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>> Mayor Reed: Good morning everyone. We have a quorum in the building. I'd like to get this meeting started. Councilmembers will be coming out in a second. This is a continuation of the study session on neighborhood services CSA. We will probably -- we'll certainly get done with it soon. Don't know exactly when and then we'll take up Public Safety. But for anybody who needs to figure, we're running about an hour and a half behind, I think. We'll pick up speed along the way. We'll see how far can get into the afternoon agenda as we make progress this morning. As soon as I get a quorum on this side of the dais, people can hear, it's a study session, I think we can start as long as we have a quorum that I can count, including the ones in the back that can hear the proceedings. Why don't we go ahead and start. I think Norberto is going to pick up where we left off yesterday.

>> Norberto Dueñas: Yes, Mr. Mayor, members of council. Mary sitting in for Jay Light and angel sitting in for Julie and we're available to answer questions.

>> Mayor Reed: All right. We left yesterday after hearing a lot of public testimony. We didn't have much opportunity for councilmember questions. I know we had quite a few pending when we left. And we'll start with Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor. Hi, for the library, so you know as I've talked about before things that are in the charter and the library is in the charter. But I think the libraries have grown to be something different than was originally laid out in the charter. So we offer a variety of services all of them valuable but the question is for the library, if we were to really pear down the services, classifications we really provide, would that be able to extend the hours the facility is actually open?

>> Thank you for the question, Councilmember Oliverio. Mary Naku assistant library director. One of the challenges in the library department is to define services that the community expects from the library. And when they walk in the door often there's a broad range of services that are needed both to support lifelong learning which is one of our core missions and to support the variety of needs of the community around that, access to information and lifelong learning. So we try to be as effective and efficient at providing those, the services that are

the highest demands from the community. And to not branch out into peripheral services as much as we can but a lot of it is around what if community members expect when they walk into the library and part of the definition of library services.

>> Councilmember Oliverio: I think that's a fair Barnes and Noble approach where you're just utilizing the material and children's reading hour. So I'd like to see before we vote on this budget if the library department could tell us if we stopped doing any and all services, classes et cetera, and we put all that staff time towards hours, what would be the difference? Would it be three hours citywide, would it be one full day? I don't think I've ever gotten that answer.

>> Again just to clarify. The definition of what a library service is, when those doors are open, is the challenge for us. Because for a lot of people it's not just walking in the door and accessing materials. It is being able to utilize the space and the other resources that are available so that is a challenge.

>> Councilmember Oliverio: No, that's fair. Here's the challenge I put forward. Just keep the doors open so someone can walk in and get a book, get a CD, have somewhere to read, have somewhere to use a computer. That would be my primary threshold of the library service. Taking that into account, anything above that if you switch that over to pure hours would that open the library more? Again? I don't know. That's where your professional staff has to tell you that we've spoken about that before but you have to give us that true answer, I'm looking for the policy answer. We as a council have to deal with the policy level, I don't think we've looked at that.

>> Norberto Dueñas: We'll look at that and get some statistics back to you. p.m. the sobering statistics going from 19 to 2.3 or whatever in the General Fund I wanted to state that out on the park side of the fence I think the outsourcing, the cost savings are too tremendous to not go forward. And if we decide to not do that, then we have to go cut \$3 million somewhere else. So I think we're in some unique circumstances. And then, clearly, everyone is you know from the speakers yesterday emphasized the needs for the community centers and for the reuse agreements the last I saw that we were making greatly progress on finding reuse partners. Is that was the last info memo. Anything more on that angel?

>> Councilmember, we have developed partners for all reuse sites that were designated last year .

>> Councilmember Oliverio: Fine some of the other facilities as far as the Bascom what model might work there and of course working with the City Attorney and staff to see what will come back later in the year. And at animal services, are we at 30% recovery, can't remember the number.

>> Councilmember, assistant director Dave Sykes. Actually with this proposed budget we're getting closer to I think around 50%. We're making quiet a bit of progress through the licensing at that point .

>> Councilmember Oliverio: Thank you very much. Many people have been able to enjoy that both on the adoption side and on the side of managing problematic animals so thank you very much.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. In regards to the libraries, you know, I think that they're one of our if not most heavily used resources, that the city offers, and in terms of the data or the reasoning used as to how to choose the libraries that were Monday, Wednesday, Friday, and those that were Tuesday, Thursday, Saturday, was there -- I know I think yesterday Jane was talking about kind of the use and what days they're used and how heavily libraries are used in order to make some of that determination. Was there any ability, was there any ability to or even opportunity to look at what libraries served those that were most heavily dependent on public transit or did not have other modes of transit? In other words, those that basically walked to the library? And I bring that up because I think that's an important factor. Remember that just because and I know we're doing it by council district to be equitable in terms of one that has one schedule and one that has the other. But in some council districts, some libraries are relatively far one to the other. But to enable them to go that far easily, to make up that differential, I think Jane did refer to the fact that you are going to see more traffic on the days that they are open but just to make sure everyone has access, I wonder if that is calculable on the days that you have. Ooms.

>> Councilmember Kalra we did look at the distance of most of the library branches in the service area as part of our analysis but again, as you made reference to it is difficult to determine which is the mode of transportation that most of the customers use. We do get a variety of people come from wide distances, and also very close. So we do take a look at the number of children in the library in the afternoons, and we did do some counts around that so we know which libraries are heaviest used in the afternoon and the presumption is that children come from their home nearby and they walk and they do use those libraries and we did use that.

>> Councilmember Kalra: Was that taken into account to determine which libraries would be open for the three weekdays as opposed to the weekend days?

>> Yes that was taken into account in determining the Monday, Wednesday, Friday branches.

>> Councilmember Kalra: Thank you very much for that. I do understand libraries play a role beyond books on the shelf. I understand Pfeiffer's reasoning I do recognize as of late, a lot of extra programs have been cut already, and a lot of librarians are focusing on service related to checking out books and helping our customers you know get their books and all that. So I've noticed it's already been pared down in terms of services that are provided. But there's emphasis on keeping the library open even if it's not for city staff use but for neighborhood associations or community groups or what have you to have an opportunity to access the facility, and certainly Internet access is critically important especially for those that are seeking work and certainly for students as well. They don't have access at home. But, you know, but I know that it's going to be challenging and I want to make a statement in regards to not just the libraries but a lot of the services that a lot of the people yesterday spoke about. And again, I think it's speaking to the kind of city that we want to live in. And I certainly don't like the idea of envisioning a city in which our libraries are closed or only open three days a week. I think that it's a great disservice to our residents. I think especially those that need the services the most and need the libraries the most and I think most families I know when I grew up we used to go to Pearl and Santa Teresa libraries at one time and now these libraries are much more community gathering places as anything else, it's a great asset that I would hate to see go away. But I think that you know we do set the policy, we set the policy in regards to how we're going to approach the budget deficit. We also set the policy in terms of what number targets we're

going to hit. And hitting a number target, is not necessarily to me the most important foundation as to how you build a city or keep a city alive and thriving. I think more importantly is figuring out what services are the most critical and what's the baseline of service that you feel is necessary to make sure that your residents are being taken care of and that you don't fall down the slope so fast that you create much greater problems. And that is in relation to certainly libraries and certainly to antigraffiti. Antigraffiti program I know in our neighborhood has been tremendously we had a dramatic increase in district 2 and we had a dramatic decrease because of the work of antigraffiti program. And I think that it's not simply, you know -- I think it's too simplistic to just look at a piece of paper and say well we can save X thousands of dollars to outsource to some company. I think we save a lot more money, because of the way that our employees work with our volunteer partners and I think that can be the same across many departments and I think that we definitely need to look where we can save and get as lean as we can which we've been doing for quite some time but at some point we start to lose so much value in the services we provide that our city starts to decline. And you couple this, the discussion we're having today with the services that have been discussed yesterday afternoon, you couple that with the cuts that we're going to have in public safety and the cuts we're going to have in the overall infrastructure of the city and you're going to see a major decline in the quality of services you provide and the basic sustenance we can provide for our city and our residents are going to -- have already started to notice it. They're going to start to notice it a lot more and my greatest fear is that we get so far we decline so far that we can't dig back out of it. And I think that we have to be very cautious about that. And again I don't see the -- that as part of the discussion as much as I'd like to, as to what city, what kinds of city you want to live in. And knowing that we can't do nearly as much as we used to do and can't do as much as we do now likely. But I'm hopeful that the council at some point will find a little more balance in how we're approaching the financial issues and fiscal issues we're facing.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. I concur with the comments that my colleagues have stated about libraries. Libraries are, you know they've turned into de facto community centers and that's a good thing because you know I mean when our kids and parents see a resource out in their neighborhood that they can spend time in, they know they're going to be safe they are going to get service and most importantly for the kids

they can get their work done and be successful students and along the road they go on and be successful and they contribute into our economy. I mean we got to look at it in that way and every sometime we erode at that we take another resource away from our community that they can put back into that, companies that are looking at relocating to our city or even expanding into our city, they take all that into account. You know I think that we are little by little eroding what was attractive for industry to want to come to California, and particularly Silicon Valley. It used to be the weather. It used to be you're anchored by Cal, Stanford, Santa Clara and San José State. It used to be you have libraries, and other types of services, all over the place. That's something that you can sell to a company. That's what they look for, looking for remuneration for skills and talented workers. That little by little as municipalities are eroding the quality of life services. Those are the things that we have to balance. So I completely agree with Councilmember Kalra. In terms of as we're looking at ways to move forward that we really have this balanced approach. I mean there are cities in the Midwest that we never want to get to. And I don't think we'll ever get there. But we never want to be there. We want to continue to be able to be attractive, for not just our residents that are native here but those that want to come and, you know, build their future here. I do have a couple of questions regarding park restrooms and graffiti abatement. In regards to if we do decide to outsource services, what does that look like in terms of -- what does an outsourcing contract look like? Are they year to year? Do they have these triggers in which there's cost increases that the city would have to incur? You know what does that look like?

>> Thank you. Matt cano, division manager, Parks, Recreation, and Neighborhood Services. We have been talking to other number of or as we redevelop our request for proposals and our contractors, we are putting a number of things in those contracts to make sure that the contractors would be held accountable and there would be a good way of making sure that their staff take care of those facilities and just like they were their own parks. But we also have a structure internally in our department that will reorganize around to make sure we have proper oversight of those contractors.

>> Councilmember Campos: And so let's go down a path. We've got a contractor that's not performing. In-house we can take care of it like that. With a contractor, and that are I mean blatantly not performing. How long does it

take or how long would it take for the city to enter a process of replacing that contractor, to get basically get what we're paying for?

>> Matt Cano: I don't have the exact answer on the number of days that would replace that contractor with me so I can follow up on that although we are putting the proper triggers in the contract to be able to take care of those issues.

>> Councilmember Campos: And are there legal hurdles that we would have to overcome in order to revoke a contract? I mean are there notices and so forth?

>> Matt Cano: I don't feel that there are because we'd have appropriate language in the contract to give us the ability to revoke that if they're not performing.

>> City Attorney Doyle: It really depends on the language in the contract for nonperforms and being able to make the case that there's nonperforms and terminating for cause.

>> Councilmember Campos: I guess the next question is manpower in our own department. If we do have to place a contractor do we have the capacity to act on a dime, to put into motion, to have to replace a contractor? If that should need to happen?

>> City Attorney Doyle: I think we work well with staff when we -- I mean typically these cases are not black and white. And it gets into making sure we have proper documentation. So we're usually working with staff at the front end to try to build the case for termination in the event that the city believes we should.

>> Matt Cano: And I'd also like to add that we are as part of this proposal, two-thirds of the existing city staff would be retained. So if there is any lag time if a contractor was just not showed up for some reason, we do have two-thirds of our maintenance staff internally that would be able to take care of that park. Obviously then other things would suffer but we would be able to take care of life-safety issues.

>> Councilmember Campos: And so -- okay. So my next question goes on to the volunteer management units. What would that look like?

>> Matt Cano: Thank you. In the current year proposal our volunteer management unit is one-time funded, or a significant portion of the volunteer management unit is one-time funded. We want to make sure that with all the reductions that are going on in the city that we made the volunteer management unit permanent. They will be working closely and combined with our graffiti management group, our graffiti and our parks will be in one group now they will be working so on the graffiti side we will still be managing the volunteers through our staff and the same group will be overseeing park volunteers so we can have that synergy.

>> Councilmember Campos: Because I know a lot of our volunteers work directly with the antigraffiti personnel that might be out there. Mine, they do build relationships, so play off of each other they know where the hot spots are. How do you see that working with the paint contractors? Because I mean let's be real, it would be a paint contractor.

>> Matt Cano: We have a three pronged approach to our antigraffiti program. One part eradication painting over maintenance side of it. The first two prongs, the volunteer management and the enforcement are staying as city staff in the current proposal so we would still have those city staff establishing those relationships. Now in this proposal we have contracted out maintenance prong however we would work to make sure that there's that synergy between the maintenance contractor and our volunteer unit and the community. But our staff would be the volunteer folks that are leading that effort.

>> Councilmember Campos: So more than likely the volunteer -- the volunteers probably won't work very much with the contractor?

>> Matt Cano: I wouldn't want to say that. I think the contractor is going to be delivering city services. And although our city staff will be leading the volunteer effort we would like to leave open the fact that the private

contractor would also be as engaged as possible and not just coming out and eradicating but also be as engaged with us as possible.

>> Councilmember Campos: So with them being city contractors would they can, then, also fall -- so would the city also have the same types of liabilities for them, in terms of them then driving vehicles or their actions, interactions with community members, that we might have with city staff? For example, if we're -- if a city staff is driving a vehicle and you know get into a fender bender I'm sure there is some liability that the city has for a contractor. Do we still have the same types of liabilities?

>> City Attorney Doyle: Our contracts typically provide that the contractors provide under if contract.

>> Councilmember Campos: But does that create another I mean in California anyone can attempt to sue for anything. We still not -- I mean we could still find ourselves involved in some sort of liability whether or not we're liable or not for something that a contractor might do but I mean we don't get away from that.

>> City Attorney Doyle: Well we typically if we do we then through the insurance that's provided we would tender the defense to the insurance company and they take care of it. So you're right councilmember that in California or anywhere, anyone can sue anyone but those types of cases we get out of it pretty quickly.

>> Councilmember Campos: Okay. So then staying on graffiti, I think I'm reading this right. We're looking at the net savings of \$240,000 and change, is that correct?

>> Matt Cano: That is correct.

>> Jennifer Maguire: Excuse me may I clarify? Jennifer Maguire, budget director. The savings is in the area of \$363,000. What Matt is referring to is just in the parks and recreation department.

>> Councilmember Campos: Okay, what does that position in Public Works do with graffiti? In it's a painter.

>> Councilmember Campos: It's an in-house painter?

>> That is correct, councilmember.

>> Councilmember Campos: Okay. So okay, so roughly \$246,000, inside parks and rec.

>> Jennifer Maguire: Yes and when you combine it with the Public Works it's \$363,000 overall.

>> Matt Cano: Just want to add that does not include the four part time positions that were included, there were two that were one time funded out the Redevelopment Agency and two one-time funded out of the city.

>> Councilmember Campos: I've done my research and looked at other cities that are smaller than us you know in terms of how the process for their antigraffiti program. And I've seen on one of them where it's given a window of once you make the report from a citizen, once the citizen makes the report that it could be anywhere from -- or give two weeks I think it was, to make sure that it's -- that it's all done, and over here, where you know we've got 24 hour gang graffiti, up to 48 hours for everything else. Anything -- anything beyond that I would just think is just unacceptable. I mean if you think in a hot spot within two weeks that graffiti could be put up and taken down at least three or four times within a two-week period. So that -- if we're comparing ourselves to other jurisdictions that's unacceptable because we're not other jurisdictions. I think we go way beyond what other jurisdictions have done to attack graffiti and so forth. I'm not convinced this is the best solution. I think for a \$360,000 savings, I think we're giving up a lot of not just empowerment with our community members. Because when they're working directly with the city there's an empowerment that you know there's this civic pride as opposed to workings with a private contractor. So I would like to continue looking into all ways of trying to retain services such as this as a city service. I mean I think it's essential and these are life-and-death issues. Because when you have got graffiti going up one morning and it's not taken down that afternoon or that night, you know lives can be lost. I mean that's the reality. We've just had our 20th homicide and we're four and a half months into the year. You know, things are different now, and I just don't want our quality of life to suffer. So those are my comments.

>> Norberto Dueñas: If I could just add.

>> Mayor Reed: City Manager gets to go first.

>> Norberto Dueñas: Yes, she does.

>> City Manager Figone: Don't forget that Norberto.

>> Mayor Reed: I'm sure he won't.

>> City Manager Figone: You know, one thing I just wanted to say about the graffiti proposal. It is one that keeps coming up at the community meetings and clearly it's on the minds of councilmembers. I do think and staff this is where you can help me, it would be important that we issue perhaps an MBA with not only the status of the RFP process but you know try to address some of the questions that are on the minds of many, about how it would work, and the leverage that we have of all the really excellent questions that are being asked. I guess I wanted to put that out there to make sure we capture this one as one that we need to do an MBA on.

>> Norberto Dueñas: And we will be doing that.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you. One more question on the graffiti abatement. The staff recommended not to choose -- not choose to implement the public-private competition policy. Is there a reason?

>> Matt Cano: I'd actually like to address that in the MBA as well and I'll have all the details on that today.

>> Councilmember Chu: Okay, I can appreciate that. And also, I have to comment that we -- it's a good move to make, the volunteer management unit, a permanent position. You must have some strong data to show how if after, the volunteer management unit has worked over the last year, but looking forward to the next year, do you see a need to actually put another person on the -- on this volunteer management unit?

>> Matt Cano: Thanks for that comment. For our annual report we had almost 100,000 volunteer hours in 2010 for the past year. Ideally volunteer management unit would be as large as possible however right now our focus was to at least retain what we have and I think also by combining that unit with the graffiti volunteer team we can actually gain some productivity by combining them together. So I think that's a step in the right direction. We're also working on other volunteer programs such as creating master volunteers in the community that can then train other volunteers for us.

>> Councilmember Chu: Okay, so thank you. And next question is, regarding to the code enforcement. I know that many city charged a bank or the property owner for the foreclosure property or the property that not well-kept, to neighborhood standard. Do we have a policy of charging the bank for not upkeeping their foreclosed property?

>> Councilmember, Mike Hannon code enforcement. Thank you for the question. San José started a few years ago very aggressive approach to deal with vacant foreclosed properties. We significant impacts to neighborhoods and communities. So we started a no tolerance approach where if we receive a complaint about a vacant property we subsequent find that that bank is owned by a any further warning and then follow up to make sure that they do take care of the property. So no only are we very aggressive in terms of issuing administrative citations but if we discover that the property has been vacant for more than 30 days we do require that the bank or lender register that property as a neglected vacant property pursuant to the San José municipal code and we will bill them for our subsequent inspections of that property to make sure that they maintain it as well and then finally we do and will not hesitate to abate nuisances. If we come out to a property that is vacant and bank owned and not staff time that it took to get that property boarded up. So I think San José in my opinion is a real leader in this area of making sure that we're real responsive to these properties. We do our inspections within 24 to 48 hours of

receiving the call from the residents. I encourage you if you do have a vacant property in your neighborhood, commercial or residential or industrial, don't hesitate to give us a call.

>> Councilmember Chu: The question is do we fine a bank ? I know a city like Riverside that I know of, they give them a notice. If they don't fix up the property, there is a 500 to \$1,000 fine a day, on this foreclosed property. Is there something that we're looking into?

>> No, sir, we actually do that currently.

>> Councilmember Chu: Oh, okay.

>> Under the city's municipal code I can issue a citation to a bank \$250 for having an unsecured property, 250 for weeds, 250 for refuse. I will send --

>> Councilmember Chu: Per day?

>> Per day.

>> Councilmember Chu: Okay, great.

>> And I can subsequent in the subsequent citations double and triple the amount. We're very aggressive in the case of issuing citations.

>> Councilmember Chu: that's appreciated.

>> You're welcome.

>> Councilmember Chu: The recommendation is 235 per day. At a neighborhood park. And like one park per district. So the question is how do we come up with \$235? The also the all parts. How do we choose which parks we are going to charge them? Only going to let you use half a day so you're going to drop that price by half? Some other detail question is like how do I know that somebody has already reserved a park so I will not be you know getting my picnic stuff ready and go to the park and find out that I cannot use that park?

>> Matt Cano: Thank you. Again Matt Cano division manager Parks, Recreation, and Neighborhood Services. This was a proposal that was put into place because we had a lot of concern from folks who had to show up at midnight or 3:00 a.m. to sit and reserve that park. We have an info memo that will explain that program more in detail and which parks we recommend starting with in each council district. To answer your question the reason we're only doing one park in each council district right now is this is our initial rollout, we want to get this program started and want it evenly distributed across the city. The initial 50 and up to a high number at cypress pavilion at Lake Cunningham park. However the initial rollout is more going to consist of \$200 range pretty large party, 75 to 100 people in all these parks, where we're having the initial rollout of the reservation every one of these parks has other picnic areas for smaller families that we are not initially having as reservable. So if a big party comes into these parks and reserves a table, and it is all day for our pilot program. We can look at half-days in the future. But if someone reserves these tables there will be smaller tables in the park for smaller families.

>> Councilmember Chu: Again I would recommend that we figure out what is a reasonable charge and then do it in all parks just to avoid confusion. I have to pick which park to charge and which one does not. Is the same amount of education or -- for the community outreach. I will suggest that we probably consider doing that on all parks. And so I feel that is the last confusion.

>> Matt Cano: Thank you. We would like to evaluate after our last pilot and how we do in the future.

>> Councilmember Chu: The next question is regarding to the safe school campus initiative program. We're cutting down the service to the middle school, which I think is very, very important. By cutting down -- by cutting the middle school out, do we save -- what do we save?

>> Councilmember, this basically represents the elimination of 14 positions within the safe school campus initiative program overall, that basically translates into about four teams we currently have --

>> Councilmember Chu: 14 positions.

>> We currently have eight teams. At this point, given the budget situation that we have we chose to focus our efforts on at the high school level since those incidents tend to have a higher likelihood or higher propensity to escalate to higher levels of violence.

>> Councilmember Chu: So correct me. I'm sorry to interrupt. We're cutting the safe school campus initiative program from 18 to four?

>> That's correct.

>> Councilmember Chu: Wow, that sounds like too out of proportion of a cut in this particular program. And I work with this -- those programs, employees, and I have to say they have done tremendous work in the school district. So I'm just caution that very disproportional cut on this safe school campus initiative program which I think is part of the crime prevention and public education. So -- that will be my comments.

>> Jennifer Maguire: Councilmember Chu, Jennifer Maguire. The savings related to the proposals to answer the last part of your question is about \$825,000.

>> Councilmember Chu: But again, I fear it is a disproportional cut in this program.

>> Mayor Reed: I needed to clarify. I didn't hear this, sound isn't perfect and my ears aren't perfect. Could you just go through, you were talking about 18 or eight teams?

>> Eight teams.

>> Mayor Reed: Down to four teams?

>> Four teams.

