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>> Mayor Reed: Good afternoon. I want to call this meeting to order. This is Rules and Open Government Committee meeting for April 11th, 2012. Any changes to the agenda order? Nope, then we'll go through the April 17th agenda first. Any changes to page 1 or 2?

>> Mr. Mayor, I believe my office had contacted the mayor's office to do a commendation the evening of the 17th. I don't see it on here with that, how would that work, we could move it to another day or --

>> Mayor Reed: I think we could put it on. If you know what it is and you're ready to go.

>> Councilmember Oliverio: Yes use a place holder?

>> Mayor Reed: Yes.

>> Councilmember Oliverio: Commendation, April is child abuse month, someone was going to speak on that matter. (inaudible).

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: We have two commendations, we could add a third one for the evening, when do you need the info? City Clerk?

>> Councilmember Oliverio: Like today?

>> Dennis Hawkins: We'll have to know by tomorrow.

>> Councilmember Oliverio: Okay, thank you.

>> Mayor Reed: Anything else on page 1 or 2? Page 2 or 3? Page 4 or 5? Page 6, page 6 or 7 I guess is the way I've got it. I have nothing on 8, I have 9, some general -- no general plan hearings some other hearings on land use matters. Anything else? I have some requests for an addition, requests for excused absence for Councilmember Constant, any other requests for additions? We've got a request to add approval of travel for Vice Mayor to Washington, D.C. for May 7th to the 9th. And a request from the Vice Mayor for excuse from closed session regular meeting during that same time period.

>> Motion to approve the agenda.

>> Mayor Reed: And I think that's it. Any other additions?

>> Councilmember Oliverio: Make a motion to approve the agenda with the additions.

>> Mayor Reed: Motion to approve the agenda with the additions.

>> Councilmember Constant: Is there just two items on the evening agenda? I didn't see anything -- that's it.

>> Mayor Reed: Two land use matters.

>> Dennis Hawkins: And both those items were noticed for evening session.

>> Mayor Reed: We haven't yet changed our rules so we could change that.

>> Councilmember Oliverio: We'll have the flexibility come may for minor use items to hear them during the day?

>> City Attorney Doyle: Yes I think for purposes of the Rules resolution it is. We just have to make sure planning has the process in place to make the changes.

>> Councilmember Oliverio: Thank you.

>> Dennis Hawkins: Mr. Mayor, these were in the pipeline before for 7:00, that's why we couldn't change them.

>> Mayor Reed: We have three ceremonial items so we'll have to do that anyway. Mr. Wall you want to speak on this agenda item?

>> Item 2.8, should possibly be dropped. Note, we -- they state 344,000 annually from the San José innovation center. That means that basically, a year and quarter you'll recoup the \$440,000 that was lost due to incompetence with reference to the new market tax credit issue, and I think that should be dropped and looked at a little bit better. Item 2.10, South Bay Water Recycling is a gross embarrassment to the city. I think you should drop that entirely until the funding scenarios are exigitated out, and there should be a little more commentary on 2.9. Thank you.

>> Mayor Reed: That concludes the testimony on this item. We have a motion to approve as amended. All in favor, opposed, none opposed, that's approved. April 24th agenda. Anything on page 1? I see we have a high school glee club which is probably a group of some size for the invocation. So we'll just go over with the procedures, we got the orchestra in and out, I think that worked pretty well. Anything on page 2 or 3? Page 4 or 5? Page 6 or seven?

>> Councilmember Oliverio: Question mayor.

>> Mayor Reed: Yes.

>> Councilmember Oliverio: On 4.7 I notice from time to time we continue to list SNIs when they don't exist anymore. Can someone ask planning -- it makes more sense to do it simply by the council district.

>> Mayor Reed: The area still exists.

>> Dennis Hawkins: I believe that was a formatting issue, part of the council agenda process that goes back a number of years. I know when we did some work on revising some work flow for the council process we looked at that but we weren't at the point to change that but that's something we can perhaps discuss with the manager's office.

>> Councilmember Oliverio: Thanks.

>> Mayor Reed: Yeah, we don't necessarily need to list it. Anything else on page 6 or 7? We need a waiver of sunshine, 14-day sunshine waiver on 7.2, commercial solid waste fees and management customer rates, will we still meet the ten days?

