. Last but not least we don't have not all recycle plans have the exaift or ooh due to footprints, so forth and those are the two major things that impact us as a facility.

>> Councilmember Liccardo: Thank you. Could I ask you if you would hang around it would be helpful. Thank you.

>> Pat Saucedo, San José Silicon Valley chamber of commerce. The chamber wanted to make a comment. More mandates and regulations on small and medium sized businesses. When we look at the restaurant industry the majority of the restaurants are install, independently owned businesses and while I certainly appreciate the

breakdown showing that per clamshell it's only 2 cents or six cents or three cents, I think the bigger issue and particularly in San José today for business is the accumulation of government mandated additional costs and fees and taxes. We are struggling here with our small and medium businesses if they stay in business. And we as a chamber definitely respect and understand and encourage we continue to explore and study if there are other alternatives, to reach the mandates required by the NPDES permit without creating new mandates for new businesses that are already struggling today. We continue to see business leave San José. We need to do what we can to keep them in our city. And we can do this without new mandates. It's call spreading the process on how to crews that styrofoam litter as you call it and make sure that it's recycled, reused, and collected, and work with our providers in the restaurant industry to find other alternatives, than just mandating that they go out and provide different reaccept tackles for their food service.

>> Councilmember Liccardo: Thank you. David.

>> There was a old news, if you look on page 11 or page 10 or page 11 of this report, there's not one city around San José that has any idea of participating. Which means that this whole program is basically incompetently produced. Polystyrene like the previous speaker said is already integrated into our lifestyle and should be eliminated but it should be eliminated at the same time around San José because it's not going to do anything to keep it out of our streams. And we see today the first glimmer of hope, 120 storm drains protected out of 30,000. But let's look on page 6, of item D 2 and let's look at some of the hair brained ideas they've come up with trash removal. An educated person knowledgeable person would fall asleep reading it. Once you wake up you look at some of the hair brained ideas and you begin to laugh. But once you've rested, once you've had your good laugh, then you have to make the salient decision, why are people still on the payroll generating this pleater? When you look at the hundreds of thousands of dollars or millions that could be used in the works program administration, street sweeping is not going to solve your problem. Having people out there especially kids picking this stuff up could stimulate the economy provide jobs and solve your problem environmentally.

>> Councilmember Liccardo: Thank you, Mr. Wall. I have Allison Chan followed by Michael Gross followed by James Duran.

>> Hi, my name is Allison Chan, I'm here on behalf of save the bay. My main message is, with all due respect there is no reason to delay on this. Staff have done an excellent job gathering information and opinions from the community. Outreach to businesses as you saw on the report have been extensive, thousands of businesses were contacted hundreds were visited in person. That due diligence has been definitely achieved. Further the staff notes impact to businesses is expect to be minimal and that businesses will likely pass that small cost increase on to their customers. The fact is that banning polystyrene foam has become commonplace in the Bay Area. Smaller municipalities are passing owners including Palo Alto, Millbrae, Hayward, foster city and the list goes on and on taken action on the fact that polystyrene foam in addition to having solid waste concern poses threat to water quality. Does not address the ease bad actor in our waterways, and the solution is simply to stop this pollutant at its source. San José has a lot of work to do to clean up its creeks to be in compliance with the storm water permit by 2014. So delay on this policy is not only illogical but it is risky. And San José hats been a real regional leader on plastic bags and it would be a shame to see it fall behind the region this issue. So I respectfully urge you today to direct staff to come back with a draft ordinance by June 2012 if not sooner as it will be very clear well before that time whether or not the county is moving forward in an integrated way. So thanks very much.

>> Councilmember Liccardo: Thank you, Ms. Chan. Michael Gross. Followed by James Duran.

>> Good afternoon. I Michael Gross from Sancorod landfill green waste and the Z composting facility. We are in strong agreement with the report, as a composter of materials, as a recycler industry our materials are just too dirty to deal with. But as a composter if this material goes off into the food waste stream and it ends up at our composting operation by the time we grind it and try to screen the materials out sometimes they particles are very, very small. In fact in little pellets. And that becomes a real contaminant in our finished compost. Just can't get it out of there. Once it's in there is in there for good. Then that material would start blowing away. If I were to sell a compost product to somebody it's just become a huge hassle for us and it always has been. That material we do get that's highly contaminated we by reducing the amount of material that's in the contamination of EPS he foam, we are only going to be cleaning up our side of it, the organics portion. .

>> Councilmember Liccardo: Thank you Mr. Gross. Do you have any sense how much it a \$to your cost, this contaminant, polystyrene quts.

>>> It would equally into screened out it's pretty easy to deal with as a whole. We got the cost of disposal. It's big volume, not a lot of weight. And if it was a lot of weight then we have really a problem. But the cost associated we get is with litter cleanup just like you guys. It's around all our fencing, all our waterways and instead of a machine going over there and being able to grab it, we have to have guys go there and pick it up little pieces at a time. Very expensive. One guy can only pick up one garbage bag but that was an hour's work to pick up a garbage bag of foam. No real dollar amount.

>> Councilmember Liccardo: James Duran.

>> Good afternoon James Duran Hispanic chamber of commerce. recommendation by the environmental services to prohibit polystyrene foodware at eating establishments. In our opinion the ban does not address the true problem of littering nor is a ban a strategy to meet the compliance required by the regional water quality control board commodities and other costs related to the operating cost of doing business. We of course want to work collaboratively with the city to address litter and trash by exploring fiscally and environmentally responsible solutions which also help educate and train businesses and consumers. Thank you.

>> Councilmember Liccardo: Thank you, Mr. Duran. Miriam Gordon, did you want to speak on this item? Miriam Gordon. Followed by Michael westerfield.

>> Thank you. I'm Miriam Gordon, the California director of clean water action. I want to urge you to move this item forward without delay. There is no reason to continue to study the idea of a ban. The RWRC county wide recommendation of all Santa Clara County cities to ban by 2012 and there was extensive consideration of bans in that process. As well as in this one. The reason for moving forward immediately is that there are adverse impacts that can't be controlled, adverse impacts specific to foam that can't be controlled with most of these trash control

measures that are part of the City's storm water program. Small bits of foam escape these storm drain capture devices because they are designed to capture 5 millimeters and above. So they won't capture the small bits of foam, and they'll escape out into the environment, creating adverse water quality impacts and impacts on marine wildlife. The city should take advantage of the compliance credits that are being offered through the storm water permit which will also result in cost savings because they will be with a 6% or higher credit there will be savings to taxpayers in terms of the amount of effort and operation and maintenance that will go into maintaining these full capture devices. I want to say that in terms of the impacts to businesses, and to local restaurants, there has been no evidence that businesses in the 54 jurisdictions that have banned foam in California. There have been no -- there's been no evidence that they have suffered economically and that they do anything other than pass the minimal costs on to consumers. In fact, many of them are reporting that their customers are much happier that they are using greener, more sustainable products and as evidence that the business the food establishments are moving in this direction, Outback steak house, Bonefish Grill and Coldstone Creamery are three chains that have recently announced that they are moving away from styrofoam or foam food containers. So I just want to urge you to immediate action. Also, support the statewide ban AB 568 in order to create a level playing field in California. And just finally I will say that if recycling is being considered as a strategy for foam that just makes no economic sense because the material has no economic value and costs a great deal of money, taxpayer money to collect and to process. Thank you very much.

>> Councilmember Liccardo: Thank you very much, Ms. Gordon. Ed McGoff followed by Michael Westerfield.

>> Members of the committee, thank you. Ed McGorch. I'm here on behalf of the American Chemistry Council, in opposition and including the polystyrene ban in your plan. I just want to be sure that 1, the committee received a letter from our industry. What it does is outline an offer of resources as we've now done with the county of Los Angeles in lieu of a ban the county of Los Angeles is working with our industry to come up with strategies to get to the 40% and beyond in lieu of a ban. Secondly, just some minor items. The coke -- pictures of the coke cups that were shown as alternatives, I hope you all realize those don't degrade. If they're littered they're lined with plastic. Therefore you're replacing one type of litter with another. Two, what wasn't mentioned, there are 46 communities in California that are recycling EPS food service foam. They've figured it out. San José is a smart

community, prides itself on how innovate they are. San José could figure it out. There's no differentiation between the type of foam that is showing up. A lot of the friable material is the packaging material not the food service foam. The food service foam needs to stick together so liquids and hot items don't go through it and so there's no differentiation so a ban on the food service product is not necessarily going to get rid of polystyrene foam in the litter stream. So thank you.

>> Councilmember Liccardo: Thank you Ed. Michael followed by Ross Signorino.