>> Mayor Reed: It's a big cut no matter how you cut it, it's big. Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. First, on the slide that showed all the libraries and their locations, that one, no that one right there. So mostly, a comment and then a question. With the hours of three days a week, the thing I'm concerned about, I know it's necessary, and hopefully, we get the concessions so we don't have to go to zero days per week. But assuming we do and we're able to deploy this model here, my concern is that the disproportionate impact is really on the west side of town. If you looked, there would be one library basically to cover all of the area west of freeway 17 which is over 100,000 people. And it still only gets three days per week and almost every other council district has multiple libraries that will be open. Now, I know that Calabazas is being rebuilt. But it's not going to be open. And Calabazas as you know is one of the busiest per transaction libraries in the system. And the West valley branch is one of the smallest in the system. So I'm just trying to reconcile how we're going to serve that many people, especially when the other communities around us have decided to charge nonresidents which they've never done before, are there any alternatives?

>> Councilmember Constant, thank you for the question. We share your concerns. The Calabazas library was part of the overall plan for the city coverage of library service. We will miss having that service in that community and it will impact the west valley branch and of course, the county's decision to make -- to charge nonresidents for cards is going to impact both the circulation to west valley and the circulation to the county library that's nearby

that's often used by those city residents. So the alternative is to attempt to give the best service that we can in the libraries that are open and plan for opening the Calabazas branch as soon as possible.

>> Councilmember Constant: The concern I have as everybody knows freeway subpoena is a hard barrier. There's no crossing except tees extreme north end and the extreme South end. Of Winchester Boulevard, they're your only crosses across. And the unopened 23 branch, Bascom was supposed to be in District 1 and got bumped over significantly, arguably not far as the crow flies, but very far as the car drives, or the bike rides. Or the pedestrian walks. To get there. So I know there's no easy answer but I just think that that's really important to point out. And that leads me to the question, we'll have four unopened libraries. And at some point we're going to have money to open them. What's our plan for sequencing the opening? I know that one could say the first one built should be the first one open. But I think there's an equal argument for the area least served should be the first open. Have we given any thought to that?

>> And we can consider as we have the opportunity to open the libraries, what would be the best sequence for them. The plan as it was sequenced did address which libraries would need to open and which areas initially of the coverage of the library branches. But we could certainly consider that as the opportunities come up. One of the advantages to the Bascom site is the fact that it is a shared facility with the Parks, Recreation, and Neighborhood Services and there is an opportunity to leverage staff in that library and to get some savings out of having both staff there. So there's an advantage to opening that library. But it's certainly something we can look at as the opportunity comes.

>> Councilmember Constant: It's still about a third of a city away from Calabazas residents.

>> Correct.

>> Councilmember Constant: Because the edge of my direct doesn't even show on this map. It continues to the West. So there's a large number of people in that area. Can you remind me, last time we were dealing with the

budget, we made some changes I believe it was in direct 7 to increase library hours due to a closure. Can you remind me what we did there?

>> At the Tully community branch we opened on Sundays with additional dollars in order to accommodate the additional is that what you were referring?

>> Councilmember Constant: I don't remember the specifics, I just remember we discussed that in the budget. What I'd like to know is what would be the cost of doing something similar at the west valley branch library so we can -- I know there's not a lot of funds but there's a lot of tradeoffs that have to be made in the budget. I would like to know what are the options for some increased service hours given we have one of the smallest libraries serving over 100,000 people in that district? It is not only my district, it's a significant chunk of District 6 that makes this on the west side of freeway 17.

>> As you've alluded to any additional hours obviously there's a cost involved in doing that. An the Sunday hours we added at Tully were half a day of service and I believe the cost was around \$700,000 just for that day.

>> Councilmember Constant: If you could just give knee exact, because I know the cost are a lot higher given our cost of compensation.

>> Absolutely.

>> Councilmember Constant: Just for something that can I have so as I'm wrangling around through the budget if I can find a tradeoff that might be palatable to everybody that might be.

>> Jennifer Maguire: Councilmember Constant we will issue an MBA.

>> Councilmember Constant: Okay, in the parks area I share the concern about the you don't have to get up Matt it's just a comment. I just worry that people just aren't going to pay it. You know, it's that high, that you can --

and trust me I rent a lot of places for five birthday parties every year with my kids. There is a lot of places you can rent that have full service with food and entertainment and everything else for not much more. And while 50 or 75 people area may seem like a large party, if you have a family like mine, that's just an average, typical birthday party. So I just think that that, combined with the confusion that Kansen pointed out, in addition, I think it would be very difficult for the average person to even guess which areas are going to be reserved and which ones aren't. I mean it is what it is. We need to generate revenue and we need to find places. I just think there's a barrier where you price it so high that you get no usage. And you hit that breaking point and then it doesn't make much difference. So I guess I'm leading up to the question that Jennifer's probably trying to answer right now and I haven't given her a breath to do it is how much revenue do we expect to get from this?

>> Jennifer Maguire: That was exactly what I was prepared to answer. Because this is a pilot program, we are estimating \$22,500, basically that there would be ten reservations in each council district, each year. We're starting out slow. As Matt indicated there is in this reservation system.

>> Councilmember Constant: Okay I'll anxiously await how that will turn out. I'm not hugely optimistic but I would love to come back next year and hear you've got \$45,000 and we could use it in other places. I'm tipping point. And I wanted to go back to something Councilmember Campos mentioned about nonperforming contractors. deals with nonperforming employees? Because my understanding is it takes months if not years, sometimes, to deal with replacing a nonperforming employee that could have the exact same performing issue.

>> City Attorney Doyle: That has management of your own employee and that is related case-by-case. So that's really modifier a manager question than a legal question.

>> Councilmember Constant: Well I just my comment is I would bet that appropriately worded contract which I think Matt ensured us we have is, we could switch out a contractor much sooner than we could move an employee for nonperformance. So I think that we can't always be thinking about the negatives of contractors because there are so many good contractors. I know we heard all kinds of concerns about what would happen at City Hall if we went with a contracted service. I think we can all seize we have a nice clean City Hall, we have no

degradation of service. I don't think there's a reason to be pessimistic that every time we outsource something that we're going to have negative service results. Thanks.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. First of all I just want to thank -- I wish I could have done it last night but we ran out of time -- all the people that came out last night to speak on the services. Very compelling testimony. And I just want to thank them. Even though they're not here now. No one, you know, it's probably already been said but nobody up here wants to cut services. And I just think it's important, though, that some of the services they brought to our attention, again, in spite of the fact we have to make tough decisions and if we save one program, then we have to go and look to cut something else. And so it puts us in a really difficult situation. I've heard talk of balance and that is something we're striving to do. But we've been orb's this overwhelm budget and services revenue equation have been off balance for a very long time. That train sort of left the station years ago. And now we're faced with the results of it. I just want to commend, again, our budget staff. Jennifer Maguire and the City Manager's office for even in these tough times figuring out to the penny practically how to maintain the city, and provide the best services we can. Again 2/10 of 1%, that's amazing to me. So it's not like we're sitting here with piles of money that we can suddenly fund something. It is literally if I save this I have to cut that. It's really tough and we're going to make those decisions but it doesn't make it any easier and I think you know, even though we don't have a lot of money to solve the problems I think it's worth our time to go through this and figure out if there's any way that you can sort of move things around to save a piece of something. So I think the exercise is very important. So I'll talk about some of the programs I'm concerned about as well. Libraries have already been mentioned. The library in District 8 we have one library. We don't have two libraries. And that one library is very highly utilized. Can somebody address how many -- how it compares in utilization to other libraries? I don't know if Jane's here, somebody can speak to that, the Evergreen library?

>> Mary Nako, assistant librarian it is the busiest.

>> Councilmember Herrera: How many items are checked out or how many use it?

>> Circulation is about a million and a half a year, again one of the highest circulated, gate count, I would have to get back to you the exact a busy Saturday have 1200 people through the gate, 12 to 1400 people through the gate so very busy library.

>> Councilmember Herrera: District 8 doesn't have a large place for people to meet fortunate to have the big community center built in District 8 so people heavily use the community room in that library. We have just nonstop meetings going on there. We have -- when I've come to that library on a Saturday or many times there will be a waiting line all the way extending out to come into that library. So you know we have parents with preschoolers, seniors that come there, as is a way to use the Internet and to learn about the Internet and we have youngs sisters coming and doing homework there, it is a full used libraries. I'm concerned about the cuts in this and there's a part of me that thinks you know, why don't -- why aren't we looking at libraries in terms of those communities who need it the most and who are utilizing it the most and sit fair to just distribute hours evenly, should we have -- should we be looking at the need of the community? And in fact it's interesting. I was at Pierluigi's budget meeting and Pierluigi asked that question about I think libraries and community centers or maybe it was just libraries. Should we allocate it evenly or should we allocate based on need? And that audience by majority was very unselfish and said by need. I think it was pretty interesting. I think some of our citizens actually take that into consideration. It's food for thought here. So I am very concerned about the library hours and if there's any way to massage this to make a difference in that, I'm going to be looking at that in terms of the budget. It's one of the higher-priority items with me. I just want to say and I think it's already been said that many of these activities although not directly related to public safety are part of keeping our public save. Near part of providing alternative activities. They're part of creating the fabric of our community making it strong and where our people have the sense of well-being and being able to go and have some sense of continuity in their life. To the sense we cut these programs back I think we're increasing the need for other kind of public safety measures. So I do think -- I see them as part of that fabric, that social fabric that keeps our community safe. Senior nutrition program, first of all I want to commend Councilmember Constant for his work on working with the county in that whole program to try to safe it. But I'm very worried as a percentage of finked that we are doing so legal for seniors, it was demonstrated yesterday by the folks that came here. And you know, I think it's also a big

responsibility of the county, and other agencies and they have cut back as well. So I just -- I get concerned about some of the programs, especially those that take care of Alzheimer's patients. There's very little opportunity for families who have a member with Alzheimer's to have a service that provides that daycare. I personally experienced that, I think I was out of the room when somebody mentioned that. But if you have someone with Alzheimer's, and you have to take care of them 24 hours a day and you don't have the funds to go put them in a long term care facility which can be you know, can be upwards of six, seven, eight to \$10,000 a month which is not covered by insurance and not covered by Medicare you are taking care of that person. And you can't leave them. This is a situation where they can wander, they can turn on the stove, they can do any number of things. And so their safety and everybody else's safety is jeopardized and so the only outlet sometimes for people is to be able to have a very secure environment where the person can be there for a few hours, while the caregiver gets a break. And a lot of times that break is going to work, or doing other things shopping taking care of themselves. So it is -- I'm just highlighting this because it is not like there's a lot of these programs out there. They are very few and far between and they are very needed and I mean it is not certainly the main responsibility of the city to provide this. But unfortunately as a country we need to come to terms with these kinds of needs on many levels. To start helping those who care for people, which is an increasing population. We're seeing nothing but unfortunately increase in the numbers of cases of Alzheimer's and as the population ages it is going to be more true. This creates a huge burden on the caregivers and there's very little relief and if they don't get that break they become ill. Chronic illness follows caregivers. Unfortunately that is the case. Then you have more cost to society. I'm just saying this is something we need to think about in terms of these programs where there's very few options and our community's depending on them and I think you know part of that is working with other agencies, working with the county, working with the private sector, working you know working to raise money which you know we've done and I commend my colleagues, people in the community, people in the city for reaching out and forming those partnerships and this may be one of those cases but it's something I just wanted to highlight. The park ranger program, so and specifically I want to talk about Lake Cunningham for a minute. Lake Cunningham is a regional park, it's a very large park. And we are calling I believe to cut back -- to eliminate the programming for the skate park that's out there. And we're also reducing park raintenance. What I'm worried about on that skate park is it's kind of hidden. If anybody's been out to Lake Cunningham, Lake Cunningham has a big berm that surrounds it because it's a flood control project. You can't really see into the

park. And the skate park if we don't have anybody out there on a full time basis we're really going to encourage some negative activity. I can tell you that I've heard from District 8 residents that they're very concerned about this. Unlike other skate parks where you can see them and I guess a lot of them are not -- they're unsupervised and if the skate park was in that situation I wouldn't be as concerned but it's kind of hidden and I think we're going to have problem if we don't have supervision. I'm worried with the park rangers being cut and the staffing, we're going to have problems. My other suggestion on Lake Cunningham is I think we ought to look at perhaps if we're going to close it closing it in the winter not the summer. We're about to approach the summer season where you have highest use and hopefully some revenue being generated by it too. I'm wondering if we can look at keeping it open for summer and closing it for the wurnt where you are going to have less use and less public safety. I'm just going on. If you guys want to jump in and respond to me please.

>> Matt Cano: We will follow up on that is all I wanted to say.

>> Councilmember Herrera: That's what I was thinking. Graffiti abatement. Someone mentioned \$500,000, did that include the graffiti people too or the parks and recs matt Cano.

>> Matt Cano: , so we need to make sure we include that as the next count. .

>> Councilmember Herrera: Do we know how many hours graffiti volunteers put in?

>> Matt Cano: Not off the top of my head we do.

>> Councilmember Herrera: People that go out there and remove gang grate, they have people not so happy them doing that. I have one person that works in District 8 that's been doing this 15, 20 years on his own. Gets up 5:00 a.m. and does this, in his truck. He used to spend ten, \$15,000 a year provide him paint to do it. So we've got heroes out there, painting over graffiti, and you know, at their own personal time, and sometimes personal risk, helping us maintained the line on that. So I think -- I just want to say how appreciative I am of the volunteers in this community, not just for graffiti but everything we do. We've got a tremendous city here. In spite of all the

problems we're facing here, this is the time when we pull together. We pull together, we should be pulling together as a city, as leaders and our community certainly I see them doing that and that makes me -- gifts me Holm hope and it makes me feel proud to be a resident here. So I think the graffiti elimination is very, very important. I saw this number and I know we're looking at big numbers. And 240,000 seemed like we should be able to save that but I'm also very interested in the program that you're proposing because you know the elements have to be maintaining the coordination of volunteers but I know you're doing and I think you guys have gone about it very thoughtfully in how you are approaching this. I'm not totally saying I'm against it but it's just an area that I'm concerned about because I think that we need to do more in graffiti abatement. I've seen graffiti increase in my district and other districts and it sends a very bad signal as this stuff increases and stays. And I do subscribe to the broken windows theory. If we allow it and it continues that doesn't say something good about our community and it is allowed to stay there. I'm supportive of putting more money into graffiti abatement as we go forward as we can do that and making it a real focus in our community. Did you want to -- oh you're going to respond to that. I just wanted to say something about the aquatics programming. I'm very happy that some of our private nonprofits have stepped up. I was able last year working with parks and rec to make sure we had programming at Silver Creek. And we are now going to -- that's going to continue this summer. With West Coast aquatics and they're also going to have programming at Overfelt. Again the community is stepping up in some of this and Overfelt, I'm very glad they're going to have some of that there, I think they're going to provide recreation swim. a lot of folks went there and learned how to swim in high school. It's really important that we provide that opportunity for people. And on the charge for the parks. I happen to have a park in my district that is very popular. The new parks that come out with amenities seem to be the most popular parks so we not only have people in our district that use it but people from all over the city and that should be the case because these parks are not owned by the people that live a few blocks away from them, they're amenities for the whole city to enjoy. But the problem is that people would come to this park and there literally were almost fights between parents who were trying to reserve it for birthday parties. So there were a lot of calls to our office and parks and rec trying to figure out a way how can we have a more civilized way of people reserving the park besides just sort of holding their ground. And so the reservation system I think this pilot project we're part of I'm glad we're doing that most of the residents are glad because at least there is not going to be I mean literal fist fights over tables. This is going to help ameliorate that. I agree with Councilmember Chu we shouldn't make it just a full day, there ought to be a half day, full day, because

a lot of times it's just a half day, they need it. It's a little bit pricey, I'm assuming it's a pilot project, we're working on it, see how it works, we can tinker on the pricing. I wouldn't want to seize this over all the parks. A lot of families can't afford it. We want to have the options for them. We want to focus on the big venues where there's a lot of competition, a lot of desire for that particular spot at that time, we have got to find some way to divvy that up. I believe that you guys will have a sign out there to see it's reserved so it's visible. Unfortunately the way it's going to happen initially kinds of an old fashioned way. They have to go down and reserve it. I look forward to having everything online and they can reserve on the web and keep cost down, hopefully. In our community people are happy that you are going to have a system so they know that they can reserve that area and have a better, a safer situation for everybody. So my last comment is just about this whole -- the big picture. You know, like I said, we've had -- this train left this station a long time ago and it's now running off the tracks. And we're facing a fiscal crisis this city and it's not unlike a lot of cities. And what I'm proud of is we're facing it. We're not running from it. We're talking about it, educating people about it. United States not pleasant to hear this cps needs not being met it's very frustrating as I sit up here but what I am proud of is we're trying to face it, we're not trying to hide from it, we're facing it, we're trying to work on it. We've already asked, there is two sides of this, there's the expense side which we are trying to get our arms around and a lot of our employee groups agree with us in terms of pension and benefits trying to restructure that so that they're not going to end up spending most of their money on pension that they have some take home pay as well. And the other side of it is revenue. So even if we achieve all the cuts we want to get, it's not enough. It's not going to be enough, to save the programs that we're hearing about right now. This list of programs, this \$22 million list that were one-time that we saved one-time last year, that's on the chopping block right now, that's not going to be saved with the cuts we're asking for. Even pension reform. So we're going to need revenue. We're going to need to ask the citizens of San José to kick in some revenue as well. And if we got some of the revenue increases we could save these services. This is \$22 million worth of services I think and some of the revenue proposals that have been floated I think achieve about \$30 million so we could save these services. I just want to say we need a two-part solution on this. We need all the cost savings we're talking about on the expense side and we need revenue. I don't think anybody is going to be happy if we cut everything and we don't have a level of service to the community that is going to be acceptable. It is going to be very frustrating. I am just saying, we need two sides of the equation, they both need to be solved and we need to be educating everybody on that. Thank you.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. Apologize for being a bit late. I was at a parent-teacher or parent school meeting. So I don't know if you greaved the enterprise model that I had asked about yesterday when we closed.

>> Councilmember, the alternative enterprise model is a model that was developed out of the facility reuses strategy and it's a model that basically was characterized by three qualities. Minimal staffing, one, two, a greater focus on community partnerships, various stakeholders and three, a greater emphasis and a higher rate of cost recovery. And basically, the reason why that model emerged is that we saw that when we first launched facility reuse we were dealing with old dilapidated shelter buildings which quite frankly a lot of people -- it was going to be challenging to get operators in them. More recently because of the depth and level of cuts we have new are facilities, for example Edenvale last year, a brand-new newly built facility really qualified as a potential enterprise type site and that's how that model emerged and that's what alternative enterprise is. So the differences you mentioned are the difference between reuse, there is two different models is what you are saying?

>> Yes, the reuse goes like this, we recruit and identify a provider, the city provides utilities in exchange for free service. Last year we modified give staff greater flexibility to achieve greater cost-sharing wherever feasible. That's the facility reuse model. Alternative enterprise is a newer needle we've been looking into that would basically require less staff, still realize on partnership similar to reuse with a greater emphasis on cost recovery which could be utilized for typically we're looking at three FTEs compared to if we had to run for example the typical community center we're looking at about seven FTEs.

>> Councilmember Rocha: Then the utilities and all that under the alternative enterprise model when you mentioned greater cost-sharing you're looking to push that over to the user?

>> Our goal in that scenario is to basically negotiate a greater cost-sharing between the user and the city with respect to facility maintenance and utilities. Yes.

>> Councilmember Rocha: Okay, thank you. I'm going to jump over to the libraries and ask about the hours of operation, and you had -- is Jane here? No, okay. All right. You had mentioned yesterday, that you had tracked checkouts to get a sense of when the highest uses are and looking at some of the hours, I don't have it in front of me, I notice some of them were marked 10:00 6:00. And you know just the father of three kids and doing reports I kind of see that after 6:00 is important get home from work dinner and then go check out books. So I'm trusting that you did measure those but can you explain to me why you think, I'm assuming it's probably the younger kids, kindergarten and preschool age thars going in in those times, would you mind commenting on that so I will feel brt on the approach you're suggesting.

>> Thank you, Councilmember Rocha. Mary Naku, assistant library director. The model is designed to open hours at alternative times. So if you were looking to go in the evening and the local library that you would normally use is closed, there is another library that could you travel to with your kids. We did do a study of the times that weem used the libraries. We have a heavy jobs during the day, a lot of caregivers with children in the building during the day and there is high use in that early morning time also, class visits come from schools, from local schools during the morning hours so yes, we did do that analysis. 10:00 to 6:00 also is a time that allows for more even distribution of staff, Monday through Friday or Tuesday through Saturday based on union negotiations of how their schedules work so they will be working at two different libraries. So in order to not challenge them to work three evangelicals and a Saturday in a potential schedule, that earlier time schedule allows for them to have that daytime schedule. That's all.

>> Councilmember Rocha: Okay. Now, noticing when one of the sites is closed and I don't know if you mentioned this but I'm assuming you're going to put up signage that talks about the nearest library and it talks about the new hours and I mean you've got in some -- I'll use the Hillside, the Green library as an example. You've got Almaden close by and you've got pearl. Not close by but those are the nearest ones. You'll be directed folks as potential alternatives or clear signage, and when I say signage maybe that is the plan is just

to use a piece of paper and print it out, or are you looking at more significant signage so folks can get a clear sense of what the impacts are and how people are expected to find a alternative use?

>> We do a significant amount of combination of types of signs and certainly a map of where your local libraries are, both posted in the building, on our Website, as a hand-out for people if -- is one of the ways that we do it but we also have a lot of interaction with our staffs and the customers to let them know ahead of time where their local libraries are. But again our Website is available 24-7 with all that information is another way that people access the information.

>> Councilmember Rocha: Okay, thank you. I'm going to jump over to the parks and page 244 that talks about the landscape custodial maintenance service delivery model change. You -- there was mention of the managed competition policy on the graffiti abatement and I was going to ask that question as well and I'll ask it here. My understanding and my gut's telling me that given the new policy that the council adopted when I wasn't here, certain thresholds which is how can you move forward without doing that if you wouldn't mind refreshing my memory making sure I'm understanding it correctly.

>> Matt Cano: Matt Cano director of Parks, Recreation, and Neighborhood Services. I'm going to have to follow up on that. We'll actually have an MBA on the park and restroom maintenance and I'll have to follow up with more detail at that time .

>> Councilmember Rocha: Now I get what about just the basic working with that department or that division to get a sense if there's any cost savings? And I'm assuming you've gone through that exercise and I just don't want to assume without asking that question because I wouldn't be doing my job.

>> City Manager Figone: Thank you, councilmember. Now that Ed's back in the room I'm going to spring it on him.

>> Councilmember Rocha: Was Ed at the coffee cart?

>> Mayor Reed: He was working on a memo, I saw him.

>> City Manager Figone: What I'd like to do is just have Ed talk about what that threshold is for triggering the full competition policy.

>> Ed Shikada: Yes, well the threshold for going through that business case analysis is any time service model change would impact four or more employees, and so that I think we're talking about graffiti, is that correct?

>> Councilmember Rocha: On parks.

>> Ed Shikada: Soirdz about that landscape maintenance.

>> Councilmember Rocha: You can reply on both, if you don't mind.

>> Ed Shikada: That impacts 38 FTEs as Jennifer just pointed out to me. In fact the analysis is provided by the department employee relations and other departments within the city. So what we have out at this point I believe is still the preliminary analysis and so it's a part of the -- it enters into a consultation.