>> Yes, we should have the memo out by then.

>> Mayor Reed: Anything else on page 6 or 7? Page 8 or 9. I have no written requests for additions. Anything else? Commendations to Santa Clara Valley chapter California native plant society to be added.

>> Councilmember Constant: Motion to approve with the additions.

>> Second.

>> Mayor Reed: Motion is to approve with additions and amendments. All in favor? Opposed? None opposed, that's approved.

>> Dennis Hawkins: Did that include the sunshine waiver?

>> Councilmember Constant: I said it really, really fast.

>> Dennis Hawkins: Just wanted to clarify, thank you.

>> Mayor Reed: Including the sunshine waiver, yes. All right. I think the next thing for us, action is a alleviate update, we'll have a verbal update on state and then federal we have Patton Boggs representatives here for the federal one. So Betsy, I'll let you start it.

>> Betsy Shotwell: Thank you mayor, members of the committee, Betsy Shotwell, director of intergovernmental relations. I don't have anything at the state level. I had this as a place holder. They have just come back from session, and no bills have yet been scheduled for hearing, so we're following closely. We'll keep you obviously very apprised as they move forward.

>> Mayor Reed: I did notice that senator steinberg says they're going to move some pension reform legislation, without saying what, but he says they're going to move.

>> Councilmember Constant: Is that reform or modification?

>> Mayor Reed: That could be just a change.

>> Betsy Shotwell: I'll keep you current when I know more. So moving to the federal piece if I may, there is a written report in your packet. We won't go into any great deal or length, of course we're here to answer questions and if the committee likes, Merritt Gutman is joining us with Tanya DeRibbi from Patton Boggs, and Merritt could be available to give a few minutes of overview of where things aren't or are in Washington, D.C.

>> Mayor Reed: Okay, that should be good. Mr. Gutman.

>> Thank you, Mr. Mayor. You have the written report, so I don't want to reiterate that. I think what would be most helpful, and to engage in a dialogue as well is just to just outline or list a couple of things that we see as potential

to move going forward in the next year and a half. To focus on, that comes out builds on the agenda that's already been presented reporting out of what has been worked on. First generically on appropriations, we don't anticipate any appropriations bill of significance be finished prior to a lame duck session so it's often a topic of conversation how fast they will move the appropriations bills. It all depends on the outcome of the election. In terms of interest in finishing things during a lame duck session, if there's a change in the presidency then -- and a flip in the control of the senate, then it will probably wait until next year. But certainly nothing significant except perhaps a Homeland Security bill prior to the election, to get past. We indicated in here some work around the patent and trademark office in support of the business community here and the leadership role that the city has played as well in trying to secure one of those satellite offices. The information presented, we're continuing, the mayor is going to be out and meeting with business leaders as well with patent and trademark office about that request next week. And we anticipate that a short list will be publicized by the USPTO when the next two months with a decision probable before the election. The other items are, somewhat longer term. So we do see a probability of bipartisan collaboration on a final transportation reauthorization bill, as you're probably are aware it's been extended several times. Don't forecast that we'll be able to get that before the election. So it would probably happen early in 2013. There are a number of items that were indicated in the report that are priorities for the city and the region as part of that. There's some good news incorporated in there already that we anticipate will be passed both house and senate versions of the bill, complete bipartisan support around creative financing mechanisms, but there are other issues around governance decisions at the regional level on how allocations of federal resources are made and what the proportional split is on federal dollars coming down passing through the state to major urban areas, metropolitan areas versus how much is being held at the state level for state discretion. So those are issues that will continue to be played out over the next several months. But ultimately something will happen, a transportation bill will pass, because there's an action forcing event, the trust fund running out of money, early next year. So something has to be passed for a somewhat longer term period. We think there are other potential infrastructure bills that could benefit the city that have the prospect of being passed in the near term. One is a water infrastructure financing proposal called WITHIA which is modeled after a successful transportation loan guarantee program and that has bipartisan support. It will be introduced imminently and it would address some of the issues of the city that the existing state revolving funds do not currently fully support in terms of combined sewer overflows et cetera as well as recycled water build-outs and other things that

