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>> I want to call the meeting to order. This is September 28, 2011. Any changes to our agenda order?

>> Nope.

>> All right. First item would be the October 4 agenda. Anything on page 1? Want to talk about the starting time for club session. I know we just received proposals from, I think, five of our bargaining units that may generate some extended conversation on Tuesday in closed session. I'm thinking we should start at 8:30 to give us extra time.

>> That's a good idea because I have four or five litigation matters.

>> We have other things on the agenda so if we can start at 8:30, maybe we'll be done early, and at least we'll have adequate time to do that. Anything else on page 1?

>> No.

>> Page 2 or 3?

>> Real quickly, mayor, I have the two ceremonials, as we'll be seeing in a minute, I won't be at the meeting but they're timely because of the timing of the events. I was hoping you could do the presentation for me.

>> Okay. We'll handle it. On page 2 or 3, we should talk about the time for the appeal shearing board interviews. For how many candidates? Half a dozen.

>> Mr. mayor, we have five candidates.

>> Let's come back to that when we see the rest of the agenda and try to tie that down. So they're here when they're needed but not too far ahead. Anything else on page 2 or 3? Page 4 or 5? Or page 6? Item 8.1 is the

title on ordinance and gaming control that's going to be referred to the public safety committee. Is there something we need to do on that committee agenda with the work plan change or do we have a date for that?

>> Mr. mayor, it was hear on the agenda for the October meeting. There has been some discussion with staff about perhaps them needing an additional couple of weeks, maybe in the November meeting but we're going to work through that issue with the staff.

>> Okay. Nothing we need to do here today on the referral?

>> The discussion item?

>> It's actually on the work plan. It's already there.

>> It's dropped.

>> Being dropped off the council agenda at the moment but it will come back to us after it's been to committee.

>> Right. So we should probably annotate this note on the agenda that it's a drop, and referral.

>> When it comes out of committee, it will be brought back, so we can drop it now.

>> For anybody who is looking at this amended agenda, it will be dropped and referred to.

>> We'll make the change on the agenda.

>> I have a request to add a proclamation, food allergy awareness day. Any other additions or changes? Let's go back then, before we make the decision and look at the time for the appeals hearing for interviews. Not much

really on this agenda other than the closed session stuff which could be lengthy. Not before 3:00. Would we get done with the rest of the stuff before 3:00?

>> I think 3:30.

>> It's possible.

>> Very short agenda.

>> Let's say not before 2:30. If it looks like there's going to be a lot ahead of them after 2:30, we can take them up whenever it works. That will minimize their time commitment to come down and ask us to work for nothing.

Okay. Any other changes on this? Any sunshine waivers we forgot to talk about? Nope?

>> Motion to approve with the ads? Motion to approve with the amendments, all in favor? Opposed? None opposed? That's approved. October 11th meeting is the day after the who will day. We have no meeting on the 11th although we do have a study session we're going to talk about later in this agenda. But not for the 10th. The study session is the 17th.

>> Redevelopment agency agenda for October 4, starting time should be consistent with council starting time for 8:30. Page 1. Anything else? Page 2 or 3, anything?

>>.

>> Motion to approve.

>> Actually there's not a page 3. Short agenda. Any other changes? Motion is to approve. All in favor?

>> Aye.

>> Opposed? None opposed. Again, no meeting on October 11th. Think about when we do the redevelopment part of the meeting. If we set the hearing board not before 2:30, redevelopment, maybe we'll do it before then or if we're busy or not too busy and get there in time or would it be after that? I think it depends on how long it's going to be. I would anticipate getting this done before. There's not a lot to talk about. I don't think we have to specify anything special on that. Legislative update would be the next-- nope, I'm sorry. C, reveal upcoming study agendas, October 17th, proposed study session on the draft 2040 general plan. 1:30 to 5:00.

>> Mayor, may I suggest dropping the study session since we're already going to have a special meeting since chair won't be available on October 25th. Since we're going to have a special meeting anyway, maybe we can have an extended staff presentation. This has been well vented over the last four years. Seems having another meeting is more than needed.

>> It would be nice to be able to do this in one meeting instead of two. Whether or not we need three and a half hours of staff presentation before we're able to make a decision, I think is the question, because we can do that on November 1st, which I think is now the target date for that. Joe, you want to speak to that?