>> City Manager Figone: So Ed what would trigger the full blown proposal?

>> Ed Shikada: That's actually a council decision. So based on the business case analysis should the department and the administration would America a recommendation, whether the full competition policy which would include training for managed competition for the work unit, the development of a separate proposal process, and also, the analysis and opted misation of the service as it's currently provided by in-house staff. So that's protracted process, that initiated based upon council action.

>> Matt Cano: And like to add that on page 9 of our service delivery evaluation that we've posted, given the magnitude of this and given it would likely take about 18 months and 200,000 worth of staff work to actually go through the process and the urgency, that is one of the reasons this is recommended to be exempted.

>> Councilmember Rocha: You're referencing what?

>> Matt Cano: There's a service delivery evaluation that's posted on the budget Website as part of this process and we'll actually be reissuing it next week based on our contractors next week.

>> Councilmember Rocha: Thank you. Has there been precedent doing that within budget documents or doing it outside the budget process and doing it through a council action on the normal Tuesday?

>> Ed Shikada: At this point the only formal experience we've had with it was through last year's budget process. So the issues associated with the outsourcing of custodial services being the most notable example.

>> Councilmember Rocha: Okay, thank you. So I'm assuming, well I keep using that word, hypothetically you thorough presentation on this I.T. going to talk about how we're going forwards, my expectation is that we would have I guess really measuring the effectiveness if we do go forward with that and you understanding if it's a better value to us or not, not just on the cost side but also on the end product side and customer satisfaction and all that.

>> Matt Cano: Absolutely. We have a lot of performance standards that will be in the contract.

>> Councilmember Rocha: Thank you. Page 249. Trouble reading my own writing, I'm sorry. I'm going to move right into the graffiti abatement and piggyback on some of the previous comments of my colleagues. Having way back much bigger experience when there was a lot much graffiti and a lot of complaint from the community at large and the model here in San José became a model nationwide and recognized. And for me to see us looking at contracting out a program that we developed, designed, and became recognized nationally, is -- I'm surprised

honestly especially looking at the cost of \$363,000. I'm not sure when we get to the end of the day whether that's something I can support so I just want to put it out there that I'm not sure I can go forward with this. If you wouldn't mind explaining how you fit those 12 positions into the \$360,000 am I reading it correctly? Page 249. Because I understand \$120,000 is in the Public Works budget.

>> Matt Cano: Yes, there is some funding in the Public Works budget. We will be issuing an MBA based on what the City Manager mentioned earlier based on the graffiti abatement proposal. There are four positions today that actually went away already as two in the Redevelopment Agency and two that are city one time funded. As far as the 12.15 positions that were in the city budget we'll provide more detail on that into the MBA to make it clear how that matches up.

>> Jennifer Maguire: If I may add, Councilmember Rocha, the total cost of that service is \$1.1 million. The vendor contract is anticipated to be in the 860,000 range so it is a net savings of \$360,000.

>> Councilmember Rocha: I understand, how do you use these numbers related to the positions?

>> Jennifer Maguire: Basically we're cutting out the positions along with the one in Public Works save about \$1.1 million in in-house costs but then you need to add the cost for in-house contract which is \$8 thick,000. You end up with the savings of 300 -- drg measuring all of that?

>> Jennifer Maguire: Yes, absolutely.

>> Councilmember Rocha: That includes the splice and expenditures and the whole thing?

>> Jennifer Maguire: Yes, it is the whole program.

>> Councilmember Rocha: Okay, the bigger concern of mine is the compromise that we're going to have with the relationship with the volunteers. One of my colleagues spoke with the relationship with win of relationship with

this program and the value of using them to do a good amount of this work is really something we can't measure. So thank you. I'm going to jump over to the 248. And the Healthy Neighborhood Venture Fund program staffing. Can you explain to me the third party administrator and how that would work? And what we have in the division there?

>> Good morning, Jay cast Lane, deputy director of the HNVF. The 400,000, that's the reduction from the \$3.1 million I think it is for the CBO, for the CBO administration it is the model we have proposed in the budget there is very similar if you're familiar with the card room moneys that we negotiated with the card rooms where we have a -- in the card room case we have AACI that HNVF funding right now so it's a -- it is our turnkey solution to that administration having the third party do that for us under our direction.

>> Councilmember Rocha: So we've already identified who the third party is?

>> No, we haven't done that yet.

>> Councilmember Rocha: But that was just an example that you gave?

>> That's correct, that we would follow the same model. That's something we are proposing at this point.

>> Councilmember Rocha: Okay, thank you. Let's see here. Page 252. Item 16, the PRNS department annual retirement contribution. Giving this as my first go-round in a while. Have we been doing that in the budget for some time?

>> Jennifer Maguire: No. This is a new budgetary display, so this is new. This is -- relates to the change in how we are ensuring that our retirement funds, both in the Federated and in the Police and Fire are fully funded this next year. Because as you reduce positions, retirement cost associated with each position, we are treating that as a fixed cost in this budget that no matter what we need to make sure that we've sent that money over to the retirement funds to make sure that it's actuarially sound as the trustees have recommended.

>> Councilmember Rocha: So having not moved through the rest of this yet or too far in front it's done for every department?

>> Jennifer Maguire: Yes, it is done, so we can keep the budget allocate allocated properly throughout the budget each proposal has a full value of what that service really costs the city. But that we need to add-back that fixed cost portion for the retirement to ensure that we have made that -- had the money in place too make that payment over to the retirement fund.

>> Councilmember Rocha: Sim sure this is a skill only accountants have but in my mind I'm thinking about General Fund expenditure, department expenditure and we're not double counting that.

>> Jennifer Maguire: We're not double counting that. That's extraordinarily complex but I can assure you we are not double-counting. That would be a severe error if we were doing that.

>> Councilmember Rocha: Or a great benefit to San José. Thank you. One question I have on this oochtion is as we have talked about the pension issue over and over and over and over and over again, I heard a number of times and I may have heard incorrectly that we can't measure and apply it to individual departments and employees. Yet we're able to call it out here and I'm assuming we're doing a basic chasing of percentage, applying it to in that case.

>> Jennifer Maguire: The way that each position is costed in the city, retirement is a rate of their salary, rate of payroll. So when we talk about total compensation, total cost of a position, retirement is included along with health benefits, uj employment insurance and what have you, along with a base salary. So we definitely budget that way, we have as long as I know, I've been here for 20 years. That is in factualities the way when you are looking at departmental budgets, retirement cost are included allocated between the 113 different funds if they have personal services associated with them. We need staffing in each fund.

>> Councilmember Rocha: Okay, and maybe it's just a misunderstanding in my part, but in some of our retirement obligation is and we've said we can't provide that specifically to certain -- and this is a very complex issue so it may be my ignorance on the topic.

>> City Manager Figone: Yes and if I'm not answering the question or if there's more to it then I think we can do this offline.

>> Councilmember Rocha: Okay.

>> City Manager Figone: I think I know the source of the question. The main point is once you leave the city side, the city holistically as an organization and move to retirement, the designators that go with individuals tend to be lost. It's about the total cost of the system, not necessarily the costs associated with the bargaining unit or even, necessarily, the particular fund. So I think that that is maybe where you know the questions that we haven't been able to answer, with the precision that some of the bargaining units have wanted, might be coming from. And if I'm incorrect we'll certainly follow up and make sure we get your question answered.

>> Councilmember Rocha: Please, thank you.

>> Mayor Reed: If Don's done do you want to -- yes.

>> Councilmember Herrera: Currently the retirement group has not been tracking it by bargaining unit but that is changing. They are going to start doing that. They haven't been up until now so they couldn't tell you. So I've asked those same questions in terms of breaking it down per bargaining unit but going forward they will be able to.

>> Jennifer Maguire: I'm not aware on the retirement side but maybe that issue can be addressed next week when we are talking about retirement reform. What I'm talking about is cost of current employees as they are

currently employed in the city today, not when they're retired, which is held over in plaintiff and Federated funds. We can follow up next week.

>> Councilmember Rocha: Thank you. I'm not going to do this. But if I'd add these up department by department, we retirement contribution or are these two different calculations?

>> Jennifer Maguire: Those are two different calculations.

>> Councilmember Rocha: Okay got it.

>> Jennifer Maguire: You will find in this budget that the entire General Fund contribution, part of that is paid as the budget process. It is all funded as well as the all funds number which is I think \$250 million.

>> Councilmember Rocha: Thank you. Glad you are doing this and not me. Senior nutrition program, page 253. You know what -- there it is. Just so I understand better can you explain to me or whoever can answer this question, put it verbally for me how this program's going to work now compared to how it has previously so I can really understand. I've heard a lot of different folks tell me what it's going to look like but I want to hear it from you if you don't mind.

>> Absolutely, councilmember. Over the last seven months we've worked with the senior nutrition tafntion. Exist oochtion various community stakeholders, all basically working together trying to find a new model. The model that we arrived at is basically, it's affectionately known as model 2B which basically would identify four regional kitchen sites, all cooking right now as a way of context, the city currently operates 13 senior nutrition sites, ten located at existing hubs and three total of 13. This model would basically identify four regional kitchen sites. Would most likely be at one of our existing centralize cooking out of those facilities. The cooking would be done by a nonprofit provider. The food then would be catered to the other sites. And it would be received on the other end by a combination of the nonprofits staff as well as a cadre of volunteers. The goal is, is to continue to provide the thousand daily meals that we currently serve and to maintain senior nutrition at up to 13 sites.

>> Councilmember Rocha: So where is the greatest cost saving that we're getting?

>> On the personnel side.

>> Councilmember Rocha: Okay.

>> We have 25 FTE positions that are undated as of June 30 of this year. Now clearly we're not going to have this model up and running by July 1st, so we are writing an overstrength memo to continue those through July 1st, that will give us the time to select the providers.

>> Councilmember Rocha: The park ranger program, sorry to jump around here. Page 236. This is my last question. My concern here is the safety issue. As we continue to trim our services in Public Safety as well, I'm concerned we're going to see this manifest, as some of my colleagues have mentioned already. And also the park, as one of my colleagues Councilmember Constant mentioned the reservation issue. And you have a kid's birthday and you show up and someone else is already set up at that site and you reserved it months in advance, and that debate becomes an interesting debate on site when it's a matter of your kids and you can have a birthday party ruined because of something like that. And they only have one birthday party a year. And that could really be a bad outcome. Not only that, it could create some issues in the community. And you already spoke about this. But I'm just really going to echo my concern about how this is going to work. And if we completely -- not completely -- if we cut the park ranger program as much as we're suggesting, they're a big component of being able to manage some of those issues. And as the priority list gets bigger on safety calls and the amount of staff gets shorter, I've seen those calls come through when I went on a ride-along and I can imagine who gets what pick tick table at the park is going to be at the bottom of the priority list or the those park rangers, if there's comment I wasn't really looking for one it was just me sharing my concern on that issue. So I'm going to close and just talk a little bit about yesterday, and the folks that came out to show their support for their issues. And I was very compelled to thank them, as well, and I'm glad my colleague did. And that's something like that really reminds you that being an elected official is not just being a bane counter and I'm only going to do this and not try

and find another way to do something that's important. Social conscience is also what he I look for. And I'm hoping we're doing everything we can to make sure that we don't ignore that component of our job. And I'm going to keep reminding my colleagues and myself that that's part of my job. And I'm not going to criticize any colleague of mine unless I'm doing what can I to find those collective colleague that I'm referring to and it's my job to try and find ways to help. Thank you.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. A follow-up based on some of the comments made. I'm not going to reiterate, some of them, park issues, I have some issues as far as pricing people out and the cost of administering it are really make money out of it, I understand that's why you do a pilot is to learn from that. But I do share some of the concerns and will be watching it very closely. In terms of the question, the questions and comments from Councilmember Campos and constant regarding what -- how you deal with the nonperforming contractor, and Councilmember Constant referred to the fact that it also can be costly to deal with a nonperforming employee. But I think the distinction there is, the contracted out unit or a portion of the unit, what the costs are there as to one aberant employee. What the overall cost are to the city. And also, agree with some of the concerns regarding the park rangers and the last couple of things I'll say one regarding the folks who came out yesterday I think that we understand a lot of the services that they provide are services that make our city stronger and safer. Particularly those that deal with the youth, the fly program was there AACI was here with project plus, and all senior services I think it's great, I think appropriate that we're showing emphasis of the nutrition program and try to maintain it in the best form we can. But a lot of those other senior services completely cut out. They're serving many of the same seniors or seniors that are, because of different cultural competencies, made by Councilmember Herrera talking about if we save a program we have to cut something else or the fact that the budget's been out of balance for a number of years and that we're facing a fiscal crisis, all that is true. I don't think any one of us have shirked the responsibility in the last year or the last couple of years in regards to the facing of the fiscal crisis. But when I am spiking of balance I social responsibility we have as leaders in the city to make tough choices and sometimes those tough choices aren't simply to be as aggressively as possible in facing the fiscal deficit we have but also to try to balance that out by understanding what kind of social costs we're

creating by jarring the system so aggressively, in addressing a problem that's occurred over many, many years, and a recession that was the fault of no one else as the market recovers. Just as we're optimistic as we face our economic development potential, I think that we have to take that into account as to how aggressively we face the fiscal crisis begin the fact we've already taken a number of steps that have already cut to the bone in terms of many of our services. I think at this point the balance I refer to is not a step backward but it has to do with the pace at which we decide we're going to move that train forward and the pace at which we are going to cut our services to the peril of our residents. Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you mayor. Just one last question angel. One, and then we talked about such a model program, a national model in antigraffiti, that we even have a national model that's been in existence since I think 1993 with the San José B.E.S.T. program and the mayor's gang prevention task force. So how are we leveraging that success to, one, being able to be eligible to get more federal support so that we can continue to put this model to work in our own city? But not only that, but it seems like other cities across the nation are constantly coming here, and asking us to teach them how to do it. How can we leverage that to, perhaps, turn that into a revenue generating venture for our city?

>> Councilmember, that's a -- it's a very timely question because about six months ago we were invited to be part of the national youth forum out of the attorney general's office and out of the White House. And San José was one of six cities selected primarily because of the best practice staws we've gained over that time frame. So right now through that process and through the work we've been doing at the national level we actually are in the process of updating our current strategic plan and two areas of focus, one is in the area of reentry and the second speaks to your very question. That is a whole new milk-private partnership component. Both partnership with government at the national level but as well as our very he own private sector all centered around grand development, fund development, ways to sustain this program long term. Obviously with the proposed reductions that we have before you today, we're challenged in that area and we definitely need to you know the long term sustainability

becomes our number one goal so we're really looking at that forum as an avenue to help us achieve long term sustainability.

>> Councilmember Campos: Okay, thank you.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Just a couple of comments. On the park reservation thing I think it needs to be tried. Because the thing we have today is not necessarily livable for the people who live across the park. People come at midnight or 6:00 a.m. and they start to blare music early on. in addition not every person is responsible that goes to a picnic area in a park and they leave it trashed, some do. And in that case at least it says who is using the space and who is responsible to clean it up. We can use that up, we can use the RECS software program or conflict and we'll have to figure out what's the way to do that. But with the fee then I assume you're budgeting someone to be able to supervise that to some extent. And then on the item of outsourcing I'm just take you to one simple item in the city. We used to fund through General Fund the rose garden fountain. It was an increment of staff time and cost us \$25,000 a year. Because it 7,000 but you know what then that vendor wasn't very good. We got rid of limb we have a better vendor and it's \$5400. I really believe that contracting out allows you the flexibility of hiring and firing and the cost analysis allows us to maintain the service. Thank you.

>> Mayor Reed: I think I'm going to get the last word on this section. We're almost done for those of you who are waiting for public safety. I had a couple of comments to make. First I wanted to thank Councilmember Constant and the city county task force they did on senior nutrition coming up with an alternative that would allow us to continue the senior nutrition program. That's important but we have partners in this include Santa Clara County and others that play a very important role. And I know it wasn't tows come one a solution but they did. Second, I wonder if the program list that we did a year or two ago, I've lost track, can be helpful in answering the question that Councilmember Oliverio posed about the libraries, and what are the programs, what are the core services and what are the other programs and can we save money for the core services by modifying those programs. And that program list of I think 458 programs, I know if we did collectively, staff did most of the work not me but we

collectively put a lot of work into that, I'm hopeful that will be useful. Second, golf courses. How much money are we putting into golf courses this year? We have three golf courses. I believe municipal golf course runs a net positive. A little bit. But we're subsidizing the other two golf course, in aggregate but I've lost track of how much money we're putting into golf.

>> Jennifer Maguire: We're transferring from the General Fund \$1.5 million for 11-12 to keep the -- to keep the fund in the black.

>> Mayor Reed: Okay, \$1.5 million, so I just want to make the point that's \$1.5 we can't spend for something else and that we've given staff direction in the past to move ahead with looking at what we can do with the rancho golf course and we're not done with that process. But \$1.5 million is a lot of money to subsidize the playing of golf. Then finally, I'm going to -- a comment to segue into the public safety session, which is next. Invite everybody to look at the summary of General Fund sources which is at page 22, and then page -- I'm sorry, Roman numeral 3-22 and III-25 is the rest of the General Fund uses . Our revenues total general revenue are going down 5%. And if you add up our top three revenues, which would be property tax, sales tax, and utility tax, that's 340 -- I'm sorry, \$430 million. That is not enough to cover the public safety budget. So our top three revenue sources by far, the largest, are not enough to cover the public safety budget. And when you look at the summary of uses, you'll see that across the board, through all the departments and add it all up, public safety is taking a .9% reduction in dollars. And what we just finished talking about neighborhood services, Parks, Recreation, and Neighborhood Services, 21.9% reduction in dollars. Library, 26.2% reduction in dollars. We're doing that because public safety is our highest priority and it's our core service. All of the things we heard are really important. All the people we heard testify yesterday, those things are important. Unfortunately we don't have enough money to go around and we get the task of making those priority decisions, and this budget process is how we do it. And as we move into public safety, you know, we're going to hear about the dramatic impacts on the departments of the budget shortfall, just as we heard treatment on libraries and community centers we're in a very difficult position but I believe public safety is our number one priority. That's how we're spending our money. The bulk of our money goes into public safety. But the other things go into community based budgeting process is there's a very important role for our libraries and our community centers in keeping us safe. The mayor's gang prevention task

force and others programs like that help keep us safe and they all have to work together but ultimately you do need police officers and you do need firefighters. With that I'm going to switch gears here and legality the staff change over to public safety. Take a minute to swap out some of the folks. And then we'll start a public safety presentation which will take us take us into the afternoon, I think. We'll later in the morning take some time to take public comments for the morning session before we adjourn for lunch. Chief Moore, you going to take the lead?

>> Yes, sir, good morning, Mayor Reed and members of the council, my name is Chris Moore I'm the chief of police and acting as the lead for the public safety CSA. Before I begin I'd like to introduce members of our CSA that you obviously know but I'm honored to serve with and that is our fire chief William McDonald who is seated to my right and to his right is our independent police auditor, La Doris Cordell. It is our honor and pleasure to face you today with our prairgt budget ooms 2011-2012. As the slide indicates we do have an outcome of public safety here in San José and that is that we want the philanthropic feel safe anywhere, any time in the city. And residents do in fact more than ever share the responsibility for the public safety of our residents in the city. for the fire department, two components are most key and that is the emergency response component, as well as the fire prevention component, recognize egg that fire prevention is crime prevention, oftentimes oochtion actual sponges itself and then with the office of the independent police auditor I can personally attest to the value of that office in making sure that we do have a functioning ethical and high performing police department. Before we launch into some of the cuts, I'm sorry, make sure I operate the equipment at the same time. Our Public Safety CSA, splitting out by department the police department clearly has a number of missions that are critical to us, and to the council. They are by council direction crime prevention and community education investigation of crimes that have occurred. Regulatory items such as card rooms such as taxicab permits, those types of things. Our key component which is the responding to calls for service, that is if ability for our dispatchers to receive 911 calls and our ability to respond to those particular emergency calls for service and then lastly special events services. We have a number of special events that occur throughout the year that require police department attention . Our expected service delivery in the police department, again, following along our primary goals is we want to maintain a vibrant safe community by delivering high quality police services wherever that occurs throughout the city. Be it downtown, be it in the neighborhoods, be it in our transit systems. We also want to continue to keep crime rates down reduce and investigate crimes effectively and to continue our efforts to deter violence. This

community has placed a high priority on preventing violence and I think we've done a good job of that not just the police department but as you just heard in the prior CSA, through the mayor's gang prevention task force reducing gang snroins this city substantially over the last 20 years. I will tell you it's worth the investment that we've made. We're also striving to continue to provide effective and timely response in times to calls for service. We have some of the lowest response times of any major city. We'd like to maintain that but given the service cuts you're about to hear that will become more and more difficult. Lastly something near and dear to my own heart through my selection as police chief it came abundantly clear that the relationship between the police department and the community is absolutely crucial in order to not only investigate crimes but to patrol the city and make it safe. Without a community that's willing to speak with you you're not going to get the information you need in order to deter crime to prevent it, and to solve it when it occurs. An open and positive community relationship really, truly does save money for the city and that's what I'm striving to do through the many initiatives in the fire departments for the next portion I'd like to turn the presentation over to fire chief William McDonald.

>> Wild land fires medical emergencies hazardous materials releases, aircraft rescue and serve rescue and extrication incidents, essentially an all risk department. emergency management San José prepared program. Additionally, in terms of outreach, we provide community outreach to our community, education and fire and life safety services and as chief Moore mentioned, is one of the many contributions that we feel that we provide as a department that allows for us to connect with our community as well as help them keep themselves fire-safe.

>> Continuing on with that slide is judge La Doris Cordell.

>> Good morning, mayor, city council members, City Manager. There are four mandated responsibilities for the independent police auditor. Our mandate, and this is by way of city charter section 809 is to perform intakes of complaints from members of the public, about the conduct of San José police officers, to audit the investigations that are conducted by internal affairs and closed by them, to conduct community outreach, and to recommend improvements to San José police department's policies and procedures. That's what we are mandated to do. We have undertaken additional activities that require substantial staff time, as well. That is, the new mediation

program to mediate complaints of rude conduct and courtesy which is the first of its kind, we believe, in the nation. We have created a teen advisory council, the teen leadership council, TLC, which is the first of its kind for a police oversight organization in the nation. And we staff once a month a -- the Mexican consul at where we provide information primarily to Mexican nationals. So they know they have the right to complain either to internal affairs as well as to our office. All three of these additional activities while not mandated have been undertaken with the full support and indeed encouragement of the city council and the mayor.