could be of significant project scale, where it doesn't give free money, it's not grants but it significantly lowers the cost of capital. I think that a couple other short term items, one Homeland Security funding as you all know, the Bay Area as a region received a disproportionate cut vis-a-vis some of the other tier 1 high threat areas under the Urban Area Security Initiative. We've collaborated with the region and taken a lead role in the delegation in trying to identify what factors are in play there that reduced the Bay Area's allocation. And to address those going into the next cycle. It's too late to deal with that for fiscal 2012. There will be continued pressure on the amount of money that's available for local and state, Homeland Security, Homeland Security support, so it's going to be critical that there be a specific substantive investigation, that, in collaboration with the delegation to ensure that the factors that DHS cited this round are appropriate and, if there are issues that we see, where the Bay Area was disadvantaged inappropriately, those are corrected going forward. We've been through this process before, in prior years. With the Bay Area and other places. And so it's going to be a multiple month cycle. But we noticed to do that before the next year's appropriations. Two more quick things. One is: Tax reform. Tax reform is likely to happen, certainly not before this election but 2013-2014. Tax reform is typically a four-year process. They began hearings in past years. So it could even carry on to 2015. That is, as you are aware, a significant issue for the economic development environment in Silicon Valley and San José. The City's positions are pretty consistent with the business community's positions. But there are issues that are broad ranging outside the City's direct budget receipts but critical to the economic vitality of the region including questions around how to handle repatriation of foreign earnings and what those could be directed to, what rates and mechanisms to bring back those dollars for domestic reinvestment to territorial tax systems that make the companies based here more competitive and more likely to on-shore production and other employment opportunities. Also, there are elements in play about municipal tax exempt financing, caps that have been proposed for the past two years on tax deductibility, and that will, while the city is not anticipating any near term tax exempt bond issuances it would be a long term issue. And we are focused on making certain that the -- the capacity for effective municipal tax exempt bond financing remains in place. And finally, on economic development generally, all of the issues that are being discussed towards 2013, whether it is an Obama administration or Romney administration are very consistent with what San José is well positioned to benefit from. And San José has been referenced quite frequently and discussions about advance manufacturing, commercialization, and exports. Those are bipartisan issues. There is some consistency in the policy ideas and proposals that have been put out related to taxes and programmatic interventions. Both

the Obama administration, and the policy development leads in the Romney campaign, have talked about ideas and are developing concepts to put in place in 2013, whatever the outcome is. So all of that means some positive things that could benefit Silicon Valley and San José from federal action, at a time when the federal government is -- well, it can't be characterized as anything better than pretty dysfunctional. And the likelihood of significant additional resources coming from the federal government to local priorities is relatively slim. So I think that that's a positive, going forward into the next year, year and a half. Questions?

>> Mayor Reed: Okay, any questions? I had a couple of comments. First, you didn't mention the Telecommunications category in your report. You talk about the spectrum act, and I just wanted to acknowledge that it took a lot of people a lot of work and we had a national effort led by chief Moore on behalf of Public Safety to get Congress to allocate part of the broadband spectrum to public safety and to help generate about \$7 billion I think towards building a national network for public safety broadband. So you know, that's a big success passed, signed, and we're working on it. So I know that's the last part of your report, but we occasionally do have some pretty big successes and I don't want them to go unmentioned. So I thank you for your help on that. It's been many years of course with the chief leading the charge. For all the major chiefs, we were right in the middle of it for a long period of time.

>> Yes we were. Now we have to worry about the regulatory implementation of it.

>> Mayor Reed: The devil's always in the details.

>> It does not end.

>> Mayor Reed: First you got to win that bill, and we got that, and now we have a chance to do it right. Councilmember Constant.

>> Councilmember Constant: Just a quick question. You have the one item on pension reform on page 9. But I know that doesn't directly apply to us. But in relation to the IRS and the Department of Treasury taking very little,

basically no action on letters of determination based on opt-in programs, what are the odds of a legislative solution to that, since there are so many government agencies that are really waiting for that to make meaningful reform?