>> Thank you. City of San Francisco banned foam. After they banned it they did an audit survey of the litter and they found that of course there was a decrease in the foam litter they found but foam works better than anything out there. When you get a cup of coffee. You don't need a Java jacket, materials, it's also good for the environment because people that litter those other materials are now littering twice as much so you wind up with more debris that gets into the watershed. So you know there's unintended consequences there, if this is part of TNDL I seize you're laughing. You're going to be replacing this with more trash. That's the reality, that's what the study found. So we have suggested a proposal, you have the letter there in front of you. We fully support this. We have been trying to work with San José since 2008 trying to find a solution about this. We are sincere about this approach and we feel that are it's going to be the best opportunity for City of San José to meet that 40% TMDL. Because our plan is not just going to focus on foam. It's going to focus on all materials. So any litter that winds up getting out there our programs are going to address that and we're also going to be stepping up to the plate to support this financially as well.

>> Councilmember Liccardo: Thank you. Mr. Signorino.

>> Thank you, Mr. Chair, members of the board. And everything I'm hearing it's pretty hard to get rid of styrofoam. And I sympathize with the industries that need the styrofoam that have to carry the food out and so on out of the restaurants. But if we could start an education program to teach people, maybe there is a way to recycle this material. Now whether chemistry or not has gotten this far where they can figure out how to recycle styrofoam that has been contaminated with food that is the thing we should drive after. I don't think you're going to

get rid of styrofoam at least I don't think in my lifetime. Or maybe a few in your lifetime, too. But I think education, to drive the fact home, if there is a way you could find chemically to get rid of this styrofoam once it's been used even contaminated with food, go ahead and go in that direction up think that's the best way to go right now. Thank you.

>> Councilmember Liccardo: Okay, thank you. We've completed public comment. I want to turn to the Committee committee now but before we do I would just ask for some clarification, is staff direction specifically on the recommendations outlined in D-3 regarding polystyrene. Just so we understand exactly what's recommended here. When you say actively support a regional approach to county wide adoption of prohibitions, does that entail simply winging with county recycling a waste reduction commission or weighing with the county or does that meaning all the cities holding hands and saying we're going to jump together what exactly does that mean?

>> The holding hands would be nice. Our intent would be to robustly work all those angles, with the end result being: On an agreed-upon basis all cities take action. We would probably be comfortable with the vast majority of cities taking action. But it would, we believe, help our restaurants stay as competitive as possible and still protect this environment. The regional committee last made that recommendation so we would like all entities to go together.

>> Councilmember Liccardo: There's no this city and the others cities in the county, is that right?

>> We believe -- we would like the RWRC to help us move towards county actions together. And they are a bunch of elected officials.

>> Councilmember Liccardo: Okay, I think I got it. So let's move on then to the questions and comments. Councilmember Herrera.

>> Councilmember Herrera: I'll go. Although I know there's a couple of memos here. So I really liked, I appreciate the staff presentations on both issues and our chair for wisely having there pulled together. And I liked

Kerrie your vision of this as meeting the needs of businesses residents and the storm water permit requirements. So we're not just looking at meeting storm water permit requirements. I had a few questions along the line of that goal. Has there been a trash audit done? I thought I heard that in a few staff -- mention the staff reports in a few different ways of maybe auditing what's actually out there and if so what percentage is EPS and what percentage is other trash and then also, can you define that further and tell me which parts EPS versus retail styrofoam?

>> Yes, Councilmember Herrera, there have been multiple attempts to characterize the trash in our storm drains and in our creek cleanups. We have seen that the range of EPS does change depending on the location in the city. One of our most recent efforts, and I think Paul I'm going to need you to help me with this one, was actually pulling the trash out of the storm drains where we have the full trash capture screen so it's the amount of material that's pulled in. And I believe the amount of foam, correct me if I'm wrong, was somewhere in the range of eight to 12%?

>> That's correct. This is Paul Ledesma, I'm the trash coordinator for environmental services department. As Elaine has been saying there's been a number of studies, studies are highly seasonal, you can go out there and take a look, the range is six to 8% extended polystyrene, on the other end of the spectrum we see percentages as high as 15%. The crediting system is based on the judgment of BASMA, that's established in the 2000 CalTrans study. And the reason why we chose that study even though it's a little old is that the methodology for making that estimate was so rigorous. It was multi-year, multi-seasonable, it looked at Elaine described it it looked at litter in the streets and in the storm drain system and looked at variations, it measured it in volume and in weight. So it was a very complete study and one that it would be great if we could do again but it was a very expensive study for them to do. So six to 8% is that range.

>> Councilmember Herrera: What year was that?

>> That was done in 2000.

>> Councilmember Herrera: And the 15% you said of other, did you mean other meaning the retail polystyrene or other trash?

>> All of these estimates are expanded polystyrene taken as a whole both the packaging, nonfood packaging and the food packaging. There is -- we haven't been able to find a study --

>> Councilmember Herrera: Nonfood packaging you said 15% was that nobody food packaging? Good new.

>> All of these statistics are imines numbers. Combining the food packaging and the nonfood packaging.

>> The 15% is actually the high end of the range.

>> Councilmember Herrera: Okay.

>> Typically we're seeing six to 8%, in some instances we have had up to 15% polystyrene. We haven't had a study that segregates out packaging versus food foam.

>> Councilmember Herrera: Do we know the credit from BASMA and how do we know that?

>> It has however already been reviewed by water boards FAS as a preliminary estimate and it includes their initial feedback. So it does have some level of screening. They have not weighed in on the overall package of credits and they not until it's proposed formally in feb.

>> Councilmember Herrera: The biodegradable do they go away or are they in a landfill?

>> That really depends on the substitute products. There are other plastic based substitute products as well as what we used in our example here. Natural fiber based substitute products. So definitely, the fiber base items would be compostable. Other plastic alternatives not so much.

>> Councilmember Herrera: So restaurants could go to plastic alternatives too?

>> We have not scoped that out. One of our next alternatives would look at then what alternatives would be prescribed as part of our program. Right now our initial analysis was just whether or not a ban would be cost effective.

>> Councilmember Herrera: So the cost to businesses, I know for us add a couple of cents, that doesn't sound like much. I've highly competitive. So I'm very you know I my ears are tuned to what businesses have to say about this. I can imagine it might be an issue. Although if we did transition if it was a slow transition and people could get on board and we had more than just San José doing it and it was more than county wide, it would be statewide, I imagine the costs would go down, there would be a widely needed supply and demand. But I am concerned when businesses say that and I hate, I hate to be careful, to assess pennies here and pennies there, people in business watch every penny. This discussion kind of reminds me of the plastic bag discussion we had before. It feels like déjà vu or groundhog day or whatever. I know at that time we were all going to hold hands and all these other cities were going to join us. I'm glad we have done a plastic bag ban, I'm very protective of our environment and want to know where we're going here. How does it go with the other cities joining us on the plastic bag ban? Santa Clara said they would do it, can you remind me how many others have done it?

>> Councilmember Liccardo: So far Palo Alto has.

>> Councilmember Herrera: How many I want to know who has and who hasn't.

>> Jo Zientek, acting deputy director, environmental services. Milpitas has and Sunnyvale just completed their i.e.

>> Councilmember Herrera: Who promised and hasn't taken action ?

>> The San José took action was Campbell Santa Clara, Milpitas. That.

>> That was in our last update right?

>> Yes.

>> Councilmember Herrera: The county took action right? The county?

>> The county took action. They have a very limited amount of stores.

>> Councilmember Herrera: Okay, so I'm going to listen to my colleagues, they got a couple of memos here and I like the idea -- one thing I want to say is I don't want us to be the first. I want the county to do it, if it's going to happen and I want everybody to join hands at this time and not San José be out there by themselves. It does create an issue where we are impacting businesses and residents. There is a cost benefits analysis. If it's cities also and it sounds like the state's moving forward on it, so I'm supportive of the staff recommendations but I also want -- I don't want us to jump to San José -- I think I'm not too thrilled with B I think it is. I'm supportive of B and C and listen to what everybody else is going to say.

>> Be mindful for what makes sense for San José. There are lots of ways, if it winds out that A doesn't pan out by June, we could start a slow phase in starting with large organizations. Many cities have economic hardship provisions, you could extract out the smallest of businesses. Our extracting our economic impact.

>> Councilmember Herrera: Kerrie thank you for saying that. I got several letters from small business-owners I take that very seriously I think we need to make sure that we're not further impacting businesses who are struggling mightily in this economic recession. I'm sure they want to be good to the environment as well. that would be great. The other thing is, we did hear from the chemistry association saying they wanted to do mitigation. I would like to do mitigation efforts if we could do both and look at long term. If people want to put money into cleaning up trash with love to be able to do that. I mean so that if people want to -- you know there's some opportunity to you

know put some programs into place to clean up creeks or clean up trash or whatever, and not us, I'm not saying I would agree to that and not pursue any mitigation of polystyrene but if there's some ways of getting some things going that would be great.

>> Councilmember Liccardo: Councilmember Campos.