>> At this time we would like to move into an area where we're going to discuss the impacts of the proposed budget actions by department. And clearly the police department given our current negotiations and our requirement to reduce services, I'm going to go through each area so that we have an opportunity for you at the end ask questions on specific areas. As this slide indicates our proposal and this is tier 1, this is assuming 10% concessions if those are achieved in tier 1. With the elimination of 194 sworn positions actually it is going to be 195 with the elimination of one position in the city attorney's office. It includes, also includes the 65 one-time jobs that were saved from last year's with the concession for the one-time from the POA. It includes an additional 11 cuts throughout the department, but also adds back 16 positions that council's authorized to receive the COPS grant. Which again, will be basically Low-cost for three years and then in year four will require full coverage of those costs. And that was by council action last year. Also included in the tier one cuts is the elimination of the school liaison program which includes eight officers and one sergeant that are responsible for developing and maintaining positive communications and relationships with our school districts in the 19 various school districts. School liaison officers will not be available under this plan, to the schools, and all of these relationships will, over time, yield lesser and lesser benefits. To say that the relationships won't exist after these cuts are made is not true. They will just -- it will be more difficult to maintain those relationships with the school. They'll have to be maintained by beat officers. The suspension of the helicopter program as I had messaged to you earlier this year starting in March we went ahead and swnd regular patrols of air 2 our helicopter in an attempt to determine alternate service delivery models including cost-sharing with other jurisdictions in the property, air 2 flew the other half. The next item is the crossing guards. The current budget you have before you, calls for a 25% reduction in the crossing guard program. That's to be -- to align with the mayor's March budget message and for those intersections that receive a safety index of 120 and above which is determined the appropriate level to have a

crossing guard presence at a particular intersection. And that will depend intersection by intersection some are much larger some require three per intersection some require two and in fact some require one. We have been in meetings with the superintendents from all the schools because obviously it is something near and dear other hearts. And we have discussed to them and will continue to discuss alternative service delivery to them including contracting out partnerships of various types with the school district. The preprocessing center which is where we take prisoners before they are booked into the county jail, take fingerprints, obtain other evidence and process other evidence is a critical function of our police department. In an effort to reduce cost what we froap do is cut the officer positions that are current in PRPR and leave the one sergeant there as supervision, that is a required position if we are to maintain that service because it is considered a jail, and we have to have supervision within that room. So the functions fingerprinting, evidence processing that are currently being done by permanently assigned officers will now be done by the patrol officers. Also included in this budget is the deferred opening of the police substation in South San José. That savings represents about \$2.5 million per year not to operate that station. But you have to take out of that, and less the cost of maintaining that building. You have a brand-new building that still requires security, some lights, so that cost is taken out of that. We also are proposing under this budget civilianization of 15 sworn positions within the police department. At this time I'd turn it over to chief McDonald.

>> In terms of reductions being proposed in the fire department, again with the reduction of 64 positions, to the department which includes one fire engine that was staffed for an additional year. We're proposing to use a brown-out program to offset the loss of two companies. We will be reducing the minimum truck staffing on many of our truck companies, down from five-person trucks to four. Looking at reducing three battalion chief's positions and that will further increase the span of control that our battalion chiefs in fact that all our managers would have whint the department. Our hazardous incident system reorganization we have in addition to an engine and a truck company that provide that service we also have a two person truck company that in addition to being an additional resource for some of the more significant calls that we would respond to they also provide some overhead support for some of the major events that we would have within our community. Airport suppression and fire service delivery model change we are looking at some options that we would be able to continue to provide an integrated service to our airport but at this point the decision on providing fire protection to the airport has not

been made. So that we're looking at a change in that model. Suspension of two firefighter recruit academies. Discretionary overtime reduction and those are dollars that we use to maintain the skill levels of our personnel, as well as develop additional responsibility within the organization and reduction in management staffing throughout the department as well as the loss of administrative and accounting support in our fire prevention bureau.

>> Judge Cordell talk about the independent police auditor's impact.

>> Thank you. There is but one impact upon our office of this budget action and it is a significant one and it is to restore the funding for our one and only administrative support position. The position of Jessica Florez who is our office specialist.

>> At this time we'd like to focus on some of the specific and significant community impacts, specifically in the police department on patrol reductions. Given that patrol constitutes the vast majority of our sworn personnel, and yet is one of our core services that we'd like to maintain, this slide indicates that under the tier 1 scenario that we would reduce our patrol forces by 69 sworn positions, otherwise 9% of the cut. Of the 69 positions 46 obviously will be officers, 14 sergeants and nine lunts. This will in fact reduce our ability to perform day-to-day patrols. It will increase response times and what we refer to as call saturation. And that is the time where we have calls for service pending and yet there are no units to respond. When you have increased response times one of the key components or the key outcomes of that is that you will not have officers on scene in a timely manner to secure the crime scenes, to identify witnesses, to identify suspects or apprehend sments which make it more difficult to solve crimes. The policy priority 1s and 2s those types of calls, priority 1 calls are ones that involve imminent threat to life and property and priority 2 is just below that, where there is a likelihood of priority 3 calls are what we refer to as cold calls, where a crime has occurred and the officers are responding more for court than they are for immediate service. Case solvability as I mentioned often depends upon the availability of finding witnesses, and as we have found over the years if you are not present to identify the witnesses and get statements that are contemporaneous with the event, you will not likely soft that particular crime . This is particularly important in cases in property crimes, but also, in persons crimes. A burglary for example if you get called to a suspicious

person's call where a neighbor sees somebody breaking a window or loitering in front and then sees a broken window the officers responding to that particular call once they get there they are going to try to intrusted anybody in the neighborhood and if they don't catch the person there which will be the ideal, but also able to identify a police arrived, if there's evidence that's left behind that we're able to collect that before it spears. We also a number of proposed policy changes on what and how we might respond to the priority 2s and 3s calls. Examples of that, and these none of these have been decided as of yet but have been tried in other cities and with some results that are positive and some that are not. In particular, non-injury traffic accidents. As long as cars are out of the lanes, zone of traffic whether or not they're creating a hazard for other people that there is only property damage and no injuries, in the years past what the department has done and other departments have done, is make sure there's an exchange of information and no bane of exists as Councilmember Oliverio had mentioned, when you have a park next to a residential neighborhood and you have loud music playing and the officers are called, it may not be a high priority call that we'll be able to respond to in a priority fashion. Yet to the resident it's critical, goes to the livability of their neighborhood. Nongang related vandalism, under the tier 1 scenario we will still have the graffiti abatement phone calls are found property types of calls would not likely be part of our current response model under this budget. Moving on to the bureau of investigations, the proposed budget as you see before you includes 25, a cut of 25 sworn positions and one civilian position. We've done a number of restructuring proposals within the police department and the bureau of investigations one of the most high profile was to take our traffic investigation unit, that which performance the investigations on the major jish or fatal accident and move them under the purview of the crime seen unit under the homicide similar to the work that conducted by the crime scene unit. We thought we could save the supervisor's position, reduce or increase the span of control to make sure that we were most efficient in performing the service. We also moved our high tech unit or what was left of it into the sexual assault unit because a lot of what's being done in sexual assault is online. The 290 ridge straints appropriate move. So we also moved human trafficking task force personnel over to sexual assaults begin the like type of investigations that they performed. Be we have eliminated the day detective positions that previously existed. The idea is to have detectives in the field, when events occur during daytime even though we had detectives that were working in the office to have similar to what we have at nighttime, day detectives available to respond. We have combined a number of units, our old narcotics unit, our vice investigation unit and others into a larger what we're referring to as the covert response unit. This unit will provide

the opportunity to provide long term surveillance and not only form narcotics but also vice enforcement activity. These reorganizations we've been planning for the last several months and I have to thank my staff, both deputy chief David Hover in the bureau of investigations and acting chief Dave Honda and the bureau of technical services, deputy chief Mhon Gno, all led by my assistant chief Diane urban, I thank them for their efforts on this. Lastly we have a couple of positions that we are trying to contract out. We had the retirement of our police artist after many, many years we had a sworn police artist. We had our last one Gil Zamora, retire and we are looking at contracting that service out. We have also reduced the number of units within the bureau of investigations, cling restructured vehicular crimes and reduced that. We've cut the homicide unit although we may end up having to add back a little bit given the number of homicides that we've experienced in the last several months and then in our court liaison unit we've also eliminated four positions. At this time I'll turn it back over to chief McDonald.

>> We're proposing a flexible brown-out plan that would allow for us to keep all of our fire stations open which is really important in terms of our ability to provide consistent level of services throughout the community as well as to maintain our response time to the extent that we can. Brown-outs will occur at and the definition of that is temporarily not staffing one of the companies that are at our two-company fire stations. So that will only occur at places where we have an engine and a truck assigned on a permanent basis on a fire station. The capacity of our system and our system of fire stations and our firefighters in that station and the apparatus and equipment that they use is a station and it has a defined amount of capacity to be able to respond to incidents on a daily basis. So this brown-out plan will have an impact on that boapt in terms of our response time also as well as our ability to respond to movment incidents as well as major incidents. We also have a greater potential because of the delay in terms of our response time, that we will see more of a fire spread, potential higher property loss and potential more fire casualties as a result of that. And we have health back some overtime dollars to be able to ensure that we will only reduce two companies on any given day. And we've been able to do the -- look at the analysis of our history in terms of our attendance over the last three years to make sure that we will be able to maintained no more than two companies being temporarily closed on any given day. Also this plan provides for us the ability that if it's determined that the hazard for whatever reason or the activities that may be going on, on a day, we should not brown out companies we have the dollars to be able to make sure that we keep all of our

companies in service. I think the benefits of this plan although this is not something that we would recommend to you as a fire department if we didn't have the budget reductions because it will impact our capacity, but the benefits to the plan is that it instead of closing two companies and focusing those impacts on any part of the city, it allows us to defuse the impacts throughout the city thereby being able to reduce those impacts significantly. We believe that it provides us better flexibility than we would have had if we'd actually have to close two of our companies but still it is the equivalent of two companies being lost to the system. But I think most importantly it allows us to be able to retain some very valuable and very hardworking employees in our system and reduce the amount of layoffs that we otherwise would have had. In addition, we are proposing to reduce our truck company staffing from five to four. The impact of that will be that we will have fewer things that our truck companies will be able to do when they respond to structure fires and in fact we will by design we will have to provide for a change in our practices that will cause us to not be as aggressive as we otherwise would be because one of the folks that would be primarily responsible for making sure that hazards are identified for the folks that are inside buildings or carrying on task force will be eliminated. And so those folks will be working in a part of the team that is operating. So we will see less aggressive tactics that we will be able to provide as well as we will likely have to call in additional companies because the task still exists at the incidents and so we will have to have the personnel to make sure that we are able to provide for all of the things that need to be done at a fire. The elimination of three battalion chiefs' positions, that impacts our ability to provide responses or on some of the administrative or support activities that we do within our department we need to keep our folks well supervised and trained and managed so the reduction in additional chief officer positions really increases that span of control for the department. And as I mentioned before the reorganization of the hazardous incidents teams and the elimination of our two person companies eliminates a lot of our fleet that we have with that group. It is an impact that we think is less than some of the other things that we might do but in fact we will lose some overhead as well as some additional capability on the more sensitive or difficult of hazardous incidents calls. With all of these reductions we will experience service impacts that will likely impact our response time and 179 firefighters on duty today to in some cases down to about 157. So you can say it's quite a number. And as I say that system of fire stations is really a system. And so the ability to provide service, multiple calls, or major calls will be impacted as a result of that. I think the most important thing to say is that our folks are really dedicated to providing great

service. And I am convinced that they will provide the best services available given the resources that we have. But it's important to say that we will feel the impacts of all of these reductions.

>> The next slide represents the Police and Fire service delivery model that is not only currently at the airport but is proposed as a model change for public safety services at the San José airport. This budget, as presented, funds the San José Police and Fire department at the San José airport through January 2012 at a level which maintains safety and security for all airport staff as well as passengers traveling through. Although there is an MBA out for an alternate staffing model the current model for the next seven months reduce the cost of the airport by approximately \$6.5 million annually. Contracting out potentially saves an additional \$900,000 in fiscal 11-12 and beyond that \$3 million annually beyond that. This contracting out process is still under analysis and final recommendation to the city council should be prior to that date. There's been much discussion on this and I'm sure continued discussion on this. Right now the proposed model for the next reduces San José police staffing down to 22 sworn officers and one civilian position and that would transition out on January 31st. Through 50 patrol officers out at the airport and we reduced that to 41 for a reduction of \$1.6 million plus the overhead. The new staffing model, we competitive and meets the current safety standards. It eliminates 19 sworn positions and reduces cost for the airport substantially. We are concerned about response times for an alternative delivery service model and I know that will be discussed by council. With we don't next need to go into this at this time but I will need to register significant concern. Although the work hasn't been completely done and not ready for council presentation about the possibility of contracting out service, particularly police outside the City of San José.

>> If I might add, as it relates to fire protection emergency services at the airport, provides the best alternative for the services that would be provided there. I believe that we have an opportunity given our cooperation and our collaboration with our employees to determine and develop a very viability option that would be very cost effective and would continue to provide that integrated level of services and it would be best for the citizens and that feaft.

>> Staff work has not yet been completed on that and appreciate your patience and we continue through that process. The next slide ask the most difficult to present, tier 2 if in fact gloarks are not successful with the POA to

reach the assumed 10% concessions ongoing as recommended by -- as directed by council. The tier 2 budget proposal as we have put forth calls for the additional elimination of 156 sworn positions. Which will total 351 cuts to service fiscal year 11-12 which represents 28% of a cut to our sworn staffing levels. It eliminates 122 sworn positions in patrol for a total of 190 as a reduction, 32 sworn positions in the bureau of investigations, for a total reduction of 57, the elimination of two sworn positions in our truancy abatement and burglary suppression unit our tabs program one of the most long standing programs to prevent burglaries and also calls for alternative deployment of our special operations unit that's traffic enforcement, our metro unit and our merge. And furl in last year's budget we did some restructuring violent crimes enforcement team with metro and called it metro, maintaining a focus on gang intervention and gang suppression but with smaller teams. We propose that we keep that model and reduce patrol staffing but then refocus the efforts of special operations to specifically support patrol. Therefore, you would have the capability of special operations but their job would be to focus on assisting patrol. An example of that would be right now our traffic enforcement unit our motorcycles in effect are targeting the highest accident intersections with the highest accident rates. What we would do in the alternate deployment model under a tier 2 scenario would be to assign them to assist patrol to handle patrol type incidents regarding traffic in the community. Our merge unit. Since it's already been reduced from two teams to one we wanted to make sure we still had that capability. When you have a city of our size, there are incidents from time to time that require special weapons and tactics and rather than to eliminate the special operation unit and merge it made sense to us to hang onto that unit and capability daily basis. They will also be responsible in the merge unit for training all of our specialists metro and all the rest of patrol on a number of other functions. Our metro unit as they're currently configured will allow them to assist the merge unit on their tactical operations William reminding you that the merge under that is been reduced to one team the metro unit will be able to deploy in that fashion. Our traffic enforcement unit will remain and will be redeployed geographically based on calls for service throughout the city, to address traffic in those areas through enforcement. However they will also assist with beat call for services by themselves when necessary and also serve as a visible deterrent. Additional sworn B of I cuts that will temporarily reduce the amounts of officer in the bureau of narcotics enforcement task force, one task force sergeant in our react program and one officer in our FBI task force. We'll have one sergeant cut and one officer out of missing persons, two officers from the assault unit, two officers from the juvenile under and two officers as previously mentioned from our antigraffiti unit. We will remove and reduce four officers and one

sergeant from our gang enforcement unit two officers from our threat management unit, one officer from domestic violence, one sergeant out of homicide two officers out of burglary and two officers out of fraud, three officers out of sexual assaults, and the one officer in high tech unit. We will reevaluate the cost effectiveness of the horse mounted unit after the tier 2 decision is made. And just to again remind you the truancy abatement unit will be eliminated. With that good news the summary for our CSA, you have three of the most committed professionals ooment we will honor that commitment, again, emergency response does remain the priority as the mayor had indicate id but we -- whatever tier reductions we end up at we will see significant impact to service levels and response times. Our CSA will monitor service levels to make adjustments when we need to and maintain the integrity of our priority services. And all of our partners, we will continue and we have the commitment of all of us to look for efficiencies and through technology and other measures to make sure we provide the highest quality lowest cost public safety services to the citizens of San José and with that mayor we'll turn it over to the council for questions.

>> Mayor Reed: Thank you. Given the time I'd like to allow public testimony at this time because we have folks that are here and we're clearly not going to finish this this morning. We'll have to come back this afternoon and I'd like to have them speak this morning so they don't have to come back. There will be another time in the afternoon session where we can take public testimony as well. Please come on down when I call your name. Celia Avilez, Raul Sanchez, (saying names) .

>> How much time do I have?

>> Mayor Reed: Two minutes. [Spanish]

>> Good morning, the thing that brings me here it's the cost of the communities getting in the Washington Guadalupe Alma. I he needs glasses.

>> Mayor Reed: He can borrow mine. [Spanish]

>> They going to leave us with programs in force, and way to keep the residents that prevent the crime, the 911 almost doesn't work anymore because we are afraid. The fear is real. The people are taking action against the people that will live there.

>> Spanish]

>> We have much to fear in our neighborhood.

>> And this is real.

>> This is real.

>> Spanish.

>> Please make decisions knowing that not all of us have the same treatment with the police department. Spanish.

>> Please protect the programs of prevention of crime, especially the four specialists in prevention of crime in order to follow the program, building bridges, to improve the relations between the community and the police department.

>> Mayor Reed: Okay, thank you.

>> Spanish]

>> Message, please protect and improve the relations between the community and the police department. Don't think that just enforcing the law is going to improve the problem, which is a deep distrust from our residents.

>> That's it, thank you.

>> Mayor Reed: Thank you.

>> Good morning.

>> Good morning.

>> Spanish]

>> Please remember that a lack of trust from the resident may register. The fear is real. We're not going to work only with the patrol officers. Prevention of the crime should be a big priority.

>> Spanish]

>> Our marginal community reports the crime. Does not report the crime. Why? Because we get deported. Because they keep stopping the cars, in an unjustified way, because the gangs and the drugs in our neighborhoods. And when they take action against us, the police doesn't come. All this is true.

>> Spanish]

>> Then, what we did, at the sacred heart, is to propose a solution. That is saying, a first step. This first step, now we have a specialist for the prevention of crime in our neighborhood. With a lot of work, more residents are going to be able to count with somebody in which we can trust in order to give information.

>> Spanish]

>> If you take this policeman away you're going to leave us no recourse because of the community because of the fear and distrust doesn't call the police or the patrolmen.

>> Spanish]

>> With the proposed cuts, the patrol police we know are going to leave only officials, that enforce the law. We are in agreement, to reinforce its essential part of the public security. But it's also very important, the prevention of the crime. Not employed in prevention, in crime, it's not a good strategy. And it would be a great mistake. Please preserve the programs of crime prevention, and the four specialists that we have in the city. Thank you.

>> Mayor Reed: One more speaker, George Beatty.

>> Good morning, Mayor Reed, members of the council. George Beatty representing the San José Police Officers Association. I've been a police officer here in San José for nearly a quarter of a century. The cuts chief Moore has presented you today are pretty Draconian. As a matter of fact, this department will just be a shell of its former self, no doubt about it. Regardless what position the POA takes, we're looking at losing 122 positions, we can't afford to lose one position. The POA has presented a proposal that will avoid laying off second-tier layoffs. We ask that you work with us on this because we do not want to see the layoffs. We know who we are. We know what we're about and we know we'll be there. We can get by this if we work together and avoid even more severe layoffs. Thank you very much for your time. I appreciate it.

>> Mayor Reed: Is there anybody else who wished to speak? I had some other cards with names on them. Okay, all right, we have a few minutes left. We'll go back to council questions. We clearly will not fish public safety before the lunch break and we'll take it up again this afternoon. Vice Mayor Nguyen.

>> Councilmember Nguyen: Thank you. This is probably like the most sobering presentation of all the presentations that we've heard so far and even presentations going into next week. But I just wanted to start out by thanking both chiefs and IPA for your leadership during this times i don't think the proposal is something you

want but it is something you have to do. Obviously, I've been here almost six years now and in regards to the police officers, the cuts there, that's very devastating and I think it's going to have the most severe impacts on your department, as well as the community in general. When we look at crime and where it tends to happen, it usually happens in areas or in communities or neighborhoods where there are less police patrol. And to see that we are going to lose another 69 police patrol officers out in the communities, I think that we're looking at these areas with an increased number of crime, even going to be happening from misdemeanor crimes to felonies and other devastating crimes. So I'm not really looking forward to you know so seeing more cuts. But again, like I said, this is something we have to do. It is not something we want to do. So Chief Moore, just looking at the slide where it shows the potential cut of 69 patrol officers, I guess the question I have is, I didn't really catch it, and forgive me if I didn't. But does that assume concessions from the POA or that does not assume concessions?

>> That assumes concessions.

>> Councilmember Nguyen: Okay. And if we chief no concessions what would happen?

>> Councilwoman this is really one of the most sobering things. Let me get it to the tier 2 slide here. Another 122 out of patrol. But overall, another 156 layoffs. In tier 2.

>> Councilmember Nguyen: So 122 patrol officers.

>> Correct.

>> Councilmember Nguyen: And a total of 156. That is with no concessions. I'm really speechless after that comment. Let's just move to the airport. So we have 42 police officers out at the airport, at this time. And we're looking at eliminating 19 positions, starting July 1st. So that would leave us 23 staff at the airport from now until January 31st, 12th.

>> Correct, 22 sworn and one civilian.

>> Councilmember Nguyen: Can you just talk a little bit about the transition and what's going to happen? Because that's a huge cut, 19 staff and we just have 23 left before we try to find a new provider for the airport.

>> Certainly councilwoman. We tried to work with airport staff and try to come up with a model that meets their model and cost structure. We realize keeping the cost per passenger down and yet still provide a save airport. Captain Jeff Smith who has worked a long time on this trying to find assets at the airport and still maintain what TSA would require or would consider a safe airport. We figure that at a rock-bottom minimum we could do it with 22 sworn personnel. That would be with no overtime, we'd actually have to add in overtime if somebody called in sick we'd have to come back with that. But the cost savings were significant to get us down to that level and took a lot of effort to do that. Again there's still more work to be done but I have truly and to your point significant concerns about outsourcing the airport for a number of reasons but again we're at a stage when the staff work has not yet been completed but if we were to go outside with those low numbers the reason we can get those low numbers at the police department is because we have a giant police department behind it to provide services to other parts of the airport at a we would assume under our existing patrol structure. Example, during the midnight hours the airport shuts down, there is no airport services unless an airline would come in late we would absorb that presence with the San José police department. If you outsource it that coverage would not be there. Same thing with the fuel deep owe, the rental car garages, those things are not included in the proposal by the other vendor. Other work to do, but just to let the council know I do have significant concerns about the outsourcing.

>> Councilmember Nguyen: Following up on your comment, I read somewhere in the budget that services would be provided from 4:00 a.m. to 2:00 a.m. That's 22 hours. What would happen the two hours.

>> Somebody has got to cover the airport? In the event san José police department is going to absorb that cost.

>> Councilmember Nguyen: Now in terms of developing an RFP to select a new provider, I assume that you will play a critical role in terms of coming up the criteria or perhaps even participating in the committee that will select the new provider?

>> Although there is significant staff work on the part of the airport staff to put together the RFP we were not involved in the evaluation of that RFP.

>> Councilmember Nguyen: Oh, that's interesting. Can the City Manager talk to that point, please?

>> City Manager Figone: Yes, and I will ask Ed also to help. As the chief said the airport put together the RFP. The evaluation is being reviewed by the budget office, and we are working with both the PD, as well as the airport, in really trying to understand the apples to apples comparison. So the process is already complete. And as has been indicated a few times, one reason why we have the seven month delay in a start time is so we can really make a thoughtful recommendation to council. Some of the -- what I would call secondary impacts that the chief is swear of I'm aware of and we're really going to drill down on the proposals not only from the cost perspective but if there is a hidden cost because of other service delivery impacts. And so we just really need the time to understand those things fully and be able to bring you a recommendation and Ed, excuse me, did you need to add to that?