>> The odds of a legislative solution are slim. The -- you can just see what happens on controversial issues, with very diverse constituencies. I don't need to spell out all the different players here, all the different stakeholders. So the likelihood of a statutory solution is very low. However, once you get into 2013, and you have some of the political considerations out of the way, it's more likely that administrative or regulatory action can take place to facilitate in either expediting some of those determinations or if there are changes that are required in the existing rules, that those would be given more prompt consideration.

>> Mayor Reed: Okay.

>> Councilmember Constant: Thanks.

>> Mayor Reed: Anything else in the way of questions or comments? Do you have anything else to add, Merrick? Tanya? Anything to add? Okay.

>> Councilmember Constant: Motion to accept the report.

>> Second.

>> Mayor Reed: Motion to accept the report. I have one request to speak, Mr. Wall.

>> I'd like to welcome our representative from Patton Boggs to the City of San José. I hope they at least took you out the lunch because we're not broke yet. Under the federal aviation administration reauthorization, on the tarmac delay contingency plan, I personally would like to see some reference to local airports that say, take San Francisco international for example, that have delays. And due to the fact they're overcrowded and subsequently

those slots for airlines should be shifted to other nearby, adjacent airports such as San José international airport. I think that should be a nice rider to keep people moving around the country instead of sitting in a plane. On chemical security on page 8, the chemical facility antiterrorism standards, I would like to see that applied directorially to water pollution control facilities and drinking water facilities specifically since San José is on the precipice of having two located in the same area. So I think that should be looked at. Other than that, welcome again and I hope they treat you well here.

>> Mayor Reed: That concludes the public testimony. We have a motion to approve. All in favor, opposed, none opposed, and I will see you next week, patent and trademark office visit and a few others in Washington. Thanks for setting those up.

>> We promised no rain.

>> Mayor Reed: It never rains in Washington when I'm there. It's always a great city to visit. Just wouldn't want to live there. Next item is the public record. I have some requests to speak on the public record. Take that now, Mr. Wall.

>> There's a couple of letters being passed out that are referenced to basically an activity that is written about on item H. Both letters that were passed out today are from our honorable City Manager with reference to the Cupertino sanitary district and to the City of Milpitas. I would like to reiterate the seriousness of the entire South Bay water funding scenario, I think that when you look at these letters, and the issues raised by Milpitas and specifically Cupertino sanitary district, there's very serious cause to basically shut down the reclaimed water project right now. I mean it's been losing millions ever since it's created and it has succeeded its authority. And should any one of these government agencies' lawyers get ahold of all these marshland studies that have been done by ESD for over a decade if not longer, and they see conclusively that order -- water order from the state, which is foundational to the argument to support the reclaimed water project in toto, if that order is vacated, you lose complete funding for South Bay water. And open yourself up to a myriad of potential legal grief from people that have been supporting a program that was never needed in the first place. Then found out by a government

agency using ratepayer money that it was never needed in the first place. But then that government agency didn't go to the state and ask the order to be vacated because it wasn't needed, and kept expanding the program at taxpayer expense. I think that is an impossible situation to defend against and it also goes to the issue of how much reliance you can have Mr. Mayor, upon the office of City Manager with reference to appointees --

>> Mayor Reed: Sorry, your time is up. Ron John Matthew.

>> Mr. Mayor, I'm a resident and taxpayer next to John Meis park, I don't mean to be official taking time off work but I feel strongly enough to come here and it's personal opinion. So once again this is to formally request that the multimillion dollar John Meis upgrade and Mitty high school joint use proposal be postponed to next week and any other upcoming city council agenda planning sessions due to several unresolved issues and lack of due diligence, which I've listed in my letter of the public record. Just a few points. The fact that the city council slot has bounced around from end of April to April 17th to April 24th now on May 1, essentially indicates that the community feedback at PRNS is really -- the whole proposal is still in flux and has not been fully vetted out and there are two permits to be submitted to the city council. As an example, the joint use proposal with Mitty high school overwhelmingly favors terms for Mitty and does not fully address any of the local neighbors' inputs or concerns. For example, when the neighbors put a fence around the turf, PRNS not only kept the fence but has now added trees all around the fence. In other ways and suggestions are being ignored. So we don't know to what extent Mitty is influencing these type of divisions discussions to the exclusion of the committee input. All the other items are listed in my public record letter. Once again, we implore the Rules Committee to postpone the John Meis proposal topic until there's a full and deliberate and public review and comment phase of the PRNS staff report, not just a Website. And also, there is a response to the AR that is still pending from the planning director. Thank you.