>> Councilmember Campos: Thank you. To continue on with some of Councilmember Herrera's questions. So why weren't some of those options part of your recommendation? A slow phase-out, I mean, your recommendations are pretty clear. You want us to give you direction to come back in the fall, to have an ordinance to ban polystyrene. So why weren't those, considering that so much of our businesses this this city are small businesses, in my district, that two to three to four cents, that could be their profit margin. They're competing not just with the outback steak houses or the coldstone, the -- you know your large corporations, they're not just competing with them but they're competing with the vendors that have been popping up on street corners throughout my district. And these aren't the -- these aren't the new age, you know, fusion of different types of foods. I mean these are vendors that are -- that have found a niche, figured out they don't have to pay for bricks and mortar overhead, and that has cut into those, you know, pennies on the dollar profit margins that are basically creating blight in our neighborhood with empty you know store fronts. So that's -- those are the things that I'm dealing with. So why weren't some of those options part of some of the recommendations?

>> They probably could have been much clearer. With A, to support a regional approach, that's ideally what we want. How the region agrees to shape that ordinance or approach, whether it's through a ban, through a slowly integrated ban or whatever we can reach agreement on, that's really what I believe will make the most region-wide impact. So we'd like to spend our efforts and energy on that, first. And then see where we can negotiate with the other cities to reach a common ground. If we move towards B and we decide to take a San José-only action, then that would be just looking at the needs of our businesses. I believe we need to spend more time with the restaurants to fully understand that. The participation in the green to go process on the restaurant side was not robust enough for us to really be able to come forward with something that I'm confident meets their needs. And I

think you're right, that the larger restaurant chains, they also probably get much better pricing. They're buying a lot more. It's easier for them to pass along a higher cost because people have that name reiteration.

>> Councilmember Campos: And they charge too much for their food. I mean, really, I mean really, they can pass on the difference to their -- to the customer. And because they're such a national brand the customer said oh, they raise their prices. So I'm still going to go because I'm hooked. The tacos El Carbons of the world they are competing with everyone else.

>> And they would have the cost of menus and things. There are lots of approaches if we could do a San José only approach, but we would like the flexibility to really go out to other cities and out to other commission meetings and say hey, our council would like to see everyone move together and to be able to have those directed conversations think puts us in a position to message that you know San José may not be out in front this time. So if you guys want this to happen in the region we need you to happen with us and follow through this time.

>> Councilmember Campos: So a couple of comments were also made by some of the speakers. One was that outreach was made to hundreds of small restaurants that were visited in person. So I'm -- I would imagine that you were probably getting this feedback. I mean did you actually go out and visit hundreds of individual restaurants and you got their feedback and saying, you know what, we like this, this is a great idea and it's not going to -- it might affect us a little bit but you know --

>> We met with 350 restaurants. I don't think the resounding majority of them really responded that way. But I'll let Elaine embellish.

>> Over the course of two to three months we did have staff as well as our interns knocking on doors and visiting the restaurants. What we did was introduce the issue, talked to them, the owners and operators about what the city was envisioning and really did encourage them to come to the stakeholder meetings. I think we got mixed reaction. Definitely what we were trying to do was to get them to come to the stakeholder meetings and

participate in the process and help us shape what the alternative was going to be. So specifically, kind of the amount of restaurants that expressed negative or opposition to it, I don't have off the top of my head. But we did make an active and concerted effort to visit all of those restaurants.

>> Councilmember Campos: So if they didn't go to the stakeholder meeting is that pretty much too bad for you, we don't have your full -- your full story as to how this is going to affect you and so therefore we're going to put forth a recommendation with this data to present to the committee?

>> We also left behind a survey so that if they wanted to fill out the survey, and give us some information on the types of products that they were currently using and other concerns or comments they were able to send that back to us for us to keep track of.

>> And we believe we need more time to talk to the restaurants. So we don't think we have -- we have their full engagement at this point.

>> Councilmember Campos: Because I'll tell you something I've seen in the last two, three years that you know, living 45 years in my community I've never seen before are restaurants that you would think would never go out of business are empty. And so you know, it just -- it almost seems like right reading the report that that's not given a consideration. I find it hard to believe that the small business owner is going to say you know what, I'm going to pass the -- especially now in this economy pass the cost on to the consumer. Because now the consumer has this other phenomenon, again, you know, the food carts, that are you know, they have almost no overhead. And you know they can -- they're cutting into that business. So anyway, I mean, those are my questions. But I do have a couple of other comments. One of them being, I know that we talked about this reminding us and I wasn't on the council at the time, during the debate on the plastic bag ordinance. I think the big difference with the plastic bag ordinance is that there was actually a real replacement that more than likely is not going to end up in the landfill. And those are the reusable bags. You can reuse those bags for not just groceries but other things and people often do that. And I think that's one of the reasons why it passed, why we passed it, why we were the leaders on it and probably why it's going to be self. Even in the ethnic markets I'm seeing, I'm seeing the

education piece go out. I think the difference is that with this, we are just replacing trash with trash. And litter's litter, whether it's plastic or paper. If it ends up in our streams or our gutters, we have to figure out a way to reduce trash, whether it's composed of these different elements. So I think -- and I'm surprised that litter reduction from education, you know, and other methods, cleanups, et cetera, et cetera, diversion is not weighed heavier than it is. I mean, some of you probably remember the '70s. There was -- that's when I remember some of the biggest efforts nationwide to reduce litter. And I mean, they taught us litter reduction in our school. I mean I still remember woodsy the owl. Public service announcements on TV. We have an industry that wants to move in this direction. These are my comments or rants. This is frustrating. There are people just trying to put a roof over their shoulders. Their primary source of business, and now there's going to be another thing put onto them. There are memos that have been put out and I'd like to hear from some of my other board members.

>> Councilmember Liccardo: Thank you, Councilmember Rocha.

>> Councilmember Rocha: Thank you. I this a couple of questions on the reports. As far as a basic listing of the products that this would be impacting maybe I missed it. I'm not sure if it's here. Looking back at the meeting we had earlier this year and I think there was maybe something there or is there a list I missed in either of these reports?

>> Are you -- I'm sorry, are you inquiring about the list of alternatives?

>> Councilmember Rocha: The list of impacts that by ban we're considering.

>> That is not included in the staff report. Essentially it is --

>> Councilmember Rocha: When it comes to council can I request we have as comprehensive as you may get what potentially would be impacted by this and what those products are and what it would look like?

>> We will do our best to assemble that.

>> Councilmember Rocha: It would be helpful to make a decision. The numbers on page 5 on the trash load reduction plan. What do I see here? And the chart the current San José reductions, if this is part of the report, please bear with me, the numbers tend to be on the lower end in some cases such as the two on the polystyrene foam and the two on the activities to reduce trash. Is that assuming we haven't done the fine work on it?

>> That takes into account that the Basma proposal includes an array of credits for an array of escalating approaches. So in the case of polystyrene the 2% credit was correlated to if a community has already prohibited EPS at its own events or through its own vendors at large events which San José has already done with success for years. So we get 2%, there's tiered credits for additional things, there was an additional 2% credit for prohibiting polystyrene at food establishments 2 to 8% range.

>> Councilmember Rocha: Okay, as far as that number, do we award that to ourselves or that part of the acronym the VA --

>> The Basma is we will all be all cities will be submitting their trash plan which 40% in the credits we plan to claim. We will then be reporting back to the board as part of our annual reporting which we already do in September of every year, progress and accomplishments under that, we are required that this also includes our 70% and 100% plans.

>> Councilmember Rocha: So we're awarding these numbers to ourselves based on what we seen.

>> Done that core relates to what the proposal actually said in 2012.

>> Councilmember Rocha: Okay and that's the technical report document and the baseline trash load methodology is that --

>> Those are the two, yes, the baseline and the trash load methodology.

>> Councilmember Rocha: When that said something about February how would that impact what we're doing, would it at all or would it be more information to do the analysis that you just spoke about?

>> It is going to inform the analysis as it already does in draft form as we are trying to build the house we are trying to pour the foundation, we are trying to get those baselines in place and propose here is own plan. There might be shifting over time based on additional feedback or the permit doesn't contemplate proorvel but additional feedback on those baseline methods and the tracking method but we are planning to include a plan that says this is all adaptive. As conditions change as we learn more over sometime what we commit to in February of 2012 will not be in stone for San José. It will simply demonstrate our best effort to say here's how we plan to get to the 40.

>> Councilmember Rocha: An are they working with you at all?

>> We are participating, the BASMA is.

>> Paul Ledesma our trash supervisor is working on it as part of the team.

>> Councilmember Rocha: In what capacity? Participating in meeting or what form?

>> It is in meetings, Paul baseline methodology for highway we're calculating trash loads so we are also rolling up our sleeves to support the analysis but it is a collective effort happening at that regional table.