>> Ed Shikada: Yes, madam Vice Mayor if I could add many of the issues exist on the fire side of the analysis as the City Manager mentioned really getting to an apples to apples comparison, which in some cases could involve the negotiations of the primary police and fire services as well as some issues may not exist within the four corners of the contract or the agreement for the service provider, so we would need to look at what additional, as the City Manager pointed out whether it be secondary impact or contingency planning would need to be in place in order to address all of the potential. So with that information, it will put us in a better position to come back to the council with some recommendations.

>> City Manager Figone: And this I don't think was your typical process of multiple vendors coming in this was actually negotiation and getting to the apples to apples comparison in terms of the analysis.

>> Councilmember Nguyen: Thank you. And then the mounted, I just wanted to thank the friends of the San José mounted unit for really stepping forward and raising the money to save the position, for at least one year. We're hoping that you know they can continue to do so because obviously this is a very important part of the San José PD. People don't see this as something critical because it's you know just police officers on horses. But I think they're very important especially when you have a lot of cultural event and public events. These patrols on these horses are just as important as police officers, motorcycles or in the vehicles. So I just wanted to thank the friends of the San José mounted unit for their efforts. Going to fire, I asked some other questions for the police chief after lunch. But I'm just going to make some comments about the brownout plan real quick here. Chief McDonald, I wanted to thank you for coming up with this plan, and taking the time to brief me and my staff on the plan. It has been a work obviously it's not the best of plans when it comes to responding to the time that we need. But it's better than having to close out, close down a few more fire stations. I was doing a little bit of research and I read somewhere that last year, San Diego encountered a huge fire and it happened in one of the brown-out area and that brought a lot of attention to the residents in my community. They brought this up at the community meeting and asked whether or not this is going to have an impact if we have situations like that in our city, would we be able to handle you know the aftermath or the impact if a fire were to break out in one of those brown-out areas?

>> Mayor Reed, Vice Mayor Nguyen, as far as major emergencies in the community, as you have heard me before, I believe we have fewer firefighters on duty to address the needs we have relative to the size of the city, the number of incidents, the demographics, all of the things that you would consider when you satisfy your fire department. The brown-outs of the equivalent of losing two companies. It is not that we're minimizing or reducing it, it's just we're doing it in a different way. And so in the case when we would have one of the companies at any one of our station background out, we lose the capacity of that company. I believe that this is a far better way to provide the service, and the potential, if we have a large emergency, depends on what else is going on at the time. If we have no other emergencies, then we will likely be able to respond to it in an acceptable way. If we have

any other types of incidents going on during that same period of time you'll see the impact much quicker on the capacity of our system. So if it happens in an area where we have that station background out -- that company background out that day, you'll see companies coming from greater distances. The initial one will be there but companies will be coming from greater distances. So just that means that the ability to do the things that you need do initially at a fire will be delayed. And the potential for that is greater property damage and casualties.

>> Councilmember Nguyen: Thank you Chief. Those are all the questions I have for now, thank you.

>> Mayor Reed: Thank you. Well, we have other councilmembers who have questions, but Councilmember Constant you're next up and you only have a couple of minutes. Do you want to start now or break for lunch and take it up? Okay, I think that would be the best thing to do. Wave to the third graders, Easterbrook, thank you for joining us. We'll adjourn for lunch, we'll take it up at 1:30 with the Public Safety CSA.

>> Mayor Reed: We're now in the middle of the public safety part of the agenda. When we get done with public safety we'll have transportation and then fees and charges. We're going to have to estimate sometime in the afternoon whether or not we will get to fees and charges or not, I think we will because I'm an optimist. Councilmember Constant was I think next in line for questions on the presentation. We'll go to him first.

>> Councilmember Constant: Thank you, mayor. My first question is, for Chief McDonald. Can you explain the cost difference, or response times differences, between what we're seeing this year and dynamic deployment versus next year in the brown-out scenario?

>> Can I explain the response difference?

>> Councilmember Constant: Yes, what do you anticipate to be the difference in service levels to the residents?

>> The estimate was dropping about 2% on citywide for the response performance. Right now, year-to-date, we're at 82.5% performance and year ago, we were 82.52.

>> Councilmember Constant: Okay. And now, the -- comparing the brown-out proposal versus changing staffing on engines in some areas of the city, what would be the equivalence you would have to do in changing staffing on engines to deal with it that way?

>> If we were to reduce the staffing to accommodate for brownouts it would be on eight engines.

>> Councilmember Constant: I'm sorry?

>> Eight engines.

>> Councilmember Constant: Okay, thank you. Now, for chief moor, in the police department issues, recently we had the audit from the City Auditor's office, that talked about a number of issues, among them span of control. And the span of control in the police department, it was noted in the audit that if the span of control were modified to an average of 1 to 6 there would be a \$15 million savings. If it was modified to a twown eight it would be a \$26 million savings. If it was modified to 1 to 10 there would be a \$33 million savings. And I noticed in doing a span of control analysis that there is very little change of span of control from this fiscal year to next fiscal year. Can you explain the rationale for that?

>> Thanks for the question. Indeed, as we mentioned in the original audit, supervisor to officer span of control in particular because we had a high number of sergeants it was explained back then that the number of sergeants that we have in the bureau of investigations, really is the span of control is very, very low and the reason is they're role isn't really supervision ooms directly answer being your question how much money you would save, we did in fact when we ended up cutting the numbers of bodies, when we identified the number of body in tier 1 and tier 2, have these numbers they are not significantly higher to your point that be they were before, given the number of officer layoffs that are included but I do have the information for each of the bureaus in both department in both tier 1 and tier 2 but again they're not really significant at officer level or sergeant level.

>> Councilmember Constant: Well my concern quite frankly is that without addressing span of control, I don't think we can effectively address the cost issues without reducing the number of bodies, and the number of people out there providing services. And I guess my question is just because we've always had sergeants do a significant number of investigations, and we have a very, very tight span of control up there, why can't we change that when in fact we have a large number of officers that have in the past and continue to be detectives, why is supervisory rank required for that?

>> It is not in fact required. Although in order for someone to go up to the bureau they have to have at least three years in rank even to apply to be a sergeant. My point is just if I may, the demotions in tier 1 alone, demotions from sergeants to officers numbers 21 in tier 1 and 21 in tier 2 for a total of 44 sergeants demotions. Part of that was an attempt to streamline to address the number of sergeants we have in the span of control. investigations

that quite frankly aren't qualified to do it based on time and rank and breadth of experience. I don't think we can achieve savings that were identified by the auditor, those were pretty significant numbers, quite frankly eye popping for everybody, I can't frankly reduce the number significantly 44 sergeants out of a relatively small number and that's the other thing. As you get shorter our numbers get the smaller our numbers get the percentage gets higher and when you shrink the numbers enough, you're going to see how the ratios continue to shrink as well if that makes sense. GI.

>> Councilmember Constant: I just think quite frankly, ops delay officers off instead I want to have them put up a chart because we did a span of control analysis and I ran it by the City Auditor to make sure that our mathematics were correct. And you can see that the span of control is virtually unchanged. And while demotion is not preferable, I would say, a 15% reduction in pay is much preferable to a 100% reduction in pay. And I think I do have to question the fact of whether we have enough people qualified to be detectives in the officer rank. I think we have a large number of people in the department that are qualified to be detectives, and in fact, there are a lot who have served in the detective bureau and I don't think there's ever been and I've asked several people. No one's been able to give me any description of an appreciable difference between an sergeant doing the investigation and that really concerns me quite frankly. You can see in this chart that the span of control changes negligible, it is less than .5. And simply going to 1 to 6 which is not a huge change, it is not nearly as savings of going to 1 to 10 and I'm not necessarily advocating going 1 to 10, that is a lot of money that's a lot of officers who don't get ping slips who don't get sent home, without the uncertainty of whether they'll get sent home. I went through that audit in much detail and I went through our budget in much detail. And I think we're making the wrong decision. I'm critically concerned about the number of people we're laying off in our police department. I'm critically concerned that we are choosing to, in many cases in the vesting bureau just not investigate rather than to have a change in the span of control and have officers investigating. And that concerns me. I know that in the area of night detectives versus day detectives, and last year we were told we couldn't get rid of day detectives but this year we're getting rid of them, and I guess my question there is, why do they have to be sergeants? When we have officers doing the job now, why do the night detectives have to be sergeants?

>> They don't have to be.

>> Councilmember Constant: So changing those would in effect not only address the span of control but would free up dollars to keep people employed. I think those are the decisions that we need to make. I think that we have one of the highest trained best educated police departments in the nation, and we're widely heralded as that. Yet we're saying they need supervision at a rate of one and a half to two times maybe three times what's being done in other cities and that concerns me. I think that we are not utilizing our resources appropriately, and that concerns me greatly. It pains me to see not only the people that are being laid off but the number of residents that will not be getting services because we make a management decision not to manage our span of control and that frankly has to change. Especially when we get to tier 2 reductions. Tier 2 reductions could almost entirely be taken care of by very poor decision. I have a few other questions. In the area of the crossing guards, we two or three years ago Councilmember Pyle and I joint-authored a memo requesting to take a look at a volunteer crossing guard program and still we haven't been given any response back. And we are reducing our crossing guards, I forget the percentage.

>> 25%.

>> Councilmember Constant: 25% which is significant yet we still haven't made any progress there at least that we're aware of. Can you tell me if anything's been done in that area?

>> Certainly, appreciate the question. With respect to crossing guards we've looked at the superintendents and staff is really looking for ways to provide that service in as many intersections as possible at the lowest cost price. And I think we're looking at the issue of potentially contracting out some school superintendents in particular Dr. Porter has talked about the mobile school bus which is involving parents and this does exist in a lot of intersections and yards where there are no crossing guards. A lot of what you're talking about actually exists and is supervised by everywhere it truly is matter of priority on how much can we afford to provide that service which is truly for the schools, and less probably from the police department, at least that's from the direction of the staff and the council. We believe it is important and we have done a lot of study on the index, the safety index for various intersections throughout the city which would tell us where do we really, really need them, these major

intersections where kids are most at risk, as opposed to somewhere where parents want them but it does not meet the safety index. I do not profess to be the expert on this. Hans is here did there are questions with respect to the D.O.T. and Lisa Perez has.

>> Councilmember Constant: My question is why aren't we exploring the volunteer model that is used in so many other areas?

>> Mayor Reed: Let me add something to that. We have had a conversation with our school program with volunteers and the superintendent said no. They can't rely on the volunteers, you can -- it works for a while but it is not a replacement. There's no doubt about that. But I think you're talking about supplementing.

>> Councilmember Constant: Talking about supplementing and I'm talking about an intersection that for nine months of a school year will have absolutely nobody. Or will have a volunteer. And I'll tell you, I get a different response from the superintendents in my schools and the principals in my schools and I tell you it worked fine when I was a kid.

>> Deanna Santana: Councilmember, Deanna Santana deputy City Manager. We actually met on this issue over lunch. We are preparing an MBA that will go out early next week and the MBA will cover the due diligence that we have been working on over the period of the last year with the school superintendents and it will each of those options. The disposition plan in the event that schools want to contribute and donate to the program as well as the issues related to the volunteer program. So Lisa may want to add additional information but we already have in the works some info pieces as well as an MBA that we'll be getting out either next week.

>> Hi, (inaudible) police department. We have been working with school superintendents. They are interested in volunteer programs. We're looking at options to -- where volunteer programs can take over some intersections or where we could have a city sponsored guard and a volunteer working together. So we're working through those issues. We'll be coming through with an MBA to address all of that. We need some time over the summer to kind

of work through that with the schools but at this point we're going to be looking at how to redeploy the crossing guards, to minimize any impact to any of the crossing guards at intersections.

>> Councilmember Constant: I hope the MBA will address how many years it's been since this idea was floated because it's been at he's two years and it concerns me because we have young kids, crossing streets, and we're going to have a bunch of them unprotected. And I think it's because we haven't as aggressively pursued this as we should have. It shouldn't take two years to come up with a volunteer program. I mean we could go to each school individually and organize a volunteer program if that's what it takes. But I'm concerned about that so I'll look forward to that MBA. You know a few years ago the sheriff's department decided to no longer respond to calls in the transit system even though it's their jurisdiction and their responsibility. I understand that we picked that up because it's our residents and our businesses and our neighbors that are affected by the impact of those crimes. What have we done to attempt to recover costs from that? I mean it's in the millions of dollars of free service that we've been providing to the county.

>> Let me back up a little bit and give a little bit of history on the VTA and the transit security. When VTA first started their light rail in service they were looking for security services to provide that on the trains, we were asked, my understanding, I was not involved in these discussions but we were asked by the city whether we wanted to participate and provide that service because VTA covers the entire county it would be decided it best appropriate that the sheriff's office do that under contract and the sheriff's office did do that and contracted for 24 hour service. In 1993 to my knowledge, I came across an old memo by acting chief Tom wheatley, in the area that the chief contracted for and that we in the City of San José would be covering those platforms and those trains. There was no mention of cost recovery other than the faculty that we'd tracked a time with a special disposition code which we did for a number of years and several years ago and I don't know when it may have been with a CAD upgrade that we no longer tracked that. This is intense interest to me in particularly in light of the airport scenario that I wanted to track that. So I did have a conversation with Schaeffer Smith yesterday at the county chiefs meeting about this very topic, councilmember because I would like to have that covered. I don't know if it's millions, it may have been millions over years when we have been train after hours, I mean after 10:00 p.m. it's our jurisdiction, that has to handle it so I'm very interested and we're kissing e-actively working on how to

determine. I asked her I told her in light of what we're facing budgetarily that we will be looking to recover those costs. Councilmember if I could just going back to your question about comparisons --

>> Councilmember Constant: Who is talking?

>> I changed my voice it went down an octave I would caution you because and I've raised this before with the auditor a lot of cities that were measured had a separate classification of detective which typically got paid what a sergeant gets paid but wasn't classified as a sergeant. We don't have detectives in our police department. We either have officers or we have sergeants. In effect when you are doing an apples to apples comparison it's probably not valid. The sheer numbers detective rank and I just wanted to be sure that had been brought up.

>> Councilmember Constant: But we also don't have a shortage of officers who apply to become detectives when there are openings sociological bias that answer. Just the fact that we don't have the rank, with pay, I don't -- I don't necessarily think is relevant because we do have a lot of people who want to be detectives and I know when I was there I was a detective and I was an officer and I was able to do it just like the sergeant sitting next to me was able to do it. So leading into the airport, if -- and I know this decision is down, so I'm not going to get into the minutiae of it, but if the budget says and the budget is set so that it is presumed that we're going to make that decision, what happens if this council doesn't have the tolerance to switch at that point since it's going to be mid budget cycle? What happens?

>> City Manager Figone: That's part of what we would have to bring you with the policy analysis basically from the airport's perspective they wouldn't hit their CPE target and they would have to go back to the drawing board. I would think that would be the major fallout of that decision. And so you know, we would, you know, need to fairly represent and understand both sides of the policy decision, which is in fact why it's taking us the time that it's taking us.

>> Councilmember Constant: I'm just concerned that we're going through a budget that assumes a policy decision that the body up here has not had any opportunity to discuss. And I have some serious reservations. I

mean we have had in the past, we have on a regular basis accidents on the roadways that surround the airport. Specifically we had a very -- very complicated fatal accident there a few years back, that took quite a large volume of resources. We have issues on quite frankly who is going to respond to calls for aid and who is not. What's going to happen if somebody gets by security measures like has happened in other airports, I'm aware of at least one situation where a kid was able to get past the security measures in an understaffed security team, and ended up dying as a result of that. I think there's some significant issues that we have in that discussion. And I think there's a lot of unanswered questions. And I think to balance our budget based on that decision, I think is scary. I think that we have, when we talk about the cost per enplaned passenger, my understanding with SFO's budget of \$45.5 million, what their passenger load comes out to approximately \$1.15 per enplaned passenger. Oakland with their budget and their travelers comes out to about \$1.21. And we're talking about a cost of 41 cents per enplaned passenger. I have to ask given the nature of the assignment, the the fact that we take into the hands of an aviation director which concerns me, the fact that we are still at war, in multiple wars that started with breaches of security at airnts, and we're balancing our budget based on the fact that that's a predetermined decision and I have significant issues with that. I think that we need to be safe. And when it comes to flying, I think the last placed that we should be penny pinching is on whether people get past security or not. And I'm really concerned about that two hours of uncovered time. It doesn't take very long for people who want to do ill will to the City of San José or the nation to figure out that there's a nice two-hour window to get into the San José airport. We have that fuel depot that is a major target, major hazard for our residents and I think that -- it's just the wrong area for us to go and I'm really concerned, especially when we were here and we had a study session, and there were other issues that we could do to address costs at the airport that we have, for one reason or another, decided not to address. And we're talking about addressing it in an area that's of critical safety. And I'll leave more for when we have the discussion on the policy but I'm really, really concerned that we're making a budget decision without having the policy discussion first. And I think we're going down the wrong road. Changing lanes just a little bit. Chief, in our reserve unit which we have 150 or so reserve officers, many who are retired police officers, why don't we utilize them more like other agencies do?

>> I appreciate the question councilmember and if I can just a little bit of history on the reserve. It's the oldest reserve program in the country. It's storied. It does have about 142 members, roughly two-thirds of whom are

retired San José officers receiving a retirement check and are working oftentimes for secondary employment. We have a number of folks shawler number that are what I would call the true reserves, people that are serving in the community in some other capacity and volunteer their time to the City of San José. We have a requirement that has not been adhered to strictly that I am in the process of amending very -- I'm going to be much stricter about who has to work patrol. The idea is the new reserve program as it is going to be constituted will require 16 hours of time donated to the city and it's a post-requirement, ten of it in a patrol car working alongside somebody who's still employed here full time. My hope is that every officer that receives a layoff notice and does not move to another police department is able to join the reserve program. And that they will serve that time in a volunteer capacity alongside so we have a two-person car. Because of meet-and-confer issues we cannot put them out in a solo beat car like some other jurisdictions do. Obviously some sheriff's offices of rarrnd the state do that. They have a reserve that has a level 1 status and put them in a patrol car solo. We don't have that provision in our current MOA.

>> Councilmember Constant: But we can meet and confer about it.

>> Yes we can.

>> Councilmember Constant: Almost every other department that has reserves functions differently than we do. I especially if we don't address span of control and we go to tier 2 and we have 200 plus less officers on patrol. I think it would be foolish for us to have all that experience there and not do it when we have the ability to do it.

>> And it is my hope that we do have a lot of these and the response has been very good for those who are receiving layoff notices to join reserves until such time as they receive employment elsewhere in law enforcement, that regularly scheduled basis working for us out in uniform in the community which will help us.

>> Councilmember Constant: So in the areas that are not patrol like the hooter-you mounted unit which coincidentally started in the reserve unit many decades ago, we have reserves that worked in our department now that worked in the horse mounted unit. Why can't we let them put their hours in on horseback whether it's at

community events or in downtown parks, supplementing not taking a patrol officer's function away, but riding those horses, caring for those horses and being out there?

>> Two reasons that come to mind immediately. First of all we're not storage facility. We're looking at other options where we may be able to provide a stipend for an officer that has their own horse so that like a lot of sheriff's department do people provide their own horses, they are responsible for that they may provide a stipend for feed cms every day, this is requires a whole lot of effort and a whole lot of expense. I would like to see for those who think otherwise, I really would like to see us have I some horse mounted component to this police department. No one wants to see it go away. But if I had a choice between having officers laid off or between having horses, I'd much rather have officers, and if we could have volunteers who can ride horses, I'd like to see that. '.

>> Councilmember Constant: Why can't those reserve officers who are trained be on them tomorrow ?

>> What we do have now, this is the collateral system that we have available today, at a city stable with staff to support them that are being rid.on weekends and on special events that we have on the Cinco sore afterwards and I don't know if she's here but she's a person who loves and rides horses and has for much of her life. She and I are trying to come one a system that works. With respect to the reserves themselves there's a number of training issues and liability issues that I do have to be perfectly candid, you don't know the riding level of certain individuals that may want to come and ride and if they're being covered by city, for liability purposes for disability purposes I'd be a little bit concerned about that but it's not overriding consideration. It is just a consideration. Something we're looking at.

>> Councilmember Constant: And I'm not talking about people who have never rid be a horse but but we have people assigned to the liability, of somebody riding a horseback and I don't know if the City Attorney wants to address that but to me the liability is no different.

>> City Attorney Doyle: You know I'm really not prepared to respond to that. I think you're right conceptual. We trained you assume people are trained to ride the horses as well but beyond that we have to look at it.

>> Councilmember Constant: I know we have a horse training academy they go through all that they get all that they've done it in the past. I just think if there's a will we could have them on horses tomorrow. We could have had them six months ago and been providing supplemental even if it's just community events circumstances.

>> Some of these folks that have been through horse mounted unit academy, a decade ago or greater, not to say they haven't maintained their skills, I just don't know that. The bomb serving in that role I have concerns about liability there, too, even though they worked and event through redstone for the bomb training it requires ongoing training that I'm not sure we'd be prepared to provide under the current budget scenario they're all good ideas time and thought.

>> Councilmember Constant: Well I think Los Angeles police department have reserves riding motorcycles. We could do it if we wanted to do it. We have the tabs unit which we see reductions. There's no specialized training that's required to do that. We could be using reserves there. We have CPCs community policing centers that are unstaffed that could be staffed by reserve officers. And I think what I'm getting at is we're making choices. And we're making choices to not serve the public. And I think we have the ability to make choices. And I think it's because -- I don't know what the reason is but I think that we can be more assertive in making these choices and we can provide the residents more service because I'll tell you, the thought of voting on a budget that contains just the tier 1 cuts let alone the tier 2 cuts, I don't know if I can cast that vote. And I think that there are other ways we can approach it. So I think I'm done for now with the one other comment I forgot to say with the airport. I think it's important that we historically look at why we have San José police officers at the airport and that hasn't had very much discussion but I did go look up all the original memos for when that decision was made under Chief McNamara and it was because we had an independent police department there providing services and they weren't providing the level of services we needed at the airport and we made a decision because of safety and we need more safety now than we did back in the early or late '80s I guess that was, maybe it was the early '90s when those disipions were made. We need exponentially more now than we did then.

>> Mayor --

>> Mr. Mayor --

>> Mayor Reed: Jennifer first then the chief.

>> Jennifer Maguire: I just wanted to make a point of clarification about the horse mounted unit, we have funding through September 30th through the wonderful fundraising efforts of the friends of the mounted unit. The next payment would be due to the city on June 1st and if we have that money in hand we will be bringing forward a manager's budget addendum different fundraising goals, throughout that to get this horse mounted unit hopefully funded for the entire fiscal year next year. Thank you.

>> Mayor Reed: Chief.