>> Mayor Reed: Chen Wong.

>> I wish to continue on the comments of the previous speaker. My name is Chen Wong, and you can refer to paragraph F of my letter which is in the public record. There, I make the point that I wrote to the neighborhood

traffic management and the Department of Transportation, pointing out to the fact that the new proposed John Meis park improvement introduces 30 extra parking slots. And together with the public parking, it goes up to 70 which is an extra 40% of the parking availability. D.O.T.'s response to my letter, again here, is that on a given day which is they did the study on the 24-hour period, about 115 to 150 vehicles come in or out. The proposed plan asks for, allows Mitty to use all 70 slots. If you use all 70 slots and they are high school students they will be trying to get into John Meis court within that 15 or 20 minute ratio. Imagine moving along Moorpark avenue and it is packed and getting in and out of John Meis is going to be a nightmare. Last year on November the 9th there is another accident on the intersection. The dot response to me is they do not conduct any traffic projection modeling safety study for a future project. I would ask that the planning director conduct such a project because we cannot sacrifice the danger of accidents because of parking. Thank you.

>> Mayor Reed: That concludes the public testimony on the public record. Anything the committee would like to comment or discuss?

>> Councilmember Constant: Mr. Mayor, I just recommend that these two items that were just spoken of, that a copy be provided to Matt Cano of PRNS since he's working on this project. And just to update the committee, one of the reasons this has been deferred and I don't see it on our agendas yet is because staff wants to adequately address all of the concerns that were brought to me and PRNS at the community meeting the last time we discussed this. Once the report is out, I think it's important, as the speaker asks, that we have a full, open milk discussion which is a council meeting so that we can have -- the public have the opportunity to address the entire council with their concerns, and the counsel can take the appropriate action as it sees fit. Thank you.

>> Mayor Reed: Anything else?

>> Councilmember Constant: And I'll make a motion to note and file everything else.

>> Mayor Reed: Motion is to note and file the rest of the public record. All in favor, opposed, none opposed, that's approved. Taking us to G-2, request to direct the administration to reduce Chicago's incentive board

wellness to reduce health care costs. We have a memo from councilmember Oliverio. Do you want to speak to your memo, councilmember?

>> Councilmember Oliverio: Yes, mayor and colleagues. I believe we all are aware of the \$1.5 billion unfunded liability in our health care plan, and we as a city and other cities have grappled with these issues of the costs of escalating medical costs. And one way to certainly manage that is to reduce the amount of services you give in the plan or increase co-payments, increase a portion of what you pay. The way the city system work is that, you know, 50-50 cost and that's obviously in growing cost to employees. And with that said, we've discussed wellness here in generalities on the city council and it's done things like Kaiser gave us money to build the gym downstairs. But it really doesn't do anything to reduce the actual cost of the plan. It might reduce the rate of growth. But reality, if you want to actually affect the cost of the plan, you want to make sure your pool of people that are receiving medical care are as healthy as they can be. And part of that is using incentive-based wellness or mandatory wellness, whatever you want to call it, where people are asked to simply have health screenings, which are things like cholesterol and blood pressure, et cetera. And this therefore ideally having people not get more serious medical conditions that would cost the plan more, that gives the assurance to the insurance provider that actually is being something firmly done. And as is being condition in Chicago, it's a simple statement. If you are open to doing the health screenings, then you pay one price for your health screenings. If you do not want to partake, then fine, you will still have insurance, but you will pay something more. The reality of the way it is today is if you don't have some type of requirements then you won't get the cost reduction from the insurer. And at the same time there is a -- not only are we talking about cost, but you are actually also being able to possibly prevent your workforce from getting afflictions based on unhealthy habits. And if you can prevent someone from being a diabetic, that's probably a good thing to them, and also a good thing to the health plan. So I think it's fairly simple, as far as just simply calling the city of Chicago up, asking the nuances of the plan that's been implemented, then simply taking that to our insurer and asking, if we were to implement something like this, would that be a reduction, and what type of reduction would that be? And granted, there's some nuances about it. But I don't think this needs to be a let's reinvent the whole system type of thing, reinvent the wheel, do it the San José way. Let's just look what's being done in Chicago, and you know, if it's another option down the road, I think we should look for it. I think a time line for me would be something like if we could implement something like this if it comes back