>> Councilmember Rocha: Okay. Now when you talked about the other jurisdictions and the bans that are already in place, and you actually led to this a bit ago when you talked about the implementation time line. Looking at those other municipalities, what was generally the implementation time line just generally speaking? Is it usually a fixed month after adoption, a year, five years, ten years? I'm just trying to get a sense of what the average was.

>> Typically six months to a year.

>> Councilmember Rocha: Did it depend on city or county or was that what you were looking at?

>> It was dependent on the size of the jurisdiction and their resources to implement the ban, as well as conduct any education as well as follow-up and compliance review afterwards.

>> Councilmember Rocha: Okay, thank you. So I did write a memo and generally the reason for my memo was due to the complexity, the technical nature and can comprehensiveness of this issue and my lack of if you grasp of the whole thing. And when I input based upon direction from you and a little bit more specific direction, I think you talked about this at the beginning of this report and that's generally the reason and I had additional questions remained for me in part of that memo as well. But my interest was seeing this move to council, I think it's a full council discussion, that's the direction you're going anyway but with a supplemental memo that had a little bit more information based on what you've heard here and more clear direction, not clear, more specific direction what you think the council could take and then I think the council can debate that issue then. There's going to be a risk for maybe no potential for follow-up meeting. I think we have a deadline of February --

>> February 1st is the submittal deadline. -I don't know if you have any feedback is anything of this some you need feedback or do you need more specific direction from us? I'll leet leave it at that?

>> No, we appreciated your memo. We are going to provide additional information to council in January. Right before we submit so this is that first stage, let's get a little bit of council feedback, more community feedback and then hone things to get get a final recommendation, this is what we'd like to submit and so with that it helps us figure out where to specify. If we're very much against moving forward, in any direction on EPS, then we need to realign our focus into the other areas where we can get to the 40%.

>> Councilmember Rocha: So you think could you do a supplemental memo so let's just say hypothetically you move this item to council without any clear recommendation on the specifics just more of the feedback you layered?

>> Councilmember Liccardo: Let me be clear about this item, I'm sorry Don I just want to make sure everybody understands exactly which item. My understanding is Kerrie you are saying that D-2 is coming back to council in January. Because we have to vote before we go in February, is that right?

>> January 24th.

>> Councilmember Liccardo: I think Don is saying something a little bit different am I not?

>> Councilmember Rocha: So are we not going to cross reference both items when it comes to council?

>> Councilmember Herrera: It's up to us.

>> It's up to the committee.

>> But we had already planned --

>> Councilmember Rocha: I just assumed we were going to do both.

>> The EPS actions really are a part of the trash load reduction plan anyway so they would be integrated in there. We just as we were approaching this conversation we thought it made sense to separate them because there's much more interest in one than the other.

>> Councilmember Rocha: Okay. Well then, I --

>> Mechanically Ashwini is needed, we weren't intending to cross reference either items today, they were going to go as updates to the council. Based on the feed backs we received today, inclusive of the feedback we get today and our staff analysis ear and here after that addresses this so why can take this memo as feedback to our overall analysis we'll present on January 24th.

>> Councilmember Rocha: That's generally the direction I was going.

>> Councilmember Liccardo: Okay.

>> Councilmember Rocha: If that's possible.

>> Sure.

>> Councilmember Rocha: Okay so then I'm not sure in terms of a motion making on either one of these but I don't want to make the decision just now. The chair has a memo out as well and I'd like to give him the opportunity to talk about his stuff.

>> Councilmember Liccardo: Sure. Thank you Don. Just a couple questions. First on the trash load reduction plan, the D-2 item. I know we keep running into issues under prop 218 about the use of funding for trash cleanups in the creeks. Once they've left the storm sewer system that is relying on storm sewer fees. And I wonder if, is there any opportunity, I know that changing fees and taxes is very challenging, often involves votes of electorates and so forth. Can we simply modify the ordinance relating to the storm sewer collection fee process to incorporate cleanups in the creeks, that is activity in the creeks, as well as within the storm sewer system, before the water hits the creek beds? Is that something we can do as a council, or do we need to -- are we getting all kinds of prop 218 issues?

>> Councilmember, we are looking at these issues and how we can pay for this. We have been working with staff on that, working through the process, that is certainly something we can take into consideration.

>> Councilmember Liccardo: Okay.

>> As you acknowledge these are difficult around challenging issues for us.

>> Councilmember Liccardo: They are I recognize, as we look at the list on 6 and 7 and table 3 there of that first staff memo, as you look at what's the most cost-effective ways of reducing trash, obviously the ban on polystyrene seems to be very cost effective. Bawfd on the number that we see in the last column. But really the creek cleanup seems to be very cost effective and I'd like to see how we can use storm sewer fees of relatively cheap way of cleaning up our environment. with regard to the polystyrene proposal, I just had a question for Virginia polyfox from green team. Thank you for hanging around. You expressed some issues you had as a recycler, and the folks from Zanker road poops polysty rereerch foam for the processing for you guys?

>> I don't have the exact numbers but it is a -- it is something that does effect as a recycler, having to add more labor, it is labor intense to get the EPS out. And currently, which I didn't mention previously, we are currently land filling whatever we're able to capture. Whatever's not captured is contaminating other material.

>> Councilmember Liccardo: So once it's contaminated with food there's really nothing you can do with it?

>> No.

>> Councilmember Liccardo: Is there any secondary market out there for recycling food contaminated polystyrene?

>> Not that I know of. I know in the past we have tried on numerous occasions when we captured the material had a couple of buyers come out and look at it and they did say that it was contaminated so it was something that they couldn't work with. They wanted cleaner material.

>> Councilmember Liccardo: Thank you, I appreciate that. I've heard that from a couple of other recyclers as well and it goes to the crux of the issue of recycling alternatives. Mr. Wall said the issue is we did learn how to recycle this years ago. Clean the foam comes out of television boxes and so forth but food is a different issue and virtually impossible to recycle that is cost effective, from every recycler I've talked to. I wanted to ask a quick question of sort of the notion of all this is litter in one way or another. But ends up out on the street or in the creeks. And it seems to me that the real crux is not the volume of the stuff but the fact that some stuff is biodegradable and some stuff isn't. And there was an assertion made that somehow or another, some paper cups aren't recyclable. Can you address those issues? Are we pretty confident the alternatives are recyclable as well, biodegradable I should say?

>> Did I confirm with Michael Gross from Zanker that the coke cups can be recycled at the compost facility at ZBES temple.

>> Councilmember Liccardo: If they're compostable they're biodegradable as well, is that right?

>> Technically I think there's an industry difference. Compostable does have to be -- means it is compostable under certain industrial composting conditions. It gets to a compost pile gets to a certain temperature and able to degrade within the compost pile. Degradability within an open environment is different. Whether or not a paper or wax lined paper cup can readily degrade in a creek is left to be determined. I can't speak for that off the top of my head.

>> And just speaking of the idea of the profile of litter and impacts to the environment, the water board staff, during the development of water quality listings on crash, water board members have said, not all trash is created equal, propensity are harming watershed because they tendency to remain for a long period of time and to be very visible and it was even that visibility criteria that was used as a significant part of them identifying which creeks were what they called threatened by trash or water quality protection.

>> Councilmember Liccardo: Okay, thank you. So at the very least even the items that are not easily biodegradable the alternatives are at least compostable to our knowledge that means they don't end up in the landfill and that's certainly important criteria here. The stuff that is not biodegradable obviously is not accumulating as trash. I think it's important for us to recognize not all litter is the same, not created equal. I'm interested as can you tell from my memo in how we can reduce the cost to smaller businesses. And specifically, the question my memo, Melody, I see you are looking at them it's brief don't worry I'll tell you pretty quickly what it's all about. I just asked for investigation of one issue, is there a way that a buyers cooperative could be set up among small restaurants, you see it in other context, whether the city plays a role or the chamber how it can be done so easily, into what extent can we reduce costs for small businesses making this transition, are there a big savings in bulk purchases or is that municipality savings?

>> We do have a long history of working with small and ethnic vendors through our special event program we don't allow styrofoam there and we do have experience setting up at our Websites vendors who are willing to give cost breaks and discounts. We're also providing vendors for the bad program on our Website who meet our requirements. We do have experience with that. I think other cities we could benchmark probably have done more on a larger scale than we have because our audience have been limited to those vendors that participate in our event. So we can research that and bring back some recommendations.

>> And just to add to that I believe it is the town of Los Altos that have already established a community for green Los Altos where there is a community that has been set up for discounted purchases of alternative products. They workshop earlier this year about actions against EPS and have offered to expand their network to others in their community.

>> Councilmember Liccardo: Sounds like green the earth. As we consider some of the mitigation offers from American chemistry council which I guess is basically the chemical industry, right? Dow chemical, union carbide, in terms of what we've been -- we've been through this dance before with single use bags. I recall offers all kinds to recycle single use plastic bags. We went to our recyclers and they said nobody wants to buy them after they come to us. What kinds of realistic offers are we hearing now from the industry?