>> Yeah. We are working with chair to put the general plan update on November 1st. I would agree that if we're going to do a study session, three and a half hours would be more than we need because of the amount of work we've done. I do think it's-- we want to make sure we have time to walkthrough not necessarily the fundamentals of the plan which we have been through quite a bit, but what are the key decisions council is going to be coming to. We haven't talked about pipeline provisions for existing projects that we do think warrants some discussion. We want to make sure there's time for that to occur as well as the post-adoption of the plan, what some of the implementation of what the next steps are and start talking about that so we're ready for the next phase of things. November 1st does give us more latitude to do that as Oliverio says. My preference would do a shorter presentation on the 17th, but to make sure we're ready for the first and be ready for the first.

>> Is that a regular date?

>> It's a regular date but we're asking to add an evening. We're still working to make sure there's a quorum.

>> What about the forecast for what else might be on the November 1st council agenda? Do we have other lengthy items that we're anticipating being on the agenda?

>> It could be the only item, mayor.

>> Could be.

>> The question is are there items on the afternoon session?

>> At this point we're not tracking anything significant, we might have a potential refunding at the airport, but that wouldn't necessarily mean a projected council presentation.

>> Pete?

>> I'm not usually one to advocate for more meetings, but I know this has been well vetted and the community, there has been tons of meetings, but I think for the average person of the public who hasn't been to all those meetings, it's very hard to get a picture of what this is all really about. Whether it is a special meeting, study session or the special evening meeting, I think it's really important that we give it enough time that the average resident can either watch it on video or on their computer or whatever the case may be and get a really good summary of everything that's happened, because we're talking about years and years of work, and aside from the core group of people that were on the task force, there's probably very few people that were able to follow it all the way through. I think it would be helpful, but I'm not opposed to doing it at a longer council meeting. I don't want to shortchange the topic.

>> What if we did the studying part in the afternoon and came back in the evening for public comment and action?

>> That's workable. If we could go through and get, say, like 3:30 in the afternoon, and have the rest of the afternoon to do the discussion part, and then move into the evening for the adoption, public hearing piece of it, I think that would be workable also.

>> Mayor, I would even offer that, you know, start the evening session half hour, hour earlier, but I think there's a benefit of having it in one conversation and having everyone, you know--you obviously have a story to tell of the general plan and where we're going and the direction of the city. I think that's a valuable story, but I think two different meetings doesn't help the council get to approving the plan. I think the work has been done and I think it should be part of one meeting.

>> Can we postpone this decision a week to let you look at whether or not we can make it work on November 1st with the afternoon session and evening session?

>> The question is is there anything we need to do to lock in the October 17th date just from a procedural calendaring standpoint?

>> It's already on the calendar.

>> From a staff stabbed point, standpoint, that works fine.

>> If we have a week, that puts us still two weeks away from the 17th. You're probably ready to go right now anyway.

>> We're working right now for planning commission for tonight.

>> You're just about ready.

>> Just about ready.

>> Why don't we let staff consider that, what the implications might be and check the availability and make sure we'll have a quorum in the evening. Sometimes we lose people at special meetings and take this up next week.

>> Okay. That takes us to the legislative update. Betsy shotwell.

>> Thank you. I have nothing notable to report at this time. The governor has less than 600 bills still on his desk pending and our issues we've been following to council are still pending with the governor. I'm sharing with the city attorney yesterday school administrators announced they're suing the state on the 2.1billion taken out of the education budget. The advocates for the disabled are also planning to file suit swell due to reductions. That's the world we live in now.

>> Is there anyone who has not yet sued the state?

>> Ask me on Friday.

>> The state is going to have to augment the court's budget.

>> Take a long time for the suits to get resolved, because courts are running out of people.

>> I have two items. First is an apology and a correction of the record from our conversation last week. This had to do with 353 relating to towing vehicles at the scene dui checkpoints. I had a conversation today and E-mailed transmissions last night with the president of California chiefs to get clarity. In fact, both of those organizations do support that particular measure with the notation that there are some chiefs that don't believe in that. I stand by what I said last week, with respect to my own opinion, I think our policies have led the way and give a little more discretion. Problem when you do an absolute prohibition at a state level, it takes away that one in 100 or one in 1,000 time when you need to do something and you can't. I think it's ripe for change and this piece of legislation

probably doesn't do it. I think our policies are better, but I want to make sure I correct the record for those who made a decision. I apologize that I read that and it was incorrect. Cal chiefs and the cpoa support that. The second item, I attended a press conference with the director of the cops office, Barbara Lee and Tony bats and mayor Kwan. They made the announcement on the Northern California cities that received cops grants. We received three positions which is less than the ten we asked for. Every little bit helps but when you're talking about the number of cuts we've made, it's not large, but we'll take it. I pass that on to the cops director. We appreciate anything we can get, but we're hoping in the jobs Bill, if it passes, there's another 4 billion for the cops office. If that's the case, they continue to fund significant number of officers to rehire and hire new. I offer my apologies.