positive by the end of the year as another option. I don't rule out anything else the council has to do to contain health care costs in the interim, but I certainly would like to see if this would be something else to contain cost. Because it would be good for us, the city, the taxpayer, also the employees who have to pay that share. And of course we want to make sure that we have money in the fund to actually pay for retirees in the future.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you. I know that we have the workmen's comp reform that Alex Gurza is heading up. And I know that as part of that he is looking for the whole commitment from wellness to everything else. So Pierluigi, would you be comfortable us sending this to Alex and having him update us when he gives us our updates at Public Safety Committee?

>> Councilmember Oliverio: That would be fine.

>> Councilmember Constant: I'll make that a motion, if it's okay with everyone, because I think it fits right into the discussion we've been having at committee. And Alex's comments that he really wants to take a holistic approach at looking at everything.

>> Councilmember Oliverio: That should be fine. And one thing to mention that I forgot. This really doesn't do a discrimination with people with preexisting conditions. The fact is, is we're trying to prevent those pool of people from getting a condition. And inevitably if you have a preexisting condition, you are always going to be insured. But we just want to minimize the risk to all parties involved, you we just want to you know minimize the risk to all parties involved.

>> Mayor Reed: Okay I think I had a second from the Vice Mayor on that motion. Any other comments? Mr. Wall.

>> For disclosure purposes, I'm a retiree from this honorable city. And we never have a complete dissertation from learned counsel. All-knowing and omnipotent counsel why it was an unfunded liability in the first place. In other words, why didn't council, let's say for example Mr. Mayor, not picking on you, but you've been here 13 years or so. Why didn't you get with the program 13 years ago, and say hey, to, let's say, Mayor Hammer some time ago, why didn't you fund your liability? Then if you're going to go down this process here, these co-pays are starting to become burdensome and oppressive for some of the retirees. We've seen a letter here a few weeks ago from an employee about this co-pay business. If you go down this route, the co-pay for this yearly thing, I think, should be waived. Because it's kind of like a conditional thing. And also, it gets to the whole issue of how the City of San José enticed employees to their detriment, this is a reliance issue. And people like myself could have gone somewhere else, but decided to work for the City of San José because of the benefit package that was offered. It is certainly not the employees' fault, that due to incompetent decisions by elected people, and/or their appointees, the City Manager's office, that screwed the entire thing up for employees who, to their -- they discharged their duty to the fullness of their contract to the city. So why should retirees or employees for that matter step back in awe at people in positions of responsibility who continue to screw up? There needs to be a way to basically hold councilmembers, high level administrators, accountable by you know periodically saying hey, we need to raise money. And we saw how the county --

>> Mayor Reed: Sorry, your time is up. That concludes public testimony on this item. Motion to refer this to staff as outlined by Councilmember Constant. All in favor? Opposed? None opposed, that's what we'll do. We have a report on posting of public calendars by city officials on the City's Website. This is a quarterly report I believe.

>> Councilmember Constant: I'll make a motion to approve with a comment if there's a second.

>> Mayor Reed: Motion is to approve.

>> Councilmember Constant: So I don't know if that was a grumbling second over there --

>> Mayor Reed: It was.

>> Councilmember Constant: Okay. I just want to note that while it shows my chief of staff didn't post for the time she was on maternity leave, it's important to note that my acting chief of staff did, during that time. All my employees do weekly.

>> Mayor Reed: Any comments on this? Mr. Wall, you want to comment on this one?

>> I have a running objection that councilmembers including anybody has to do this. I think it's ridiculous. However, Pete or excuse me Councilmember Constant, you always get an A-plus. But I'm here to stand up for my councilmember, Councilmember Liccardo. Now, upon inspection, one might say that Councilmember Liccardo has been -- well, he hasn't been performing. But I object to this. Because he has been trying to clean up St. James Park, and he had to take time to ensure that the Easter bunny was going to get rid of the vagrants and the criminals in that park. I submit this was the reason why he was late. Other than that I think he's doing a stellar job at reporting although he's a work in progress when it comes to St. James Park. Thank you.