>> We're not hearing any. So we would went through many referrals.

>> Councilmember Liccardo: I guess you haven't received it yet, the letter went to the council and it didn't go to staff I guess. I'm glad to send you a copy. I'm hoping the chemistry industry will that's where the expertise lies. In terms of my views, I'm certainly open to Councilmember Rocha's suggestion that these various issues be investigated and brought to council. The concern I have with the memorandum, I just ask that is had my own recommendation be included in the list for the maker of the motion. My concern is around deferring action. It seems to me that we can certainly be doing many of these things in parallel. That is working on a regional effort, hoping that everybody moves together, recognizing often that doesn't happen we're the largest city in the county and sometimes we take the responsibility for doing things and being progressive noel this case we've got 49 other jurisdictions to show us how. I guess what I don't want to do is, simply defer this action, sort of the abyss of inaction. These things can certainly come back whenever we talk about what we're going to submit in February. But I'm hoping in the meantime the staff recommendations can move forward at least to continue working both with our regional partners as well as formulating an ordinance raised at the council level and of course supporting statewide legislation because I think we all recognize that the state had the courage to step in here we'd all be saving a lot of time. I'm hoping Councilmember Rocha's recommendation can be adopted with the staff recommendation that is everybody moving forward together. Councilmember Herrera.

>> Councilmember Herrera: I'd make that motion. To accept -- to move Councilmember Rocha's memo forward as well as Councilmember Liccardo's memo. And I think that also includes the staff recommendations too. And will come back -- this will all come back to the council in January. And so you'll be fleshing out the recommendations that Councilmember Rocha talks about in his memo so we can see some alternatives. Also, in terms of the list, the chart there that talks about the mitigations, there's no percentages on -- I'm losing the page here but there's no percentages given on, for example, creek cleanups and other things, it's to be determined so I think that's one of the things, those are some of the areas those last several mitigations are some of the things that the chemistry council and others says they can help contribute to, we don't know what percentages are and ultimately we're trying to get to 40%, right, so it would be interesting to kind of flesh out what percentages those

might be and can we get the contribution to helping us achieve that. Also I am concerned and I don't necessarily have to know but I want to reiterate again I want this to be the county pushing this together and the state necessarily going it alone. Wild I support the plastic bag ban and I'm proud that we did that, I do think we need to make sure other cities are going with us, it puts us at a competitive disadvantage in terms of business so I want to see us go together. That's my motion, I don't know if anybody seconded that.

>> Councilmember Rocha: I have a question for staff before I connect that. In terms of deferral my intent is not to defer any work we're already undertaking or participating in it was more on any new policy direction or work that you were going to go pursue until we have full council input on it. It wasn't to stop my current work we are doing. I don't know, rather than split hairs and talk about which work is current, direct, further direction on or past direction on it was just more or less an overall kind of direction on getting a full council debate before we make a decision on any specifics. And I know that's a general rambling there but I don't know if that gives you comfort. It wasn't a deferral of action of work we're doing.

>> Councilmember Liccardo: Probably six in one hand half a dozen in the other, I'm guessing work you're doing --

>> Councilmember Rocha: Are you more clear or less clear or --

>> Councilmember Herrera: That's exactly what my motion intended.

>> Councilmember Rocha: I have a few last questions if you don't mind and it refers to the letter Councilmember Liccardo talked about and I encourage once you do get a copy of that to look at that and maybe if there is something in there you think is effective for that January meeting of council please nomp incorporate it. As I said, I'm not going to put you on the spot. As far as product implementation for that phrase I mean the different products I asked about in terms of which ones, maybe as you look at that in the future should you pursue a ban or whatever the case may be, certain product types can be implemented sooner than others and just to consider that concept in the future and I just wanted to get that out there before I forgot it so thank you very much.

>> Thank you.

>> Councilmember Liccardo: Councilmember Herrera.

>> Councilmember Herrera: I just want to speak to my motion. Page 5 was the page I was referring to. If we could get more specifics on the last six items here.

>> Councilmember Liccardo: Is this table 2 of the D-2?

>> Councilmember Herrera: Right. Get more information on that. And I guess also, this is a friendly amendment to my motion, Kerrie you offered it up, phase in analysis for hardships for restaurants whatever we do here so we could take that into account based on Councilmember Campos' comments as well. Is that okay? Okay.

>> Councilmember Liccardo: Okay, unless there are further comments --

>> So can I just clarify on item D-2 --

>> Councilmember Liccardo: I hate it when she does that.

>> Councilmember Rocha: Thought we had it.

>> Are we accepting staff recommendations and then for item D-3 we're basically saying yes, accepting these recommendations but adding recommendations from your memos to bring back to council as part of the trash load reduction plan in January?

>> Councilmember Rocha: That last part again if you don't mind as far as --

>> Item D-3 you're accepting staff recommendation but then also asking staff to return with the additional recommendation that we discussed today, and incorporate that into the trash load reduction plan coming back to council in January.

>> Councilmember Rocha: Yes and no.

>> Councilmember Herrera: That woes two memos and my addition.

>> Right right.

>> Councilmember Rocha: It's moving the decision I think to full council. Not making that decision today.

>> Okay. So just accepting the report, and then asking staff to bring back all of the recommendations --

>> Councilmember Rocha: To the full council.

>> Cross reference to council. Thank you.

>> Councilmember Liccardo: Okay, I think the challenge we have is, we don't actually have an ordinance to present to council. So I'm a little concerned about the idea that we're going to go to council in January with something that's not fully cooked expecting a decision on going forward with an ordinance that we don't have.

>> Councilmember Rocha: I don't think the direction is to draft the ordinance.

>> Yes, so it would be to kind of follow the regional strategy, and then if we weren't looking at an ordinance kind of incorporate all of these considerations.

>> Councilmember Liccardo: Okay.

>> And then also do the statewide, so that would be kind of --

>> Councilmember Liccardo: Okay.

>> Councilmember Herrera: We're doing A B and C with some modification on B.

>> Okay, I think that's good.

>> Councilmember Liccardo: Okay, we're all qualified. All in favor? None opposed. That passes unanimously. Somehow.

>> Great, with that we'll move on to a very different subject. I'm joined with Kirsten Struve, leader of the plant master plan effort at the water pollution control plant in April we were also given direction to move forward on efforts to reduce odors at the plant and transition the biosolids process. So with that. Kirsten.

>> Okay, thanks Kerrie. Again my name is Kirsten and I'll be giving you an update on the regional odor study. Specifically in September of this year, the council directed us to develop a stakeholder process including the other possible odor generating facilities that are in the area. And the plant tributary agencies. Develop a funding plan to include a portion of the funding for a regional study, other than the sewer service and use charges. And complete development of the scope and engage consultant services and then to provide a status report which is what we're doing today. The purpose of the odor study is to better understand how nearby communities are currently impacted by the plant and the other sources, and to allow appropriate phasing and level of investment for the improvements at the plant. This is a map of the potential odor sources in the area. We visited many of them in December of last year as part of the plant master plan effort and confirmed that there is a variety of odor sources in the area including the plant, republic zanker recover facilities and the bay and marshes themselves. As you can see, the wind typically blows from the Northwest to the southeast in this area. In August, 2011 we engaged and consultant firm CH 2M hill who has internationally recognized experts on staff. We began

our odor study with the plant only at first. In order to test the air, it is tested at a special lab by trained odor panners for intensity, meaning how often does the air have to be diluted before it is no longer detectable by these people's very trained noses. Also the character of the air, does it smell good or bad. The lab tests the air for we capture air in bags. Floating in flux chambers directly on top of the sources of odors. Or using hand-held meters and nasal rangers. So the consultants did the first sampling event during all summer to NUMMI island landfill where they so this is the time for the generating offsite odors and we wanted to get a sampling of that event at that time into our study. We sampled all those maps on the left is the liquids process and on the right the biosolids area. In the biosolids area which is of most interest we took samples in different lagoons depending how long the materials had been in there and also the drying beds. Two more sampling events are planned in the winter and the summer. We want to catch different climatic events initial sampling event to find other sampling areas that might be of more interest. At the plant. The data is then used in a model call air mod, which is regulatory model so it is a regulatory model. including wind to develop odor contours. So what we come out with is a naphtha shows the contours that predict the likelihood of offsite impacts from the various sources at the plant. And that helps us then prioritize those sources that need to be addressed. And the data will also help us size the equipment that we would need at the plant. To calibrate this model, 15 locations around the perimeter of the plant, in Milpitas, Alviso and North San José were also sampled using a hand held nasal ranger. That was an independent consultant that used this hand held device to figure out what he was smelling in these different areas. Newby island and we have a meeting calendar with them later in December to go over the logistics of how that would work. We will then engage additional stakeholders in the area including the City of Milpitas who we have kept up to date on this study and assuming all the agreements with our partners can be worked out quickly the winter sampling events would include the other sources scheduled for January. Then at the end of the study by the fall of next year we would have documented regional odor sources and develop an odor action plan for the plant. With that I can answer any questions.