>> Mr. Mayor, I'd like to make a clarification in my response to Councilmember Constant, questions of number of three person companies that we would need. My response is based on the number of people that brownouts represents and that's eight. It's equivalent to two companies. The fact though that there's engineers and captains on those two companies, my guess is that the cost of those two companies is more than the cost of eight firefighters, that popped into my head when you asked the question. So I'm getting that it's maybe a few more companies, and the second clarification is related to response time. In terms of our response time citywide we have 33 first-end districts. Really the Unifers of companies or stations that would be included in the brown out stations, today it is seven and future times it may be fewer than that. That is really where the impacts will be, and what we're seeing this year versus last year, in the stations where we formally had martha fire station that's where we've seen much higher percent of degradation of call response times mainly because of call volume in those stations.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you. I'd commend all three of you for putting forward very difficult choices. And I don't know how often it happens especially in a big city where we have these three important Public Safety positions filled within a very short period of time. But I think that we're certainly lucky to have all three of you in the way you handle us and the community with your staffs. Certainly appreciate it's very difficult to go through. Would I like to start with Public Safety. And in regards to some of the suggested reductions, whether they be tier 1 or 2 and some of them, I'll start with the tier 1 reductions. And I know that chief, you indicated that there will be increased response times, increased call saturation, decreased crime-solve rate, reduced day-to-day enforcement and community policing. And I know when I listen to the residents in my district that they're concerned about all of that. They may not say it in those words, but someone when they have a residential burglary when they're not going to have an officer respond to that, a reality is that we're not going to be able to to to a patrol, the loss of patrol officers but bureau of investigations. And I know, after working 11 years, in the courthouse here, that the prosecutor's office has a very high conviction rate and I attribute that to two reasons, we have call in when issues happen but the other half of it is we have a police department, I was always downtown, most of the case is weighs San José police department, 90 to knifed% of the cases --

>> Councilmember Liccardo: You forgot great prosecutors.

>> Councilmember Kalra: You know what? I mention prosecutors, the defense attorneys are fine but the prosecutor can't win the case. They you can have the best, you can have Sam up there and you may not win the case. But I mention that because it doesn't even get past the prosecutor's desk to be filed if the prosecutor doesn't feel they can make a case and they're not going to feel that way unless they have the witnesses and unless they have the case at that's build on patrol officers and detectives. I just mention that because those of us who have been there we see it, we know through cleared. It is not normal for pem to be arrested in a couple of days in homicide cases all the time which happens here all the time, sometimes a week or two. Other cases they do not clear those cases. Homicide cases is obviously the most dramatic. Auto burglaries, robberies, what have you now we're at a point we can't even investigate auto break ins, auto thefts, we're not talking about you know someone littering on your sidewalk and I mention that because that's where we are now. The number of officers we're going

to lose is unconscionable. And the impact it's going to have the real impact on the neighborhoods is just extraordinarily dramatic. And I just don't want that to be understated. Seems like we're talking it's going to hurt, it's going to be tough. The reality is people are going to suffer. More victims, potential more loss of life and injuries. When officers go out they're going to be responding to much more violent offenses because that's all they're going to be able to do. distrust with the police and part of the way you build trust is have community policing and have do that if all we're doing is responding to priority 1, sometimes priority 2 offenses. And so if it all goes hand in hand in terms of creating a safer community. And one thing that was mentioned chief in regards to traffic accidents, we're not going to expect on a routine traffic accident that we're going to have officers be able to respond to those? Is that accurate?

>> If it's a noninjury accident and the traffic is out the law only requires that parties exchange information. If one party takes off that is something we would respond to. But again if all parties are present that is one thing we are evaluating whether we should be going to or not.

>> Councilmember Kalra: And whether it's a burglary or an auto break why police department and file reports there, file reports online, that ability will still be there?

>> Yes, very much so.

>> Councilmember Kalra: That is just a necessity that we have to have for folks to file their claims with insurance, what have you. Furthermore I notice that moving the high-tech unit into sexual assaults, is that just because of lack of resources, just to share resources?

>> There's a number of factors involved with that decision. First of all we've reduced that unit so far down that there wasn't much left. We also were going to combine the resources of the narcotics unit which shared space with them to include the vice unit as part of this creation of the crew unit so we were going to have a space issue and we felt since the sexual assault unit already had a lot of folks working on computer forensics, that would be the logical location of.

>> Councilmember Kalra: You mentioned there would still be detectives out of the field. What is the current function of the day detectives?

>> The day detectives right now one on disability, we truly don't have any day detectives. The spot detectives on duty because they worked the day shift along with the court hours that we had start the ball rolling. Let's say you had a homicide. You have to have the ability to start obtaining witnesses looking at crime scenes those types of things. Several years ago chief Davis introduced the sketch day detective, say if it's a robbery having a robbery detective go out. We would have a group of detectives that generalists,.

>> Councilmember Kalra: By ridding ourselves of crime-solve rate because that got a jump on some of the investigations.

>> It did. It also put some pressure on the detectives that are in the office working cases and are interviewing people to leave to go to the scene of a bank robbery is a classic example. They'd have to leave whatever they were doing in the office to go to the bank robbery .

>> It.

>> Exactly what and what we will not be doing has not been made, however looking at again that are quality of life issues you know for people that pay good money to live in a community and expect to be safe and expect to have a quiet neighborhood and quiet enjoyment sometimes it's going to be difficult or the response times are going to be extended.

>> Councilmember Kalra: And I have concerns certainly with respect to domestic violence cases and family harassment calls as you all know, sometimes that's the beginning of an incident that gets much graver.

>> In fact as we have looked there a new of the homicides we've had has been domestic violence related .

>> Councilmember Kalra: That's been noticeable. Between that and the increased gang homicides those are both the types of crimes that escalate and that you want the first incident to be the last one and I think that this is going to reduce our ability to do that. In regards to the airport, do you and I share some of the concerns Councilmember Constant had in regards to that. You know we spent a billion and a half on an airport and I think now more than ever it's more important to have cohesiveness between security at the airport as well as the local law enforcement agency. And so the in terms of the -- I don't know if this is the City Manager or the chief. In terms of our ability to contract out the airport, that was something that would have to go to meet and confer?

>> City Manager Figone: Can yes, we have been in those discussions so that is one part of the evaluation.

>> Councilmember Kalra: If it's not agreed upon and then whether it's done through arbitration or another comex and that could potentially open us up to litigation on that issue, obviously whenever you go through labor issues there's always a risk of litigation but that's one issue that could raise the risk?

>> City Manager Figone: You know possibly I'd perspective on the ability to proceed, given the operational nature of this decision.

>> Councilmember Kalra: Thank you. And I'm looking at and it's hard to get to tier 2 based on the dramatic cuts to tier 1. I think none of us up here on council are expheirts in law enforcement managements and how to manage a staff especially a force the size of yours. I imagine that -- and I want to get your opinion on this -- I imagine that part of the reason why San José has been so successful in having a low number of dollar amounts going to litigation and having officers that don't cause some of the same issues other departments have is that we have good supervision, is that part of the reason you want to have officers in a supervisor role especially over patrol officers?

>> Particularly over patrol officers, if you look at the span of control of slightly lower i.e. we have more supervisors but not by much in the patrol structure. And I would say to you that for the reason you just cited is we have more

on-scene supervisors looking at use of force cases, significant homicides those types of things to make sure the errors are not made either inadvertently or otherwise, that it's not it is a cost I'd also if you look at potential misconduct cases and I know the judge has experience in this it does have sense to have supervision arrive sooner than patrol. The ratios are off in the detective but due to the fact we don't have a detective rank.

>> Councilmember Kalra: I think you explained that quite well. The further complication is as Rick explained the other day the further cuts to the attorney's office, we know and they've done a fine job as of now but if we're going to increase the likelihood for litigation and have less city attorney's on it, and I hope you understand some of my concerns about it. Additional concerns regarding reserves would feel absolutely uncomfortable with the reserve officer being alone in the patrol car serving that duty. I think reserve officers can serve a great function at events, at events where you need extra support but you know sheriff's offices serve a very different function than can. I suggest that would be a good direction to go in. In regards to tier 2 we're talking about 350 positions, sworn positions, reduced which is 28% reduction. And I mean I don't think that we can even get there. I mean the devastation I think that would cause would be extraordinarily dramatic. And I think the tier 1 cuts alone are dramatic enough, as Councilmember Constant said that he would have difficulty supporting a budget that included them. I certainly would have at least the same amount of difficulty as well. But I do appreciate you -- the challenge of you trying to come up with something, because you have to live with the budget that you're ultimately going to be given to support your department. One last question in regards to -- and I think I stepped out for a moment when Vice Mayor Nguyen was asking some questions about coverage of VTA. Was this coverage of VTA as well as the sheriff's bomb squad duties was there a question in regards to that?

>> Councilmember Constant had a question of the history of VTA and are we not recovering costs associated with policing the VTA properties after hours. In fact that is true, after hours much 10:00 to the morning, I believe it is 7:00 in the morning, who is contract to provide those services, we have not yet recovering those costs and I'm looking to.

>> Councilmember Kalra: That is the time period when we're busy eggs downtown and other places in the city that is inexcusable I understand obviously a number of us are on the VTA board and all agencies are having

financial issues, we're not in the position to subsidize anyone. And in regards to looking at the airport contract, I appreciate the fact that it looks like we've reduced it already from 22 sworn to 43 number?

>> Originally from 50 and then down to 41.

>> Councilmember Kalra: Down to 41 now to 22 at this time?

>> Correct.

>> Councilmember Kalra: And would there be an opportunity if this was imperative on the part of the council to maintain San José there, with of course the insing to meet and concur, have those SJP drmt, has that something that's been done in other parts of the city or other contracts?

>> There is the proposal, already, a possibility of having what we call a hybrid model, where you have sworn San José police officers with some functions using nonsworn security police department we'd be taking up with some of the functions and having a nonsworn capability there, again these are all things that I share Councilmember Constant's concerns very much so and your own about where we're headed with this. But still there is some work that has to be done through this process. I honestly believe that the dollar figure associated with airport security has been somewhat arbitrarily set wratsd to the airport, and they are very real. I can completely understand but if security at the airport is probably not it for me.

>> Councilmember Kalra: I agrees with you. I think we should do everything we can to be as efficient as possible and I know that some of the overhead costs, the sneferg is making efforts to reign some of those in, but I agree on that, I would prefer to have San José there but if we want to do as affordably as possible, it sounds like you've reduced much of the staff in order to do that so I appreciate it.

>> Councilmember, you mengtsded some similar to vam where the shaiferghts office has a collateral bond squad, that they don't get stand by duty time. Officers when they need a call, a bomb call and they need assistance from

bomb tech they call us. Why always have, we respond and have not been charging for those service. We similar to helicopter, when we first would he be willing to to cost-shaish with us able to pay for it, the answer is no and yet here we are with the sheriff's office providing them services to the bomb squat. Cd I truly love it when we pay for it, you know. Those are things that we have to reconcile as we are facing layoffs. Thank you chief and chief McDonald. With regard to nier I think these cuts are extraordinarily dramatic. There was some discussion or questions with regard to response times. And chief you least hitting our target. And our target is also below national standards, isn't that right?

>> Yes, test.

>> Councilmember Kalra: And so we're going to fall further behind. And that's an I issue I've had, I'm glad and appreciate local 230 was able to come forward and give flexibility to you especially on the truck so you can America the determination, four concern I have and I think I've raised before, when you have a city of Mountain View that has six fire stations for a city of our side, we have one station that gets more --

>> Fives stations.

>> Councilmember Kalra: When we get to a fire or we get to an spent we're already behind, especially if you are getting to a fire and getting there late prm.

>> Yes.

>> So I think we have to be cautious when we talk about 0 unmoney we should use on tafg levels when we're not.obviously you and your firefighters are doing the best job and I think are the memo resources.

>> I would say that our system works so well because of our firefighters, the commitment and dedication that they show and the aggressiveness that they take is why we do the work we can. Cialtion (e) I any at the same time as other fire departments.

>> Correct, yes wp.

>> Because yes we are able to say that all of our stations are open but the states that have had e-heavier use, I guess I can assume that because that's why they have a truck and an engine there, they get more calls than a station that has just one car or one truck. Certain region certainly reduce response times in terms of large emergencies or multiple emergency are earthquake, whatever it are may be, our capacity.

>> Why will see impact to our capacity.

>> Councilmember Kalra: And you indicated before that there's going to be a greater potential for fire loss and fire casualties ?

>>> Yes.

>> Pocket e-rents but our firefighters as well if any get to situations which are much graifdzer as well as more fire personnel open the 69 and sooner.

>> Our jobs is to make sure firefighters are safe. So the impact ever fewer folks or arriving later will means we will have to change our exposition because of the impact that will have to our system.

>> So in all likelihoodthe lot loss of life is for all residents.

>> Potentially ck the action is there.

>> Councilmember Kalra: If we were able to get the Safer grant application, would that orbs.

>> To be put back in service. I do need to say that given the ramp up that it would take, we would probably have to do it if you were to approve it some of the folks we've laid off we have 49 people that we laid off, gentlemen, three jean companies would go back do service.

>> Councilmember Kalra: That brings up a question I have on fire and replies, how much money do you put into the training of a police officer and a firefighters?

>> In the our case they the extended the cost about 25 were.

>> 40 million and about half of that for tier 1.

>> Councilmember Kalra: So that has to be considered when we're thinking about these lie gov of how many come back. And we're basically spending our money to train police officers and firefighters for other departments and which has been traditionally the other place urned, that's a shame. So you know I thank you for answering those questions. I think that we would be frankly irresponsible if we did not do everything we could to accept the safer grant and if there is a concern about next year having to lay offs people, we have \$15 million on the table to keep firefighters serving our community. And you know what's going to make it a lot higher, if olt 15 too. I nie to opt about backwards to be flexible in allowing us to do that so I think I would urge all my council cleetiondz to pouch to make sure the reiterate my admonition inform theS oorchtFER grants e-grant, as Councilmember Constant indicated earlier he said we are making choices to not serve the public. I disagree, these are policy additions we're making. We set the financial goals, we set them, no one else sets them. If these cuts are being made, this does not fall on it does not fall on the stock mark crash ppts pace of which where he pay off our debts and it falls on us the goals we want to pay back of our debt this year. We're choosing that ownership the safety residents, thrais the neither are a of easy to have to defer any money that's owed. But no one can call us fiscally responsible and how we responded to this fiscal crisis. By any measure, I so to continue down at that aggressive pace and risk the safety of our community, I think is shameful. Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Couple of questions to -- I'm start with PD. With the chief. Looking at -- and actually, a lot of my questions were answered by my colleagues so I have a couple. So looking at the crossing guards could you just explain what would a 125 rating look like for an intervention? Comparison type of traffic.

>> Hans -- that's a question for maybe Hans.

>> Hans Larsen: Councilmember Campos, Hans Larsen with the Department of Transportation. Probably will address this in more detail as part of the man that's coming out but essentially the safety index that we use is a fmples that, the volume and speed of the traffic and the type of traffic control that's there. So whether it's a signalized intersection, a stop control or has no control. So what it is is the formula, in terms of which ones are the highest priorities and the lowest priorities. What we've used in the past to determine whether an intersection warrants an doll crossing guard weeches used a threshold safety index number of one 20. One of the things that's coming out is we've studied all the location where we have them. About 25% of the places that we have crossing guards did da are not warrant for having a crossing guard.

>> Councilmember Campos: So is it safe to say those schools that are in the middle of a neighborhood, you know, they're neighborhood streets that the four way stops are controlled by stop signs, is it safe to say that those ones will more than likely be candidates where we will not see crossing guards?

>> Hans Larsen: Yes, that's correct. If you're in an area where there is a smaller intersection, it has stop control and it has a lower volume of traffic those would fall as a vast majority of the schools in our city, how are you going -- I know you're going to rank them but I'm sure that with the proposed 25% reduction, you're still going to find schools that are tucked away in a neighborhood that there will be enough resources to be able to provide crossing guards. How you going to determine who gets them? Because I'm sure there's a number of neighborhoods that are -- that have similar traffic patterns.

>> Hans Larsen: Well again, the information that we have for council and for the schools is to evaluate which ones are the most -- highest priority and I think the ones that rate high are on your major arterial streets where there's higher volumes of traffic, they're further away from the schools and those are the ones that score more points on the safety index, than those that are again more tucked in the neighborhood and have slower and lower traffic volumes.

>> Councilmember Campos: So in the MBA, I would trust that an explanation as to really in detail how you're going to rank them. Because I'm sure there are going to be some that are so close but you're going to have to make a choice.

>> Hans Larsen: Yes. We will have a spreadsheet that identifies all the locations. There's 114 intersections where we have crossing guards and you'll have the information in there in terms of what the safety index is for each of the locations.

>> Councilmember Campos: Okay. Question to the chief. Police chief. When -- let me start off with addressing tier 2 layoff scenario. Just an idea. How many sworn officers will we have after layoffs occur? I know you gave a number of how many would -- we would see laid off but what would that leave us with?

>> At tier 1, let me give you a history. At our highest point including we were at 1403 several years ago. Our current sworn authorized is 1271. Under tier 1 scenario it would be 1076. And under tier 2 we'd have 920 officers.

>> Councilmember Campos: 920 officers. So your professional opinion, how detrimental to our safety will that be?

>> Councilmember, I'll phrase it this way. I think all of us recognize as Councilmember Kalra had indicated how it's a catastrophic blow to have that number of cuts. This is a qualitative opinion about what it takes to police a city of a million people. Our response times are going to go up as we know. We're not going to have the ability. You can't necessarily accessory in a metric what that means. -- characterize what that means in a metric what that

means. Tipping point, 920, honestly 1100 in a city of our size you're running a significant risk. Could we operate that way? We could but there are many levels that you'll see in other cities of our size. Professionally speaking I know of no other police department of our size that has a number even remotely close to that as sworn staffing levels and in my consultations with chiefs around the country they shake their heads. Now granted we do not have the crime problem that other big cities have and we're a different city and we recognize that so we don't have some of the problems and you know, it's a hard question. It's going to be catastrophic for us to have to not investigate certain types of crimes but at the same time I mean we are professionals and we will do our best but I think it's going to be very problematic for us.

>> Councilmember Campos: I guess it would be pretty safe to say that 920 is probably beyond tipping point, 1076 is probably tipping point?

>> In my opinion, yes.

>> Councilmember Campos: Okay. So going back to reductions and criminal activity going up, and I had talked about again making our region attractive to business, attractive to people wanting to come, and make San José their whether it be their corporate headquarters or whether it be the place they stay after they graduate from Santa Clara or San José State and find a job, that high crime, you know, one, it's obviously going to affect economic growth. Would you agree with that?

>> It's clear that economic development and economic growth is, in some fashion, tied to the ability, the safety of a community, for sure.

>> Councilmember Campos: So I think what we -- again, this is one of our priorities. It's not the priority, is public safety so I think as we move through these sessions that we need to keep that in minds, especially, you know, I mean we're already seeing it. We're in our neighborhoods. We hear of a string of burglaries along a residential street. People are paying attention. It wonder surprise me if there are people watching this meeting, okay, what is the council going to do? They're going to slash 200 cops. Good, we're going to slash this part of city and they're

not going to investigate us. That's scary so I think we need to take that into account. On the airport, and I know that this is getting vetted out, if the case would be and maybe this is a question to the City Manager, that we do contract-out police services at the airport, what is -- I mean what are we looking for? Or maybe it's a question to Bill Sherry, what are we looking for? Are we looking for TSA carrying guns or are we looking for another type of jurisdiction similar to our police department?

>> City Manager Figone: Actually Bill can answer this question but let me tee it up. We've been looking for public safety services that both the chief and the airport director and ultimately myself because I'm the one who has to bring this proposal forward, a level of public safety that both parties are comfortable with, airport needs as far as its competitiveness on the market. actually we have a public safety alternative and on the fire side, actually it's nonpublic Safety but one that is acceptable I guess in the field and that's what we're evaluating. So with that setup bill.

>> Bill Sherry: Thank you Deb. Bill Sherry director of aviation for the City of San José. Councilmember Campos, I think the answer to your question is, we have a cost problem. We built, expanded and renovated the airport at a time just preceding a severe recession. And so that's putting enormous strains on the costs we charge our tenants. As you will hear later on in my presentation by \$12. I feel very confident, to say that if the council had not taken that action, we'd have very few airlines, if any, flying out at the airport today. So we have to keep this airport cost-competitive, with the other airports of comparable size throughout the nation. We have taken enormous measures to reduce the cost at the airport. And I feel that we've pretty much reduced everything that we can at the airport. Public safety is a cost center that, in comparison to other airports, we're high. And so that's something that the City Manager, the Chief of Police and I have been looking at very closely. It's certainly a concern to us, because we want to make sure that we strike the right balance. We have to ensure that we're cost-competitive but we also have to send a message to the traveling public that we're a safe and secure airport. And finding that balance is a very tricky thing particularly with what we're dealing with today. But the short answer to your question is, we've got a cost problem. And do I want to say that at no point in time has there ever been any discussion in terms of the service level, that we have always received a very high level of service from our dedicated firefighters and police officers. This is just purely an issue of cost.

>> Councilmember Campos: So -- and I was looking at our numbers, in terms of where we compare with the top hundred airports in the nation. I believe if this could be old information that we're top 50 busiest commercial airports in the nation. How many of those decide, I think it was Honolulu that has contracted out, or has a different provider securing the airport.

>> Bill Sherry: Well, there are very many different models. A lot of authorities have their own police departments, and operate their own fire departments and police departments. City-run airports and county-run airports usually, as a matter of practice, utilize the services either by the city or the county. Hon Lew is one of the few airports that actually has privatized and gone to a private security force in the terminals. And Burbank has privatized its fire services. That, I won't stand here and tell you that that's a normal practice. It is rather rare in the industry.

>> Councilmember Campos: And so that's what concerns me, especially as we're trying to attract more airlines, we're trying to attract destinations that are going to originate in other countries. The United States more so than ever has become a greater target since the last couple of weeks. That's what -- that's what concerns me. That if we're putting our security at our brand-new airport into the hands of, I'll just say locally or in this situation, untested forces, that's -- that doesn't make me feel comfortable flying out of San José. It might not make travelers comfortable flying out of San José. That's a problem for me. I wouldn't be able to see myself support an alternative than having our own ability to control our -- you know, what happens at our airport in terms of security. And fire safety, for that matter. I -- there's tough decisions but I think this, to me, it's not a tough decision. You know, we have -- we've been taking care of our own airport, on both ends, fire and police and I think that we owe it to not just the citizens of San José but of the region because if we are truly trying to attract people from all over the region all the way down to Monterey county and the Central Valley to come to San José as their gateway then we've got to take care of them.

>> Bill Sherry: The challenge before us is to find the balance between a safe secure airport and a cost-competitive airport. I will tell you just as a matter of information that the proposal has been circulated to all the airlines and the airlines have unanimously opposed the contracting out to the sheriff's office and the fire contract. If

the city council chooses not to do that, then the corresponding increase in cost will be added to our CPE and that could have consequences in air service delivery.

>> Councilmember Campos: So how much is that, maybe I should just ask you that question when we're talk ugh about the airport in terms of airline competitiveness. I'll reserve it for that. Thank you. And so I have a couple of questions just on fire, just clarification, on of on VIII page 147 the last sentence it says it should be noted that the savings experience in the General Fund as a result of the action would be contracting out fire service will be entirely offset by the loss of reimbursement revenue from the airport department. So does this -- I mean this sounds like you're saying this is a wash.

>> Jennifer Maguire: Jennifer Maguire budget director. Yes, the airport fully pays for the services of the Police and Fire at the airport. the savings not a savings to the General Fund. It will be a savings to the airport, although the airport would be paying for additional cost through a contracting out method.