>> Mayor Reed: That concludes the public comment. Tom Norris is here. I just had a question for Tom, it's related to this, it's kind of a public records act kind of request. I just want to feel for the flow of public record act requests and whether or not you're still seeing an influx of large, lengthy, high-volume requests, or is that tapered off in terms of the --

>> Not of the magnitude we experienced last quarter. We're still getting volume, but they're going back to the normal topics that we get all the time.

>> Mayor Reed: Okay, but we still have a big workload that, complying with the ones that previously --

>> City Attorney Doyle: The combination of the pension issues and the Giants -- well, I would call it the Giants, the Public Works act request on the ball park from the Stanford San Jose folks that took up a lot of time.

>> Yes, over two weeks I reviewed 15,000 e-mails. So it was quite a chore. I did want to point out -- one thing --

>> Mayor Reed: That was just one request, right?

>> That was one request. If I could, I'd just like to point out, on page 1 of the attachment to the calendar report, there's a typo. The mayor was not both in compliance and out of compliance. He was in compliance.

>> Mayor Reed: I thought I was going to have it both ways.

>> Councilmember Constant: I just wanted to know if you enjoyed all my snarky e-mails that I sent out when you were reading them.

>> I try to forget them as soon as I read them, sir.

>> Mayor Reed: That's a good rule. We have a motion to accept the report. All in favor, opposed, none opposed, that's approved. We have nothing else under that item. Nothing else under public records. We have some requests to speak under open forum. Mr. Wall.

>> This has not been covered today. Although South Bay water is in the news. This is on page 4 of a memo you do not have until tomorrow, Mr. Mayor, at TPAC. It is -- I'll quote. South Bay, this is the interim strategy for South Bay water recycling. Quote, South Bay water recycling's current strategy is to suspend all plant-funded system expansion projects until the strategic planning process has been completed period. Developer and recycled water retail -- retailer efforts such as those now being implemented by San José water company could still move ahead as long as they are fully funded by the developer or retailer, period close quotes. This goes to issue, Mr. Mayor, that the office of the City Manager has no interest or paid any substantiation to the restrictions of the sewer service and use charge, no work knowledge of it, at least, they screwed up so royally as referenced by the two letters that I handed you today, by the City Manager, and as you look at the dates, as any good lawyer looks at

dates, the date of this memorandum is 20 days or so after the fact of the Cupertino sanitary district's letter and the City of Milpitas's letter. They're only reacting to stopping these programs for lack of a better word, they're busted for misusing the sewer service and use charge. And what does this do to confidence in government? It give rise to the argument that somebody, somewhere in the organization, is a liar, a cheater, and a thief. And where there's one person like that, what do you want to bet, there's a whole nest of them? Thank you.

>> Mayor Reed: Mr. Piazza.

>> How you doing today. I'm the one that passed out this bay keepers big packet of paperwork. I'm a small, green business, I've been in front of you guys for about three to four years. I applaud you guys. You guys made me do the right thing. All your rules and regulations I applaud. But now, you made a small company do it. Why don't you make a big company do it? The paperwork that I handed out to you guys is with Zanker and zero waste. If you read the report, you'll see what I'm talking about. 20% is lead. And this is where you guys are going to put your new anaerobic facility. Like next to the marsh. These last five years, Zanker has not been in compliance one year. I repeat, again: Is anybody seeing the same thing that I'm seeing? Because I don't -- if you guys are all concerned about the marsh land and about the salmon and the fish and stuff, I think excluding that environmental impact report and going to phase 2 is absurd. And I think we better all start waking up and start paying attention to what's going on. Because you're building one of a big -- the City of San José is backing these people and yet once again, you guys -- I see City of San José had the engineering report. And Zanker had an engineering report. But boy O boy none of that information is in those two reports. I wonder why, hmm? Thank you.

>> Mayor Reed: That concludes the open forum. Concludes our meeting. We're adjourned.