>> Councilmember Liccardo: Thank you very much. Questions or comments?

>> Councilmember Herrera: Motion to accept.

>> Councilmember Liccardo: Thank you very much for your report.

>> Councilmember Campos: Second.

>> Councilmember Liccardo: Okay. All in favor? That passes unanimously. Thank you very much. Move on to D-5, the quarterly progress report on energy efficiency and renewable energy activities. We are graced by the presence of Mary Tucker who I understand will be leaving us against our will, but with hers. Mary, I'm up and running, I just want to thank you for your commitment to all things green and being innovative and we certainly have been fortunate to have you here. My colleagues will want to chime in.

>> Councilmember Herrera: I want to say Mary, you are truly an expert we are going to wish you well on all your future endeavors.

>> Thank you. But you don't lose me completely. I will be working for an organization that is a coalition of local governments across the state, of which San José is a member. And we are working with the CPUC and the air resources board to make sure that the energy efficiency funds continue to come down to local governments.

>> Councilmember Liccardo: Oh, that's great. Glad to have a champion like you. Glad to have you championing these issues for us still.

>> And we'll invite you all to the retirement celebration.

>> Councilmember Liccardo: Yes.

>> Timing on this is kind of funny. Fourth quarter energy report. And one of the things we wanted to do with this report was, we we have already used it twice today. This is the bright green San José logo. Throughout the summer and the fall initiatives throughout community events. And we used the Department of Energy money to create a marketing -- branding exercise for the city so that while we were doing the DOE programs we were also

creating something that we could continue to use for years to come to market San José energy efforts not just DOE efforts. So with that, Mary, I'll let you dive into your final transportation and environment committee report.

>> Butter sweet here. So to give you an update on our municipal energy program. We are definitely underway with our energy efficiency and conservation block grant or EECBG LED street lights and solar projects. As you can see for our energy efficiency and LED street lights we do expect to finish those projects before the end date of the grant which is December 15th of 2012. From our energy efficiency projects to date we have an estimated \$186,000 in annual savings from those completed projects. Using both community development block grants and EECBG funds approximately 2100 low pressure sodium street lights will be replaced with smart programmable LED street lights providing an estimated annual energy cost savings of \$70,000 to the city. The Department of Transportation presented the agreement to the city council in November, for those installations and that was approved by the council at that time. For our solar projects, work proceeds on those cellular projects on the first four of the City's facilities. South service yard, Muni water offices the P.A.L. sports site and Kelly park south center parking lot. These are some of the initial renderings prepared by solar city december 12th we are getting these renderings into the libraries and community insertion around these installations. Further, financial private activity park land and potential closure analysis on the other sites continues, moving towards a notice to proceed for further solar installations as agreed upon in the solar city agreement. Some highlights in our community programs, focusing on the Hillview Tocna area, formerly the Dorsa Tocna area in East San José the better building program with the availability energy efficiency and other resource programs to install energy efficiency retrofits. In fact, several cities, Detroit, San Diego, Sonoma original goal to retrofit 45 sites, the City's program has surpassed that, now with more than 135 energy efficiency retrofits completed to date. We now expect to receive close to 300 retrofits by the end of the grant term in the fall of 2012. San José is part of a statewide partnership of counties and cities in this effort funded 50 Department of Energy and to date has been able to leverage the most energy efficiency retrofit for the energy sector this picture shows some of our better buildings staff along with neighborhood leadership and grid alternatives one of our partners in the community at the first California sash or single family affordable solar homes installation in that area. We are working on a June solar-thon in conjunction with grid alternatives . The better buildings program has also been very active in working with the small businesses within the area. This area has a large number of home-based businesses, and so work will begin in

January for energy efficiency installations in those home based units along with energy efficiency programs for other small businesses within the area. And continuing with better building programs Three training fairs and events have been will be completed by the end of 2011 with two dish events planned for early 2012. Participation at these events is overcoming our expectations of how many people show up for these. We are doing these fairs in collaboration with the center for employment training, center for training and careers, Work2Future, the workforce institute and the Overfelt adult education program. All of these advances as I said have been definitely well attended additional funding that could perhaps extend the better buildings program through 2013 and it would allow for expansion of the program into other neighborhoods into San José. The Silicon Valley energy watch program is a partnership with PG&E that uses energy efficiency procurement and public good charge ratepayer allocations for energy programs throughout Santa Clara County. The energy watch program is focused on energy efficiency retrofits for municipalities, small business, nonprofits and low to moderate income residents throughout the county. training events are also part of this training program such as the kilowatt tool which you see there which is now offered at every library in San José and throughout Santa Clara County. The city's been a partner with PG&E on this program since 2004. Our most recent contract term, the program starting in 2010, is slated to go through December of 2012. But there are pending California Public Utilities commission decisions that could have it continue through either 2013 or 2014, and San José is actively involved in the decision making process at the CPUC in this. From January of 2010 through August of 2011, our most recent data that we've got, Santa Clara County cities, along with the county, businesses and nonprofits, have saved \$851,000 on their annual utility bills because of our efforts. Another exciting aspect of our partnership with the city has been the innovation grants county Cupertino, who are using their creativity and understanding of their designated stakeholders to demonstrate new approaches to energy education and use combining energy with other sustainability topics such as climate change. As part of this effort, San José will be organizing a statewide conference in the fall of 2012 to highlight the best practices, program models, and the elements of many of these successful behavior based programs being demonstrated by these organizations. The City's solar America city project will complete its DOE funded program on December 31st of this year. The original goals for solar America city included working on energy financing, educational opportunities, and workforce training. We have exceeded all of our goals in this effort. The resounding success. More than 6500 individuals both local and international have toured the clean energy showcase. Sun shares, San José's pilot employee group purchase program for solar installations along

with a partnership with the credit union for our financing, achieved costs at 40% below market. This program is now being replicated throughout California, through the cities partnership with the Bay Area climate collaborative. The collaborative recently announced that Bank of America, with over 250,000 employees, as well as collaborative partners Genit rvetionc and Adobe will be running solar group purchase programs for their employees based on the sun shares model. The first solar home tour in San José held the first weekend of October of this year saw close to 500 vdz touring the homes in the showcase to learn more about going solar them cells. My home was also open for this event, from 10:00 to 2:00 and I don't think I stopped talking at all during that period. It was a steady stream. Back and forth between looking at the panels and looking at the meter going backwards. Our partnership with the international brother hood of electrical workers has also inspired many of the City's hard to reach youth to avenues for successful careers in the solar field. So just an overview again, the federal and state grants have supported the bulk of the City's energy activities. Since January of 2010, 14 and a half positions have been supported throughout the city from the stimulus grant. And through 2012 about 11 and a half will continue. Similar to other advertise, counties, and states throughout the country, we are facing the termination of this funding. And so we have begun and extensive review of potential sources for all aspects of the City's energy programs. On the municipal side we continue to use the City's energy fund. We're in first and second year savings along with rebates. Our return to the energy fund for continued municipal energy projects and for the funding of the City's energy officer, a designated position to go out there and find more projects and achieve more savings. This revolving fund has been highlighted throughout the state and the nations for best practices for other locality governments to emulate. For but without more influx of funds these programs will run out in 2017 osh 2018. repaying the loan, this process is similar to that used by energy service companies through their performance contracts and the state of California's loan program also a loan interest loan program. with the city's energy fund as I said a designated staff person is on board to ensure the assessments, the contract management and the completion of these projects is completed and ensuring that energy savings are returned to the City's General Fund in a more expedited process. It's unclear how ensuring staff coordination of these projects would work with the other financing models. For the commercial side the city is again working with the Bay Area climate collaborative and others to identify successful programs for the City's commercial building sector. A successful workshop was held in November, early November, to assess the potential for pace K property assessed clean energy financing and a benchmarking program to see how these programs could be implemented

in San José. The collaborative team within the city departments is currently exploring these activities and developing these programs. Another opportunity for both the residential and small business sector is the KSTA, the California authority. Which will be offering loan loss reserve programs for area banks and credit unions to provide energy efficiency financing for both the business and the residential sector. So all of these activities are reflected in the City's two year energy strategic energy action plan which was adopted by council in June of 2010. A review of that plan, along with an accounting of our successes and opportunities is underway. That review is also envisioned to involve external stakeholders throughout the community and we anticipate bringing forward a work plan for that review at the March quarterly energy report with the final report and recommendation for another strategic energy action plan at the June 2012 quarterly report. Other continuing efforts involve the identification of other partnerships and the ongoing look for other money. With that I request your approval of the quarterly report and available for questions and I want to thank you for the opportunity to have been with the city for close to 25 years. It has been an exciting adventure. It is bittersweet leaving but I have truly, truly enjoyed what I have been doing. Thank you very much, and the people that I work with. Thank you. [applause]

>> Councilmember Liccardo: Thank you, Mary for your service and for your leadership. Any questions?