>> Councilmember Campos: Okay. So as services get contracted out, how much do we believe -- how much do we have to account for annually, costs rising from a contractor? Because I mean you see it with our -- and I'm going to simplify it with our phone bill, you see all these hidden costs and then you know costs start escalating and lo and behold we are paying what we would have been paying anyway.

>> Jennifer Maguire: I think that is a very good question that we'll have to look at the proposals and determine what those costs look like versus the cost of the in-house services going up over the period. That's all part of the analysis that has to occur over the next several months and weeks actually to determine this. That's why we're taking some tyke to look at this.

>> City Manager Figone: If I could add, the biggest risk if we stayed with our own services. And I made say PD has done a fabulous job to work with the airport to get the can't commend the chief and Jeff Smith enough for what they've done to reconfigure awhat big way which is probably the most significant factor in the risk, in sticking with the model and the escalating cost over time. So that's one of the pieces that is part of the vetting. But I just

wanted to make sure that we're all clear on the great work that's happened to the state but also what will hit the airport cost as it is the rest of the city.

>> Councilmember Campos: And so my last question -- or just comment, regarding response times, especially for -- well for both Police and Fire but the reality is that response time lagging and resulting into more property being damaged or lost, and lives being lost, has already happened. You know, and last year around this time, a home, near Ocala middle school, burned. There was a unit that was already out, to so another station had to respond, there were two fatalities, when I was speaking to some of the fire personnel, they -- and I guess this is something in your industry you can all judge by the minute. They said you know the response time for us to get there, there was a four-minute lag or I guess they were probably there 12 minutes as opposed to eight minutes. They said the fact that the victims actually lived an extra four or five days they said you know if we were there four minutes earlier we probably wouldn't be talking about two fatalities, so that's real, it already happened to our community. And just as Councilmember Kalra said, that responsibility isn't on a bad economy. You know Wall Street, that responsibility is on us. Because we are going to be making the responsibility on whether or not we you know, pay our -- fully our debt, or we space it out. You know. I just -- I wouldn't -- I couldn't sit here talking to one of the victims' families and say, you know what, I am so sorry that this happened, you know, I know you're devastated, but you know we had to make a decision on whether or not we want to take a truck company away or an engine company away from this department. So those are my comments. Thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. As someone said earlier, these are very sobering numbers and very, very concerning, just like the rest of this budget. I just want to review some numbers to put in perspective, and I'm on public safety first. So Jennifer can you state again, so what percentage of our General Fund budget are personal cost?

>> Jennifer Maguire: It's 71% if you just look at strictly departmental personal cost. If you add in sick leave payments upon retirement and workers comp that number grows to 74%.

>> Councilmember Herrera: Okay, yeah, that's why I keep hearing 70 and 74, 75%. Thank you for that. Out of that personnel cost, what percentage is Public Safety?

>> Jennifer Maguire: I'll have to do a quick calculation, I don't know offhand.

>> Councilmember Herrera: I saw in one chart here, it is 55% of the General Fund spend and it's probably close to 50% of the personnel cost, I would guess, right? Is that right? Something like that?

>> Mayor Reed: It's probably more than that but Jennifer is going to have the answer in a minute. If you just move on she'll come back.

>> Councilmember Herrera: So my point is that in looking at this budget the reason why we -- I don't think any of us want to focus on laying off even one police officer. I know that if I had a solution for this I would definitely put police officers at the top of the list, Police and Fire and try to find a solution where we wouldn't lay anybody off. Everybody has been working on that, we haven't been able to find that solution yet and it's not surprising when you consider a big portion of that budget is personnel, and a big portion of that budget is placed. If we closed all the libraries and everything else Jen would we be able to community centers libraries everything else?

>> Jennifer Maguire: That would be very tough. The answer to your question is, the General Fund is 55% public safety. But if I refer back to the chart I showed on the first day of sessions if you look at the discretionary 74% goes to public safety, 26% to everything else. So that's what the numbers show.

>> Councilmember Herrera: So it would be very hard to leave Public Safety untouched when we have the kind of \$115 million deficit we're trying to close, is that right?

>> Jennifer Maguire: I don't think you can keep them untouched when we're on year 10 of budget deficits.

>> Councilmember Herrera: What about Councilmember Kalra's assertion that we're paying off debt and if we slowed down paying off this debt that we could solve our budgetary problems? What debt are we accelerating?

>> Jennifer Maguire: I don't think we're accelerating the i'm not speaking for Councilmember Kalra but I think he may be referring to the changes for the payment of our retirement system that are coming this year that are quite substantial, that is to pay what -- owhat we're actuarially required to pay to keep our retirement systems whole next year because of the fact at a the method that the city has traditionally used in the past which is a rate of payroll and when you downsize an organization you take those costs away, you don't treat that as a fixed car. We this year inadvertently to nobody's fault shorted the team. fact shorted and that we could pay our debts and make sure that there's funds there for our retirement system when they need to be there.

>> Councilmember Herrera: So basically so we keep our retirement system solvent.

>> Jennifer Maguire: Right.

>> Councilmember Herrera: For retirees that are retired right now and for everybody else in the system that will retire in the future?

>> Jennifer Maguire: That's correct.

>> Councilmember Herrera: Do we have an option, can we say we don't want to do it this year, we have to fund our services.

>> Jennifer Maguire: That is a question for the City Attorney.

>> City Attorney Doyle: Everybody likes to duck that one. Me too. A lot of systems are short, because they have not fully funded. And I think state of Illinois is the best example. The short answer is, there's a liability if you don't. And that is, the plan can always come after you, or fiduciaries come after you for not meeting your

obligations to make the payments. So there are consequences if you don't and that's probably the best way I can put it. More than fiscal but potentially legal. There will be more discussion is it Wednesday we're having this discussion? Next Wednesday, 18th on retirement and there's more involvement in terms of what's been required, why the differentiation in the payments, this year as opposed to prior years. In prior year it was based on a rate. This year the retirement boards have come back with a minimum payment in order to make sure you fully fund that unfunded liability obligation. So that's why it's more money. But it's not an easy yes or no answer. I know that's what you're asking for. But it really gets to what are you legally required to pay under the municipal code and then from a best practices actuarial standpoint what are you trierd pay. And the higher number that number reflected in this budget is the number that is really the best practices number.

>> Councilmember Herrera: Okay. And obviously we've had a very tough recession that theoretically we are coming out of now. And so we still have about a billion dollars in losses to the retirement fund. And we are not realizing that debt immediately in fact we are phasing it in over five years, my understanding 20% per year. As that debt becomes recognized on the book and a 16 year schedule of paying that off in each of those tranches. We do have to recognize the debt, we have done that in a five year smoothing period that allows us to pay that off over time. That 20% contributes to the larger unfunded liability that we see in the form of the payment for example this year \$250 million that we are making to our retirement system including our annual retirement contribution and unfunded liability, and so we're not recognizing it all at once. It is happening over years, I just wanted to point it out. So these cuts to public safety are just -- they're horrible. And you know, there's -- and we have I want to say the best police department in the country. The best educated, the finest police department. We wouldn't be able to function in a city that's had the safest city acknowledgment, if we didn't have that high-quality left of police officer. We also have a great community too but we should not ever forget the kind of police officers we have here. You said the high was 1403 then down to 1271, 1076, I mean, I can't even think about the 920. That's horrible. So my hope is that we can, working with our employee groups and I have hopes for working with the POA, that our staff will be working with the POA on looking at retirement reform. And as well, I've said it earlier today and I'll say it again, pension reform, pension benefit reform and all the concessions we've asked by themselves will not get us back to where we really want to be. We also need revenue. There are two sides of the equation and both sides are structurally broken. We will have to look at revenue from our communities council will

make, there are also decisions our community will have to make, too. And I high -- I absolutely applaud the volunteer efforts, as I said earlier, of our community coming forward to support neighborhoods and to be part of everything but we're also going to have to look hard at revenues which are going to mean our community coming forward with that after we take these necessary measures of balancing on the cost side as well. So I think that's very important. I wanted to mention the airport. That's come up. What the airport needs is more flights. We need more airlines in there. And so I commend the police department, Bill Sherry, everybody that's working together to try to make our airport more competitive. I guess you know if we want to make the airport absolutely perfectly safe you know if it closes down I guess we won't have any problem out there. It will be very safe. It will just be crickets and whatever animals might be existing out there. I don't want to see that happen. And so I am really, really supportive of the efforts we're taking so far to make sure that people who want to fly out of San José can fly out of San José. Right now we have thousands of residents that live in San José that are flying out of San Francisco. If I ask you here how many stops you want to make from here to Boston, there are plenty of people who say you know I don't want to make any stops to busted or to New York. We've got to bring back those nonstop flights, it's common sense. In order to make that airport competitive I wholeheartedly support what Bill Sherry is tricious to do to get that airport competitive and so that we can have more flights. I had a question on the school liaison unit. I want to know the changes in that, how is that going to affect the mayor's gang prevention task force, how school liaisons were important back then and so I'm assuming they are still important on the campus and I'd like to know how we are going to deal with that.

>> Councilmember, thank you for that question. A school liaison is a valuable component to the mayor's gang prevention task force. We started that program in the early '90s sergeant that work as city police on duty resources, working on code reds, campus shut downs, those types of things. The school districts themselves actually hire off duty San José police officers to serve as school resource officers. You have two components, are actually full time, assigned to the schools, so it's slightly different function than perhaps what you recall but it still has been very valuable when a vice principal in charge of discipline has a problem and they don't happen to have their own officer present we have the school resource or the school liaison officers there to assist. We have them there for training purposes which has been very, very helpful. Or let's say we have a homicide in or around the school campus we are ability to coordinate with the school liaison unit.

>> Councilmember Herrera: Thank you, I'm concerned about the outlying districts and my district's one of them in terms of increased response times that are going to happen both in police and fire. You know it's not any fault of anybody here it's this budget we have to work through it and hopefully this we can restore those services but I'm concerned about it and I really appreciate the fire chief coming out to the budget meetings and explaining how the brown-outs work. Not that you like this situation but I appreciate your expertise in figuring out how to make the best out of it so we minimize the impact to our community. And obviously you know faster response times is better although can you guarantee in a particular response time that everybody is going to be okay in a fire chief?

>> All the things that go into discovering a fire and reporting it and then for us to get there all play into the conditions when we arrive. And so the most important component is, the discovery. If we can get there, prior to flashover in the case of a fire, or before someone has not been breathing for four minutes, then we can make a great deal of difference. We can confine the fire to the room of origin and we can probably resuscitate the person assuming they don't have underlying problems. Beyond that, the ability to predict what's going to happen is anyone's guess.

>> Councilmember Herrera: Four minutes?

>> The other times that are included in our response time our total time are the time to process the phone call that we receive from the resident and the time to respond out of the station. And then the four-minute travel time so that's the total of eight minutes that we have. We'd like to cut that down and we're looking for ways to reduce the amount of time it takes to get out of the fire stations and we're looking to process that call. We'll get closer to that national standard of six minutes but at this moment we're at an eight-minute standard.

>> Councilmember Herrera: I think that's all for now.

>> Mayor Reed: Let me just take note of the time here. It's after 3:00. I think the odds for us getting to fees and charges are slim and none. We started on transportation, I think we have quite a bit of transportation to go and

the other editorial comment is we're holding Thursday morning if needed, that would be May 19th from 9 to 12:00. That hold is we're going to use it if this ooms Jennifer, the fees and charges folks they don't even need to come, I'm sure transportation is going to run at least to our quitting time.

>> Jennifer Maguire: We'll move forward on Monday, mayor?

>> Mayor Reed: Yes.

>> Jennifer Maguire: 1:30 on Monday?

>> Mayor Reed: We get Monday morning off? That sounds great. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you mayor. I hope as we proceed further we will look at alternatives and do things differently to save police positions. We'll have to break the paradigm and move in that direction. The references, I'm sorry -- the references in towards paying down our pension payment, as has been said before, is much like the minimum payment on a credit card. If we choose to not pay you will pay more. And whether you're - - whatever political philosophy you believe in whether it's our founder George Washington or Barack Obama, no one says passing debt onto the next generation is a good thing so we have to buck up and do it. Chief you mentioned an officer-owned horse. And my question is for the City Attorney. City Attorney, do we have horses that are allowed to be in San José? I know that the analogy is with the K-9 unit but what I'm trying to bring out is the silliness of it.

>> City Attorney Doyle: That wasn't --

>> Councilmember Oliverio: The reality is the place we have the horses was donated, that was donated to the city and that is what it was meant for. I appreciate Councilmember Constant's ideas about using the reserves in a different manner. At the end of the day, you do have the ability to meet and confer, and when we can extend our

abilities. On the people that are unfortunately going to be laid off that are in the police force, is there a way to prioritize them to get first dibs on all the paid jobs?

>> Thank you, councilmember, that's exactly what we intend on doing. In an effort to keep these young folks that are really high quality officers that we've invested millions of dollars, tens of millions of dollars in finding recruiting hiring training deploying, we're trying to do is if they're interested we're offering them a slot in the reserves and we'll give them first priority for secondary employment through the city reserve program which requires resources but we're going to take some of our best talent in the police department and put them towards that effort. I'll just note that our City Auditor, Sharon Erickson is already starting an audit wrad to our sark her findings but I think ahead of her work we'lling be changing things. The answer to your question is yes and the idea is that they'll be able to provide us not only 16 hours of voluntary service in uniform during the month and at the same time be able to support hopefully themselves at least to the point that they can hang on until we can offer them a job back.

>> Councilmember Oliverio: That may make a difference but I certainly want that to be the first priority for them .

>> That is the priority, I'm surprised and gratified interested in that program.

>> Councilmember Oliverio: And chief in your discussions at the federal level, understanding that there is some opportunities out there, what are you hearing as far as the conversations to the infusion of money like the COPS grant and those kinds of things?

>> It is very clear in talk ugh to my colleagues in the major cities in the country had a we're not alone in this vote. Our parts tend tube lot higher in part because we have never done this and in great because we have our own retirement system. Having said that the level than it was last year. It is competitive, it is based on both crime rate which we don't necessarily rate high because we have a lower crime rate than most but also based on layoffs and in that department we fit the criteria. I've had certain conversations with barnie Malekian he the apply for those 50 positions. The down side similar to the grant that we got last year for 16, basically is that you have to pay an increment, the COPS grant will pay for the first three years in totality at the base level we'd have to pay a little

bit more than that per officer for the first three years and then the fourth year of the grant you have to pay the full boat for all of those officers. That full dollar amount is about \$17 million in year 4. It's a pretty significant amount of money that we're now challenged to find as a match and working with the budget offices and Jennifer at least to get some of those. So our intent with the manager's approval that we actually apply for the grant for 50 officers and have a pretty good shot at getting but again it comes down to can we find the match?

>> Councilmember Oliverio: Thank you chief, local level i.e. massive layoffs that sometimes will move the federal government to they have the ability to print.

>> They do.

>> Councilmember Oliverio: Finally, I do believe the crossing guards we have been providing them since 1944. In the city. They are part time unbenefited it's an inexpensive cost in comparison to the other benefits we provide in the city so thank you.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. The editorializing and preaching on pension payments is a bit thin on me. I don't elected officials so far. And I think there's only one person up here that's old enough to be my parent, mayor. And I'd appreciate --

>> Mayor Reed: Ouch!

>> Councilmember Rocha: I'd appreciate folks.

>> Mayor Reed: I think you're right.

>> Councilmember Rocha: I got to admit I'm sorry, I'm struggling here but it's running real thin on me. No one is suggesting as I've heard in the short time anything in terms of fiscal irresponsibility. And the preaching and the piousness is running very short on me. I'm going to be quick here. School crossing guards, when did we do the survey? Is Hans still here?

>> Councilmember, as Hans comes down, I know we have done it very recently and he can give you the detail.

>> Hans Larsen: Councilmember Rocha, Hans Larsen director of transportation. As council will recall last year there was discussion about looking at reducing funding for the crossing guard program. And what we lacked was a real rigorous analysis in terms of the prioritization of the various locations. So last fall, we did a study of all of the 114 intersections where we have crossing guards. And we applied the safety index which we use to determine whether crossing guards are warranted at location and the relative priority. So we did the work in the fall initially and we knew that there was going to be a lot of scrutiny over this issue particularly for locations that fell below the 120 safety index level that we used. And so for all of the locations that fell below the line, we restudied them, recently in the spring just to be assured that we had a good set of data that we'd be providing to the council on this important topic.

>> Councilmember Rocha: Great you beat me to the punch on that question, that I was going to ask. That is very good work.

>> Jennifer Maguire: Ooms stand and those were also in the mix of the study. And so there I think in the data that we're going to show you in the MBA some of those I think will be covered now but while others may drop off as well.

>> Councilmember Rocha: Thank you. Let me get back to the beginning there. I want to thank the good work of our public safety team. Lifelong resident of San José, this is my home, and always will be, and I'm proud to say that and I think a lot of it is do to the work of the public safety officer so thank you very much. IPA, why -- and you're later in the budget. Is there a question we can pose now or --

>> No, I'm -- I think everything --

>> Councilmember Rocha: You're in that part of -- because I had a conversation with you sometime ago that talked about staffing levels and equipment upgrades and some of those needs and I haven't really heard discussions about that.

>> We've been able to resolve them and hopefully everything will be in place.

>> Councilmember Rocha: First time I've heard that. Many long hours of budget hearings and many more. Thank you, that's wonderful.

>> Mayor Reed: One small victory.

>> Councilmember Rocha: I'll take it today. The horse mounted unit just so I understand correctly, the funding was raised privately so there are no General Fund dollars?

>> Jennifer Maguire: The only General Fund dollars is the collateral assignment that the chief was talking about. Because they relooked at the different service delivery model last year. So there's \$280,000 of cost that's used to run that unit, the horse feed the training the Ferrier extend the unit through September and hope to be able to extend it further with hopefully some more donations. It's a good public-private partnership.

>> Councilmember Rocha: My hat's off and thanks to you folks that committed the private time to do that, that's wonderful, thank you. The outsourcing of the airport, public safety. I had some questions but my colleague, Councilmember Campos had kind of asked a number of those but I want to share my concerns, too, about especially on the police side. And any proposals that come forward that don't have actually officers who are trained, and can make arrests. I'll leave it at that. We'll have another opportunity to talk about that so I don't need to go into it. It's been a long day. Thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. I want to also echo my grateful -- my gratefulness my gratitude for the leadership. All three of you, I think Councilmember Kalra put it very well. We're very fortunate to have an extraordinary shift changeover in our leadership and get the quality of leaders we have here, this is wonderful and obviously we've got the best departments in the country, I really believe that, quality of well trained, high caliber people and throughout our departments. I want to make it clear to you though, that I hate all the cuts. I'll just put that on the record because I think all of us agree we all hate all the cuts. Now hopefully we can say that without at all dieting the meaning because I know you were forced in a box that we're all forced into because we simply don't have the money. So I'll say it right now. I support a tax increase so we can enlarge the size of that box. Obviously we need more resources, we need more officers, we need more firefighters, we need more library hours. So it's clear we've got a lot of work to do to get to solutions. I think it's important that the language that we use up here on the dais be solution oriented because we can all point to a set of horrors that underwork and understaffed as we may be we are still one of the safest big cities in the country. I think we'll continue to be. I just saw 2010 data, our crime rate is 43% lower than a dozen similarly sized cities. Obviously, we don't rest on those laurels. We know we're very concerned about the recent homicides, I think we're all concerned about that but I think it's important that we use language that reflects hopefully a tone that is more results and solutions oriented and ultimately focused on getting us through this very difficult crisis. I wanted to ask a couple of questions about tabs, because I know we've got some really severe cuts around our school based policing programs. But it appears tabs still survives, is that right chief?

>> Councilmember, let me make sure I get the right tear in tabs. One or two?

>> Councilmember Liccardo: For folks at home that's a.

>> An acronym state time burglaries to students that were owl out of school ADA they realize it was a win win for schools keeping kids engaged in schools, as well as preventing burglaries. That's why it has still exist in tier 2 they would end up being cut.

>> Councilmember Liccardo: Okay, is there any opportunity, we know that flush, is there any opportunity to engage in revenue sharing regarding ADA that we might be able to generate as a result of our efforts to keep kids in school?

>> Early on in the mayor's gang prevention task force we were engaged in a number of supplemental truancy programs, including the mayor's SARB, student attendance review board, where that we all took from a pool. That was when we were a lot more flush in the mayor's gang prevention task force bijts. It worked back then when there was funds to do that but it wasn't from the schools themselves. It was from more likely if I recall correctly, it was from B.E.S.T. funding or from the mayor's gang prevention task force. It was, the longer you can keep gids in school it's no secret. They're not in the criminal justice system, that students in school.

>> Councilmember Liccardo: I couldn't agree more. Obviously, an awful lot of the work we've been doing we know savers extraordinarily down the road and the cuts we have to make inevitably are going to cost us more and we're all very aware of that. Well I certainly look forward to seeing if there are any other creative ways we can find to be able to fund those kinds of programs. We've got to do whatever we can to keep the kids in school. On the airport I know this is something that's coming down the pike so it's not before us this moment. But you know I certainly like everyone share a concern about losing police officers at the airport. But when I think about safety and what police officers can do frankly I'm far more concerned about what's happening in our neighborhoods and ensuring that we have police officers in our neighborhoods and I also know that \$12 million hit to the airport is significant. Do we have -- chief do you have any sense about data in the last say three years about how many homicides we've had at the airport or armed assaults or sexual assaults, anything like that at the airport?

>> Councilmember, I don't have direct data and I don't know if we do present, and captain Smith do you have any of that data by chance with you or know off the top of your head?

>> There are a number of day day thefts those types of things where you see the need for larger police presences when you have as I said mentioned earlier somebody all it takes is one airport particularly one of size where you literally have to deplane people that haven't shut the doors on clear out an entire terminal. Until you have to do it, it's a nightmare but it has to be done and you have to have sufficient resources available i have that I don't believe quite frankly in the proposal of the sheriff's office that they couldn't do and we can.

>> Councilmember Liccardo: Why wouldn't the sheriff's office be able to do that?

>> It has to do with numbers. I do have those numbers but the sheriff's department if you look at their size of sworn staffing that's available during the course of let's say a swing shift where I believe it's 22 deputies that they actually have on duty at any one time on swing shift after 10:00 p.m. after 9:00 where we may have several hundred if you include the overlap the immediate response time within people tees downtown core, to be able to assist with things loo that it's a matter of minutes as a matter of pulling somebody from south valley Cupertino or apples to apples comparison that I think that we're having to go through right now. These are the concerns that we've raised with the airport. But again cost is a factor but it's not the only factor and the availability of resources that we have that others do not it's a fact of life.

>> Councilmember Liccardo: Don't we have mutual aid agreement with the sheriff's department?

>> Mutual aid is a term of art, it's the request for services under extreme circumstances. If you have to have a formal declaration through the.

>> Councilmember Liccardo: Where I'm going with this, I recognize what you're saying, obviously, sheriff's department isn't as well staffed as we are. But if they had a situation at the airport we have officers in the city. Wouldn't we be able to provide mutual aid?

>> I think we are the only one that could be able to provide any aid. That raises or begs the question if we're going to be responding anyway because it is our airport and if we're not going to allow something bad to happen in our airport because it is going to impact our city bottom line, liability and ops the force that's going to be responding will be us.