>> Councilmember Herrera: Motion to approve.

>> Councilmember Campos: I do have a question.

>> Councilmember Liccardo: We are dying over here.

>> Councilmember Campos: Going back to the solar panels at our city facilities. Just to comment. You know, when we had our joint council study session with the Santa Clara Valley Water District, we were able to park in their parking lot. And they were installing solar panels. And the one thing that stood out to me is the aesthetics of those solar panels. I wouldn't call solar panels beautiful but they're very pleasing. And given that some of these solar panels are going to go at Kelly Park which is one of our urban park jewels and seeing some of these renderings, I think we could do better than that. And I would like to see that we take every -- that we make every

effort to make sure that we are mitigating the site impacts, just from, you know, because remember, we're taking parking lots that didn't have anything on them before to now putting something that is going to be there for a very long time. And areas that are sensitive such as Kelly Park and even our Muni water parking lot you know, I mean there's a lot of vegetation around there that you would hate to see be compromised because of unsightly objects in the parking lot. So those are my comments on that.

>> Thank you.

>> Councilmember Liccardo: Okay, just wanted to -- I'm sorry?

>> Councilmember Herrera: Did somebody second my motion?

>> Councilmember Liccardo: Long awaited second.

>> Councilmember Rocha: Also thank you for your time and service and I think our professional relationship goes back to old City Hall.

>> It does.

>> Councilmember Rocha: Your work has been always professional and I'm very impressed and it's a loss for us, as Councilmember Liccardo mentioned you're going to still be advocating for our interest.

>> Councilmember Herrera: I'm glad to hear we'll be able to continue to work with you on other and this item.

>> Councilmember Liccardo: Particularly, I'm going to look forward to what's going to happen with commercial pace and I hope you'll keep pushing with us. Thank you. Okay all in favor. Nobody opposed, that passes unanimously. Thank you very much Mary and Kerrie. We have one final item. Dave, you're a patient man.

>> Of course.

>> Councilmember Liccardo: Thank you. I'm not sure what you did to deserve going last but I'll have to talk to Ashwini about that. Welcome. Gentlemen.

>> I'm David Sykes the director of Public Works. I'm joined by Matt Morley and Steve Hammack the deputy droark on parks. We're here to give a report on our fleet pilot program. You recall we came back in August and the committee asked us to give an update prior to us entering into any agreements. In the way of background, last year we did some evaluation of our services. And really came to the conclusion that from a cost standpoint, we were very competitive. In many cases from what we could tell from the analysis, our hourly cost of providing fleet maintenance services was absolutely less than what we could see out in the market. However, cost is really only kind of one component of fleet services. Availability is another major component. And certainly to our clients any down time impacts their productivity. And so that's something that's been much more difficult to measure and that's kind of why we're headed down this direction of piloting outsourcing of some of the services to confirm our cost model but look at other ways of improving services that might improve the availability of the vehicles to the clients. As I mentioned we sent out an RFP, that RFPs have been submitted and we are currently in negotiations. A big part of what we're trying to do here is marry up the fleet pilot with some work that PRNS is doing and really from a fleet perspective the PRNS pilot is really about providing new vehicles, vehicles that will allow more staff to fit in a single vehicle, and ultimately using less vehicles to provide the same type of services out with the parks. So Matt's going to go through the two, quickly go through the two proposals that we received. And ultimately, our recommendation to move forward with mighting both, recognizing that there's value that we hope to get out of these pilots. And it is a small, really, part of our fleet services. So I'll let Matt start that process.

>> Thanks Dave. So we received two submittals as Dave said one from enterprise and one from a company calmed ARI both large companies in the industry well-known and with a significant number of vehicles that they manage. Both companies proposed on various models, or a couple models. Enterprise on a lease model which is the focus of what our RFP looked like but because it was a pilot we allowed some flexibility and with that ARI

came back with two proposals one was a similar lease proposal and the second was a proposal that does maintenance of our existing vehicles. So we would take a complement of vehicles and they would provide the maintenance services associated with that. The maintenance model has a cost to it, but it does offer the ability or the possibility of doing some productivity and efficiency gains from PRNS's perspective. So that was important to us. And the maintenance model allowed us to do an apples to apples comparison with how we're providing the service with how it would be done in the private sector. So a really good apples to apples from comparison from that perspective. Dave said we are considering moving forward with one version of each of these. In the lease model to get into that a little more, for our pilot we've selected 20 vehicles we would put into the lease. The leases are flexible so we can cancel at any time if for some reason it isn't working for us. We would be responsible for any outstanding plans on the lease at that point. The overall cost through the term of the lease is 2 to 3% more than what it would cost us to own the vehicles. And the maintenance is included in the numbers. Away it does allow us to do is get some measurements on as I was saying before some of our metrics are availability, and the costs associated with the maintenance. This sheet talks a little bit to the cost associated with the lease. There's a two-year, this is a two-year program so a two-year cost of \$200,000. The maintenance cost avoidance is what we spend to maintain the vehicles that should be replaced, I should say. These are older vehicles ten, 11, 12 up to 13 year range, we would be replacing them with newer vehicles with a much lesser maintenance cost. So we have a need for funding for the lease side of the pilot of right around \$100,000. One thing to note is the maintenance associated with the lease veld in house model but I think the rollup on the comparisons is going to be well worth it for us to be able to collect the data. Also note that we've identified C&C funds to cover the cost for the least program over the two years. So with that we're pleased with the ability to look at the program holistically. Not only, not only providing the maintenance to the vehicles but how it affects our partners and in this case PRNS and how they deliver the service delivery so it rolls together our maintenance cost with their needs to provide service at the front -- at the front exposure. We'd like to move forward with both, because we do have the existing funding. It does allow us to test the PRNS model and it also to test the various elements of metrics that we're concerned about and that our clients are concerned about. Maintenance model B in details, there's 20 additional vehicles as they are. So our current fleet in the condition they're in, they match our general fleet profile as we selected them. The vendor maintains them in a cost plus model so they would add on to whatever it cost them a couple percentage points if we decide it's too expensive or not working for us for some reason at all we can back right out

of it. Couple considerations on this model. What are the true costs? From the vendor's perspective and some of the metrics and the numbers we'll be watching through the term of the pilot. To compare, for instance, something as simple as a brake job, how and what it costs us on the outsource model vs. what we could do it in-house and we have pretty good data on that to be able to track and do the comparisons. Are there truly availability differences? We'll want to track that. That's what we're hearing from our clients, they want vehicle availability, so we'll be able to look at that and do a true comparison. And then is the service complete and equivalent in quality? Are we getting the same service on an outsource model as we get when we do it in house, everything from quality of products that are used and the care and detail that goes into checking the equipment to be sure that it's safe and ready for the road. So our next steps, we'd like to finalize the negotiations with the vendors, implement both programs as we've said. We'll monitor the progress over time and report back to the committee, either at the end of the pilot or, if we change direction, or see the need to change direction along the way. And with that, we're available for questions.

>> Councilmember Liccardo: Okay. Thank you, gentlemen. Councilmember Campos.

>> Councilmember Campos: Thank you. I guess tongue in cheek, so is this dinosaur, is that Denny the dinosaur?

>> The first picture is Danny and the last picture is a dredge so the phrase we maintain everything from dragons to residential. I think there's 2600 pieces of equipment that we maintain.

>> Councilmember Campos: Wow, that's very impressive. I have a couple of questions. One you mentioned that C&C funding is identified as a funding source. How would you do that? Would you take percentages from each of the districts, is that how you would do it?

>> Hi, Steve Hamm-ett parks and rearing's, each year vehicles and so fort so this is just a budgeted item that we've already had available to us.

>> Councilmember Campos: Okay. Then my last question is, in terms of -- I know in the staff record you talked about loading more city staff per vehicle. Doesn't that create another inefficiency where you could be out dealing with two things in two different vehicles as opposed to going from one to the next?

>> Great question, councilmember. We embarked on a whole pilot program to test this out. We're currently doing this. We started back in the spring with one of our supervisors, Tony de Anda, and he has been using this new poled which is really a commercial model, something you'll see private companies do. And what it is, is that we have an entire crew a very dedicated crew that goes in a bigger truck, a dual cab truck, you can carry four, three four five people along with their equipment and a trailer in the back and proceed on a very regimented schedule every day to a lot of these bigger parks that we need a lot of specialty services at. Again our dedicated staff is vees talented in dealing with water features, irrigation features mowing premium ball features and so fort. This crew s has proved to be very effect enology that the park is going to get a full service and then they move on to the next park and the next park until their day is fished. Then also alternatively for parks ten different phone calls that come in every day we do have another crew and a truck available to attend to those kind of things. This is more of a dedicated regimented service due to all the cuts that the department sustained over the last couple years, we couldn't continue to put fixed post positions in parks. We have to do it a different way. And this model seems to be working really well right now. So we're hoping to expand it.