>> Councilmember Liccardo: In those extremely rare circumstances as you've described have we had an incident where we had to clear the airport in the last year?

>> Yes.

>> Councilmember Liccardo: How many times?

>> I'll share an incident that we had the other day.

>> Councilmember Liccardo: How many times? You had to clear the entire airport?

>> There are different levels. If you see somebody take a clear jump at checkpoint, if you could identify where that person went in the terminal and you have to isolate that you only have to search that area. we have had to dough that. Go ahead captain Smith is commander of the airport special operations.

>> I don't have the exact numbers of times we've done it over this last year. I know we have done it in the not too distant past dropping the gate. And we were -- we only were forced to dump half of the terminal. Had we not had that officer in the position he was at that time, we would have had to dump the entire terminal and probably empty many planes which would take -- I'm sorry you have a question?

>> Councilmember Liccardo: Okay so let's just take that circumstance. What would be about the sheriff's office that would make them unable to do that what you just described dropping the gate?

>> What would not allow them to drop the gate?

>> Councilmember Liccardo: Why would the sheriff's office be in a worst position to drop the gate in that circumstance?

>> I think any human being could drop the gate. That really isn't the issue. The issue is once that gate is or isn't dropped and we have to clear half or the entire terminal that if they have three deputies working at the airport working at that time, they will not be able to clear the entire terminal, dump the airplanes, push the people out to the land sides, search for the entire airport using bomb techs and bomb dogs and keep upwards of the you know 20 to 22 staff members of which as chief Moore already pointed out we have on duty and readily available so that's really the issue of --

>> Councilmember Liccardo: But those officers are responding from patrol I assume to go to the airport?

>> We would have officers on duty at the airport, we would have officers within our special division within the airport security, K-9s responding back and we would probably need anywhere from 11 to 15 which could be there in I would say under two minutes. If we -- I'm sorry go ahead with your question.

>> Councilmember Liccardo: No I cut you off.

>> The issue we have with the response time regarding these -- the sheriff's department is that at any given time in a swing shift scenario they might have 22 deputies on duty for the entire county many of which would be traveling on average 25 to 30 miles to get there. Which would cause huge delays and I think we all roich in that case we would be responding our officers to assist them for something that they're supposed to be policing.

>> Councilmember Liccardo: Of course you're right. I'm certain we would be responding I guess what I'm trying to understand from a safety standpoint is whether our officers are responding on patrol to a call that comes from

our officers or our officers are responding on patrol that comes from the sheriff. I don't understand where the impact is on safety.

>> Well the impact is on safety would be that we would be taking 11 to 15 constituents.

>> Councilmember Liccardo: But you're doing that anyway. You just said you did. In either case, 15 patrol officers are leaving patrol and going to the airport.

>> But now we're going to go help the sheriffs department who is going to have a contract to police that.

>> Councilmember Liccardo: Right so I think I get it. This is a little bit like the spinal tap scene where the guy is standing in front of everybody looking at the speaker, saying it's better because the dial goes to 11. It's the same number of officers either way and I understand it impacts the patrol. But the argument that all will go to hell in the airport because the sheriff is there is something I'm having a hard time grasping. In either case a very serious circumstance, we have to respond with our patrol officers we're doing that anyway.

>> I thank you with for the spinal tap reference that's very much appreciated and very respectful in your part. Let me say if we have to go and respond there will be coordination issues. We will be on different radio frequencies and the fact of the matter is our officers are better trained to handle that. I'm sorry that's all I have to say on that do you have another question?

>> Councilmember, nobody said the airport would go to hell. .

>> Councilmember Liccardo: We are hearing it from the dais, certainly we're hearing a lot of concern about safety, what would be helpful is, specific, helping us understand specifically, what the difference is, whether the person who is informing the law is wearing a sheriff's badge or San José PD badge. It is not set of-evident.

>> Councilmember, that's why the apples to apples comparison will be forthcoming. Both Bill Sherry and I will tell you this, this truly is a policy decision on who you want at the airport. And as long as the cost savings is worth it to IBM and his cost then it truly is for the members and both he and I agree we will provide you with the opportunity to make that appropriate judgment and nobody would question that, nor should we. I guess my concern is, this is a city asset, the future of this city is sort of in the hands and it seems to me at least that the 3.5 million dollar figure for security was derived basically on what's left out of a budget, rather than what's necessary. And we have come forthwith proposals that keep dropping the level of service because I can absorb it on the back side when in fact it is not a true reflection of a cost it is a subsidy to the airport in one fashion or another. And if there's a subsidy to the airport do you want San José PD providing it to its own or do you want the sheriff's office taking those funds and us providing the subsidy in another fashion? It is truly a policy down to a choice for council and we want to make sure you get the best information.

>> Councilmember Liccardo: I certainly appreciate that chief and I understand it's certainly complex how the money moves because I don't understand that scenario as all will be lost, at the airport, if we're using sheriffs instead of PD and I don't mean in any way to suggest our PD isn't the finest department in the country. The problem isment our sheriffs aren't incompetent. They can stand in an airport and I think perform law enforcement duties. And so that's where I'm troubled. Chief, with regard to the ratio on spans of control, certainly and I agree with Councilmember Kalra that I don't pretend to know how to run a department and know what ratio is appropriate. But could you just answer the sort of the general question, if -- I understand on patrol we're going to ratios of 1 to 11 or 1 to 7. On patrol at least according to the budget documents. So why wouldn't we go to 1 to 6 say, to save positions on patrol?

>> Actually it goes the other way it's actually closer to one point under the tier 2, to 5.51 to 1 in patrol and that's five officers per supervisor. The higher you go in the ratio, the cheaper it is because you have fewer supervisors, greater span of control.

>> Councilmember Liccardo: I'm sorry I had the ratio reversed but I saw the numbers 11 and seven appear in the ratios in the budget document describing a patrol. Now I understand we're much lower than that overall.

>> Actually you want lower in patrol, because of the nature of the work.

>> Councilmember Liccardo: Right.

>> And then when you get into the bureau of investigations again, the comparison doesn't necessarily hold up because again the persons who are serving in the rank of sergeant are not necessarily supervisors, it is because we don't have a detective rank. But the rank of sergeant it is not their rank that confers that experience, that warrants you being a detective. It's just the years and the time, to Councilmember Constant's point it's just we don't have a detective rank and if we did it would probably be compensated at or near what a sergeant gets paid. We just never had that rank historically.

>> Councilmember Liccardo: Okay. So I guess is there anything preventing us from getting to the let's say 1 to 6 is supposedly the number that will enable us to save was it \$15 million that will inability us to save a lot of positions? Is it merely the creation of the rank or what else is --

>> A couple factors. I'm not sure that we've fully expwhrord if you are going to truly eliminate those positions or you increase that, basically new eliminate a sergeant's pokes what's going to end up is you might be savings and I don't profess to know exact lids what those numbers are and I'll take the auditor's numbers at face value but basic assumptions of it I will say this is again we are a really low staffed department generally even at existing levels at 1271 and then take down even further the ratios are going to be combined even further. I do think that we could do more work and in fact arnlg the margins, I just don't think you're going to see the savings that you're talking about in the tens of millions of dollars. You just don't see it.

>> Councilmember Liccardo: Yes, this is a number suggested by Councilmember Constant, I don't pretend to know what the number is. I'm just trying to understand how we arrive at the ratios we do. I guess finally the question came up around my question is overall, in aggregate spending for I believe it's just police we've got a drop of 1.4 permit, according to page 287, section 8.

>> If I could --

>> Councilmember Liccardo: I want to make sure I'm understanding those number correctly and where they apply.

>> Jennifer Maguire: That's all funds councilmember?

>> Councilmember Liccardo: That's right, of the all funds.

>> Jennifer Maguire: General Fund portion is down .9% from the adopted budget levels. You see the dollars by fund? Because a lot of those other ones are grant related type dollars.

>> Councilmember Liccardo: Right so if we're --

>> Jennifer Maguire: 0 .9%, under dollars by fund category.

>> Councilmember Liccardo: I understand a lot has choose to cut and not choose to cut but the General Fund as a whole has shrunk by what about 13% Jennifer, is that right?

>> Jennifer Maguire: Probably something in that range.

>> Councilmember Liccardo: If we general Fund expenditures on police will drop less than 1% next year. The rest of the General Fund is shrinking by 13%. So I think it's important for us to recognize, that it's not a question of us not allocating a greater and greater and greater share of our budget to police and public safety as a whole. In fact we've been doing that for 10 years as a percentage dedicated public safety has risen and risen and risen. We are spending about as much as we did last year. The problem is, we are cutting, reducing 194 positions because inevitably because of costs driven overwhelmingly by retirement funds and all the other issues that we've been

discussing. And our failure to be paying those debts in a timely manner is how we got into this mess. And the extraordinary unfunded liabilities that we face, \$3.5 billion, and I think we need to be really clear that we're going to continue to pay those obligations as they come due. Because it's exactly how we got here. So you know I recognize that everybody is very worried, as I am, about the impacts on our public safety budget. But the reality is, we're spending every dime we've got here on public safety. And it is not a question of simply political will to spend more money on public safety. It is a question of political will to make tougher decisions about where we're going to cut in order to move forward. And we've got to do something about retirement.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: I have a couple of quick things. I don't know, I don't know if I had transportation section, which is due up next.

>> Councilmember Constant: Yeah I know. Just a quick question, I was asking some questions on the airport PD issue earlier. I'll ask it as you're coming down. The cost difference between our own police department proposal versus the outsource proposal, just the delta between the two, what does it come out to in relation to CPE?

>> Bill Sherry: Bill Sherry, aviation director. Councilmember, let me see if I have that information for you. We -- our cost originally for police was \$11.5 million and 4.2 million enplanements. That came out to \$2.70 per enplanement, in other words, for every passengers enplaned, \$2.70 went to law enforcement. The new base which chief Moore and deb Figone stancheon reduction again based on 4.2 million enplanements, that comes to a cost of \$1.30. And the sheriff's office proposal is \$4.4 million, and at 4.2 million enplanements that would be a cost of \$1.04 per enplanement.

>> Councilmember Constant: So we're talking about 26 cents per enplaned passenger approximately assuming that airport traffic doesn't continue to increase on the increase that it is going now. Back when we had our airport competitiveness study session, you had listed out a whole bunch of things that we could do, and quite frankly

almost all of them were unpalatable to the council. I think it was something that \$60,000 that we could have I don't need the answer now but what I would like to have if you don't have it now, that list of eight or ten items, which of those policy decisions could make up the delta of 26 cents per enplaned passenger. There were things like the prevailing wage and all kinds of things that you talked about. We went back and forth on the dais, I think I summarized it no no no, 60,000, I would like to show what are the competing policies that we could have is a discussion policy so policy and make a decision, an informed decision that says in this budget cycle, 26 cents per enplaned passenger means we can stick with in policy and keep our police department or give up this policy or we keep this policy and we switch that. Just so we can make an informed decision because I think that's an important thing. When we're talking about reducing the cost to airlines, we're talking about a quarter per person and I just want to make sure we have that clear. I think that's the only question I have for you. If you have the answer now fine. Otherwise, MBA or some other point.

>> Bill Sherry: I do recall that conversation very well and I'd like to provide it through the MBA.

>> Councilmember Constant: That would be great, I'd appreciate that. And then there was just -- I think there was a little bit of, I don't know if it was maybe not complete understanding or misinterpretation of information about reserves working solo beat patrol. Could you explain that we do have that ability that reserve officers do routinely work under certain circumstances on solo beat patrol and how that works in the city and how long we've had that?

>> Sure. The policy first of all the MOA provision that I was refer to with regarding preventing it is a bargaining unit work being done by nonmembership i.e. reserves. But there are a number of events that have been agreed to ahead of time by the POA that would be appropriate to have level 1 reserves and that's for events like our Keith Kelly dinner and barbecue, the Christmas in the park, those types of events, those are relatively few in number but were negotiated to to be allowed that yes in fact we do have a certain, it's a small number because we don't have that many level 1 reserves performing that. The problem is it's hard to get them to do that, we don't do them all the time, those are basically the times that we would do it. Trying to find those folks because they're already

working other jobs, is difficult. Part of that has been in the enforcement of requiring officers to fulfill their minimum time requirements. So but there definitely have been times that we do that.

>> Councilmember Constant: I just wanted to clarify because there are numerous opportunities that you would have level 1 officers working solo. I was a reserve officer and I know many people were. Based on the comment it sounded like it would be very strange or very unacceptable if we would allow reserves work solo. It's referred that we're different than a sheriff's department when in fact urban police departments have reserve departments that work solo beat patrol. And I think that Sam was right-on in what we're having, is our costs are being driven up by that total cost of compensation which is about retirement, and if I'm preaching Mr. Rocha I'm sorry it is something that is really important. And it is something that continues to push our costs up and up. You can look at charts where our cost is significantly higher now with the significantly less number of people employed. And it truly is based on nothing more than personnel costs and the rising cost of health care, retiree health care and retirement. And if that means we're preaching about it it is, because it's our number 1 cost driver. 50% of our deficit this year was due to that. 50% of our deficit last year was due to that. increased cost of pension and it is our number 1 problem in our city. And I know people are tiring of hearing of it and quite frankly I am too. That's why we need to solve the problem. We need to continually work on that. We need to continually work on the total compensation reduction and that's why it's critical that we come to an agreement with the POA for a 10% ongoing reduction of total compensation. Because if we don't do it this year, if we get a one-time or a one-time 10% or zero, we will have significant impacts not only this year but even larger impacts next year. We're already going into a budget next year that's projected to have a \$78 million deficit and if we do a one-time savings with the police department that number is likely to grow by over \$10 million. I forget the exact number, 15 million, it's a significant number. So I'm one of those people that's been preaching and I'll continue to preach because I believe that's our job to do so.

>> Mayor Reed: Let me take note of the time. It's about 12 minutes to 4. We're scheduled to be here until 4 today, we're not going to make it to transportation, you might as well give it up, I think. If we run to about 4:15, I don't know if we have a quorum past 4:00, looks like I'll still have a quorum if I run past 4:00. This is a time that we

need short questions and short answers in order to get done. We have a few people that have questions. Councilmember Kalra.

>> Councilmember Kalra: Thank you. Just a couple of follow-ups one in regards to what was referred to, I think Councilmember Constant and others have as well in terms of the approach we're taking here and you know as Rick indicated there's a gray area as to what our obligation is. I think legally, on the Muni code, on the one hand we don't necessarily have to pay for any unfunded our actuarial best practices may be what we're seeking to do now. There is a huge range in between there. No one up here is suggest we do nothing. Which is how we got here. We got here by doing nothing on the unfunded. No one is doing 12 and a half% over eight years. Let's look at other options. That still has us paying unfunded liability, still has us fiscally responsible. And I agree that it's the same kind of -- the fear mentality goes the same way with this fiscal conservative talk of kick the can down the road or pass on to the next generation. No one here is suggesting that, no one here has said that. I think we do have to make choices and I think the grave choices we have to make force us to have to look at all the range of options and I just don't think that we're doing that. Additionally when we talk about some of the cuts to what's happening in the community, I think that we have to be -- in the same sense we're concerned about what we're doing about passing on decisions to future councils and all that which I don't think we're doing. I think that we're actually handling all this in a responsible manner or handing off problems to a future generation. I wish there were similar equal concern if not imairtd concern for our current generation of kids that right now will live in neighborhoods with libraries closed, increased blight and they're less safe as we lay off police officers and firefighters. That's not a parade of horrors, that's straight out of the Moustakas of our police chief and fire chief homicide rate right now to the cuts that are made. No one can say that. It could be aberrant. But it's certainly going to get worse with these cuts. Being fiscally conservative as opposed to shaving off a little bit and putting it over a longer period of time and saving some jobs and saving some library hours and saving some park hours and saving police officers at the airport that's the kind of tradeoff and decision making we have to make that allows us to the fiscally and financially responsible. Not just beating this drum again and again and again and again without showing the ultimate concern which should be our concern is the safety of our residents and the services we provide to our residents.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. Most of the questions and concern has been addressed, so I'm not going to repeat everything I hear. But I wanted to emphasize the importance of crossing guard and the school liaison unit. I believe those were -- they are there to protect the most vulnerable of our society. And my -- I understand that the school liaison unit, not just to provide some safety in the school, but they also serve as a good intelligence source for many of our gang violence activities and the narcotics activities as well, they also provide trainings to our youth regarding to the drug game and cybersafety so I just want to legality you make a plug for that school liaison unit with the cut in the safe school campus initiative program. I believe the school liaison unit just becoming more important. And Councilmember Herrera asked about the, in General Fund, what's the percentage of the General Fund are spent on Public Safety. I think the answer is around 55%. My question is, compared to other similar cities, of our size, couches do they spend on Public Safety? The percentage wise, in General Fund?

>> Jennifer Maguire: I don't know the answer to that. We haven't actually researched that.

>> Councilmember Chu: So we don't have couple years ago I did research, I found out they were spending from 55 to 60% on public safety, so we are not on that and if they could provide the per -- police or per-public safety to their resident ratio, you know I just question that why can't we provide the same ratio? My understanding that our ratio is much, much lower than the cities around us. So I don't pretend to have the -- I don't expect to have the answer now but I just wanted to bring that out, to my colleagues as well. And I have to agree with Councilmember Kalra, the extending the smooth period, you know, we pick five years, to me is just another random number. And if we can smooth it over seven years and eight years, and we can move some of the money to solve the problem that we're facing today, in terms of this Public Safety cut, I think I would definitely support a motion like that. My final question, or before I go to the fire side, and you know from our Police Officers Association unit, has a history of willing to take sacrifices to save their brothers and sisters from being cut through this workforce reduction. So I'm hoping that they will come up with a good proposal, so we don't have them cut any Public Safety officers today, this year. The question to the fire chief, is the -- I know a great percentage of calls are actually medical

emergencies. What are we doing to cooperate with the balance company to really minimize the impact to our firefighters, so they'd be able to you know spend more time or more getting ready to really fight the fires?

>> What we're looking at doing right now, and the ambulance company actually doesn't have the authority at this point to be able to -- we're making a transition on July 1st. The ambulance company doesn't have the authority at this point to modify the responses as we would have as a first responder. The county of Santa Clara though has proposed a contract with the City of San José, that would provide for us to be able to respond, the requirements for some of the less serious calls, alpha and bravo calls, a paramedic or EMT to arrive at the incident within a specified amount of time. That's an option on the calls where we really don't need four people to respond to those calls and I think it would provide for us given the fact that we have a number of two-piece companies in the city it would provide for us the opportunity to have the most optimal utilization of the resources that we have, and would provide for us to be able to keep some of our larger pieces of equipment available for those major incidents that we have, and keeping our requirements in terms of responding to medical aid calls. I think that's a better option, a good option for us to consider. At some point in the very near future we hope to have some conversations with, Rometro corporation and EMS system that might suggest that either we go to a call or they go to a call. But we don't both have to go to the call. I think that's something that we need to look at. I don't have a lot of detail about that and really haven't done a lot of research but I think it's a viable option for us to look at.

>> Councilmember Chu: Thank you very much. When you mention July 1st, 2011.

>> Yes.

>> Councilmember Chu: Wow, that's about six weeks away. I look forward to your leadership concentrated our firefighters to fight the major fires and leave some of the alpha Beta calls to the first responders and ambulance companies.

>> Mayor Reed: Chief Moore.

>> Crime prevention services in San José. I just want to make it clear to all the councilmembers that there are no cuts to what we have lev of crime prevention. We have four crime prevention specialists who are not having them and I just wanted to make sure you understood that.

>> Mayor Reed: Thank you. We're just about done with council comments except for I have a couple of things I wanted to add. As I said earlier, the, in dollars, which is the only way I can keep track of this stuff in real dollars, the department's budgets are going down 1% in dollars. And yet we're looking at reduction in staffing of 12 to 15%. And the reason for that is costs are going up dramatically. The revenues are also going down, but we're only cutting the dollars by 1%. So in the police department alone, the retirement costs are going up by \$25 million. The fire department, \$18 million. And that's what's driving this, whether it's a however you want to characterize it, it's devastating to the community, police department and fire department, as well as all the others that we heard and the other departments are taking a larger percentage-wise cuts and larger dollar-wise cuts than we are taking for public safety. Like the airport, part of the cost driver at the airport is the increase in retirement cost. If they weren't going up so dramatically, we'd probably be at a push or close to it with the sheriff's department proposal. So it's a huge problem that we have to deal with. But in the short run, in the next fiscal year we don't have a lot of choices. And so there's nothing here that anybody has heard, in all of these days, about the budget hearing except that one little thing the independent police auditor mentioned that got worked out. That's like the only good news we've got. Everything else is bad. Nobody wants to talk about this. Nobody wants to hear about it but we have to. The public just needs to understand, we're doing our best to muddle through this sometimes to figure out how to cope with less resources. And I want to thank both the chiefs for the fact that they have done a professional job in working with their unions and working with their people to come up with the -- it's not even least worst, it's just they came up with stuff that is the best they can do to cope with the fact they don't have enough resources to do the job that we want them to do, the job that we need them to do because the costs have just gone up so much more than the revenues that are going down. So with that I know the City Manager staff, those of whom are in the room are out there working right now, working with our bargaining units to try to make sure we get the rest of the concessions we've asked for in order not to have to go into the tier 2 cuts which they're just incredible and so I want to thank everybody for all the work that goes into this. We have many more hours of hearings to go. And a lot of decisions to be made. And I want to thank my council colleagues for putting up with

each other and me, on this. Because we're all just trying to figure it out. And all the easy stuff was done a long time ago. None of this is easy. It takes real professionals to work their way through it and notwithstanding a little bit of criticism of each other here my colleagues are all professionals, we all can take this, we have tough skins. As I said, San José is lucky to have a council that can have a professional discussion over really tough issues, not take it personal, and just work through the problems. We may disagree on the policy, we may disagree on the decision. But I've seen some other councils at work, and I want to thank my colleagues for their professional behavior and demeanor and the hard work that they do. With that I want to go to the public comment of this afternoon meeting. I have one card so far, Martha O'Connell. You'll have two minutes.

>> I wasn't going to come down here today because I was here all day yesterday. But I got the agenda for the mobile home advisory commission in the mail today at 11:00, and I was so angry and upset that I needed to come down and talk to you. This is based on comments made by Mayor Reed, Councilmember Constant and Councilmember Oliverio, with which I agree, and that is we really need to look at the boards and commissions and the thousands of hours of staff time that they are taking. The mobile home advisory commission is considering setting up ad hoc committees and enlarging its work plan. And I have to tell you that for each and every meeting there are three people, and one of them is the City Attorney. The same thing at the ARC. Three staff members and one City Attorney. And I could rattle off all your boards and commissions, of which you have 47, and tell you that there are staff people that sit throughout these meetings and they don't say one single word. So what I encourage you to do is, look at your boards and commissions. And I'm getting so frustrated waiting for Dennis's report, I'm about ready to do my own. And I can do it, which is analyzing every one of your commissions telling you what they do, how many staff members are sitting there, and how many hours of precious time is being, in my opinion, wasted. So please, when we're talking about laying off attorneys, we don't need them sitting in boards and commission meetings, we need them protecting the City of San José. So please look into this, and Dennis, please issue your report.

>> Mayor Reed: That concludes the public comment portion. We're going to recess until 1:30 on Monday where we'll take up where we left off.