>> So in a way what we're doing is parks providing the service in this new manner would like to, we need the vehicles to be able to do that so we're marrying up the pilot we have on fleet to be able to provide those vehicles so they can provide the service that Steve described.

>> Councilmember Campos: So then so I know that some parks get more attention than others. So then this will enable us to actually give attention to all the parks in our system, there's a crew that can actually do things faster because there's more people is that --

>> Exactly right. Other than just sending one person and one person with an alternative work program, and picking up litter and doing just some basic services this truck is going to roll up with again this dedicated staff and

they will be able to knock out everything that you need to have a safe clean green park all operational ready to be used.

>> Councilmember Campos: So they'll be on a schedule?

>> Very regimented schedule.

>> Councilmember Campos: So would you be able to provide a schedule to our offices so what we could pay attention?

>> Oh yes.

>> Councilmember Campos: We could pay attention before and after our parks because I would be interested in you know seeing that because I've seen parks neglected over the past two, you know year, year or two.

>> A couple years, yeah. It's been a -- you know we can't do the same things that we were doing before. So this is an attempt to do it more efficiently and effective, and providing that schedule is a great idea and once we get going and spread this out across the city we'd love to do that.

>> Councilmember Campos: And then we'd be able to communicate that to our neighborhood associations when they're asking when is our park going to get maintained or some attention on the parks.

>> Yeah.

>> Councilmember Campos: Okay. So will you come back since this is a pilot will you come back mid year to kind of give us a report as to how it's going?

>> On the fleet pilot what we were recommending is to come back at the end of the pilot.

>> Councilmember Campos: Okay.

>> We could come back earlier but I think we'll need some time to kind of test it all out and make sure we're getting some data that we can report back on.

>> Councilmember Campos: Okay.

>> Councilmember Liccardo: Councilmember Rocha.

>> Councilmember Rocha: Thank you. The two year cost analysis or lease program funding need that you showed there. So when you look at it in a two year and this is the dollars that we're looking at, does it change when you move beyond two, three, five? Or does it stay the same flat cost all the way through?

>> It's the same all the way through, yes. So the lease out beyond two years we would continue with an annual least cost.

>> Councilmember Rocha: Okay. Let me go back to that. So the maintenance cost in my mind, trying to understand what they would be. Because given a lease and potentially a new vehicle my experience is anything within the first two to three to five years is not --

>> Oil changes.

>> Councilmember Rocha: Yes.

>> Very basic yes. These maintenance cost is the avoidance of having to maintain the vehicles we have now. The old vehicles we're taking out of the service, leased vehicles into service. So Steve's going to turn in some of his old fleet and we'll take on the new fleet without having the maintenance cost associated with the old fleet.

>> Councilmember Rocha: When I heard maintenance cost, this was listed a couple of times, I thought what cost? I thought we're eliminating the cost. Thank you. Let me jump back I guess to an item that talked about staffing. And the maintenance or -- on some vehicles that we would contract out. I don't know if that taps right term. That was one of the different options. That was option B.

>> Yes.

>> Councilmember Rocha: You're going to pursue both options?

>> We would like to pursue both options. The maintenance is about a quarter of an FTE so not a great impact on staffing overall. So we will manage that through our vacancies that we have.

>> Councilmember Rocha: So we'll not see a pilot program. Those are all the questions I have, thank you.

>> Councilmember Liccardo: Thank you. Just had a quick question about option A, the or model A. Since we're talking about vehicles. The whole deal when we're done at two years, we've got a residual value of \$26,000 roughly per vehicle that we're on the hook for, right? The next sentence reads, the city could 26 thousand is what we'd pay to purchase, right, roughly?

>> That would be the cost, that would be the balance on the lease for the vehicles at that time.

>> Councilmember Liccardo: If we pay \$26,000 we get the truck?

>> Yes.

>> Councilmember Liccardo: We could resell it if we choose, do we realistically think we'll make any money on the resale? It's targeted to be a loss.

>> I.T. roughly.

>> Councilmember Liccardo: Okay I think I get it. Okay. There's one member of the public that would like to speak. David Wall.

>> (inaudible) election of yellow cards. We had cards for D-4 and D-5 in your presence?

>> Councilmember Liccardo: Open forum for you. Look at that, I've got a D-5.

>> There's D-4 too.

>> Councilmember Liccardo: I don't think I have D-4. Unless there's something new.

>> In reference to D-6 I don't support these options at all. I think these companies come in and traditionally low ball cities and or corporations. I think our city maintenance people our mechanics or what have you are so talented that they should be given protective status. The city should not be rolling the dice for the people that keep all our marijuana vehicles going, our heavy equipment going and all the assorted other vehicles going. And I will leave it at that. Outside of did you find the card for D-4 and D-5?

>> Councilmember Liccardo: I found a card for D-5.

>> I have documents I have to go to my chair if this is before open forum.

>> Councilmember Liccardo: Okay, thank you. All right.

>> Councilmember Rocha: I'd like to move we accept the report. Do we see this go to council or just accepting the report?

>> Councilmember Liccardo: Just accepting the report.

>> Councilmember Rocha: I'll move.

>> Councilmember Liccardo: All in favor? That passes unanimously. Thank you gentlemen and thank you for your patience.

>> Thank you.

>> Councilmember Liccardo: We now have time for open forum. David.

>> First off this deal with the new markets tax credit for this environmental innovation center. I'd like quarterly reports as to the status of the qualified active low income business groups and their structures. I don't want you folks to be snowballed or low balled, just snowballed by this process. This is a very tricky financial structure and it has to be monitored basically around the clock. Next issue deals with Your Honors memo for Rules Committee about using the park fund to help out the downtown business association. The parking fund as you clearly stated in an excellent written memo, has a projected surplus to it that could be used to pay for the ecopass program. Since the ecopass funding program was taken away because of the short fundedness of the fourth street garage issue. That's where they lost the money from or at least that's what I was told. Now we have it as a funding source for downtown business association which is either here nor there. Also the use of the term and I'll quote you, the downtown as the urban center of Silicon Valley, quote, that's offensive. I'm tired of these cheap marketing scams that take away the City of San José. We're San José. We're not sloifn Silicon Valley. We're not the suburban center of Silicon Valley. The heck with Silicon Valley. They wouldn't exist without San José. Another issue is noticing requirements for the carry-out bags for businesses. This is an envelope that came to me in my possession. Certified mail. Now, if this is certified mail going out to all businesses. In there there's a glitzy ad about the ordinance. And a questionnaire that is basically -- and it is called single use carryout bags, self certification. All this staff time all this money to create a database that is by its structure is incomplete. And if it's

incomplete by its structure it gets to the issue of incompetent management. Just so you know today, there was well over \$1 million of incompetent management of ESD sitting before you. As item 5 and 4 that's unfortunate.

>> Councilmember Liccardo: I'm very sorry for overlooking the one card I overlooked, Mr. Wall. Mr. LeBrun.

>> Hello again I was going to key in on a comment Councilmember Herrera made earlier about using high speed rail funds for local transportation projects. And I'd like to share a couple of thoughts on CalTrain and the peninsula branded system. First of all give you a little background and get to the main point. Many of you saw and you may also know that the business plan currently proposes a six mile viaduct between CalTrans system capacity analysis and now have travel time between San Francisco and San José down to 37 minutes with a single two-minute stop in Millbrae. In conclusion, I'm bringing in up to your attention today because CalTrain, at just seven minutes short of prop 1A compliance and it would really help the efforts if San José could communicate on North Diridon high speed power plan which in conjunction with the transbay bore tunnel would have the potential to substantially reduced travel times between San José and San Francisco. Thank you, and happy holidays.

>> Councilmember Liccardo: Thank you. Thank you Roland. Ross. Good afternoon. You have the last word, Ross.

>> Okay. That's the way I like it. Mr. Chair, may I ask a question of Councilmember Campos?

>> Councilmember Liccardo: Usually it's not a question and answer time but sure, Councilmember Campos may be willing to answer any questions after.

>> Well, this has to do with the meeting. And what I wanted to know, is this. This his neighborhood he said he lived in this neighborhood for 43 years.

>> Councilmember Campos: 45.

>> Councilmember Liccardo: You look 43 though.

>> You have more seniority. But nonetheless you said you never thought those businesses would go out of business. And now they're causing a blight because they're closing. You think because of the street vendors that are going around and I'm just wondering, is there any control over the street vendors, since you think they're hurting small brick and mortar businesses, isn't there anything you can control? Do they have to have permits? Okay? Is there a source to make sure that their food that they're serving is healthy? Then in this permit process, how many permits do you want to give out? You can control that, too, and protect the small businesses that are there. I think that might be a way to look at it. I don't know. Thank you.

>> Councilmember Liccardo: Thank you, Mr. Signorino. With that the meeting is adjourned.