>> I was looking at the FBI crime stats based on last year's data and we are less than half of the violent crime rate of San Francisco and about a fifth of the violent crime rate of Oakland. I guess I'm not going to complain that Oakland got some money. I assume that might have been a factor?

>> It was, by comparison Oakland received 25 bodies this year and last year, they received a significant number as well. The number one factor-- they have four factors. One is certainly your crime rate. Second is the economic condition, third, they also talk about your land, mass and area population covered and the fourth one escapes me. The bottom line is we lost on crime, as we typically do.

>> I'm not going to complain about that.

>> What happened last year was different. They were-- the money that was allocated as part of the stimulus package was heavily weighted towards those agencies that had laid off officers. That was the year prior and we had not done that where other cities had. We were hoping the same criteria would be applied in this case. It was not. It was strictly on crime and the economic conditions of the area.

>> As we segue into the Federal Side of this, let's stay on thousand talk about how we might be engaged on the framing of the criteria if there's money in the president's jobs package for police departments to make sure that we have a better shot.

>> So I asked the question, specific question, what happens if, during this session, 4 billion were to flow into cops. Right now, the House has it zero funded, the cops would go away. On the president's Bill, it's \$4 billion. The plan is to take that money and funnel it, the first 2 billion is to go to those agencies already in the hopper. That would include us for the additional seven positions. You know, it's unfortunate we didn't put in for more. No one knew. Nobody knew this was going to happen. They would take the first 2 billion, give it to those agencies that already applied and take the next 2 billion and do another solicitation. That's the plan.

>> The criteria for that solicitation will be undoubtedly crafted by Congress.

>> It will be. We would focus, similar to the stimulus package, to the entities that laid off officers. That's what he believes to be the focus. That will be up to Congress and what they want to do with it.

>> I think it will be helpful based on my conversations with FEMA around the safer grant and the conversations with the Department of Justice to have Congress give them more latitude than they often have had as to how the funds get allocated, specifically on what happens after the funds run out. We solved that problem with the safer grant and FEMA for the firefighters but it's a different criteria for the cops grant.

>> Right. I asked that question as well a couple weeks ago when it was first proposed in the jobs act. What the director told me was it would be much more similar to the safer grant in that there wouldn't be that four year match. It would be a straight grant, which we appreciate it very much.

>> This needs to be on our list, whoever goes to Washington, whenever we go to Washington, to check in with the people that are drafting this precise legislation. I don't know who that's going to be.

>> I would add one thing. Barbara Lee did mention, they spend a lot of times in the halls of Washington talking about the cops position. They say it's formulaic and it's a, b, c, and d that gets you the grants. I suspect it's also being at the front door selling the story. I agree with you. When the time comes if that money is available, that we go all-out to get as much as we can.

>> Any other questions? Pete?

>> Thanks. On the cops part first. The NLC crime prevention, public safety committee has been working diligently on that. That's going to be one of their main topics of conversation when they have their meeting in November. I want to thank you for correcting the record on the previous item and really that just underscores my concern that before we take any action at the rules committee on supporting or opposing any legislation, we really have to make sure it goes through the city manager's office so we have a full analysis so we are better equipped to make decisions. Thanks.

>> Anything else, chief?

>> One thing that has come up today. It appears that house energy and commerce subcommittee on technology which has jurisdiction over the d block is going to Mark up a bill on Tuesday or Wednesday of next week. Our understanding is it won't go through the normal committee process. It will go from the subcommittee and go straight to the supercommittee for decision. We see movement which is much better than we've seen a lot of stalemate lately. I think you'll see some action of some type within the next couple of weeks.

>> Assume that markup is going to follow the president's lead on our exhibit.

>> Probably not. With the Republicans control the House at this point.

>> It might not follow the president's lead.

>> They probably won't, although there's a lot of discussion about perhaps amendments being made that might end up in the right place in my mind. We'll have to wait and see.

>> Okay. Anything else for the chief? Thanks, chief. Anything for Betsy? There wasn't any update on Federal, Right? So the state, we're waiting for the governor to sign stuff and everybody else is in recess. All right. Public record.

>> I would like to pull item a on the public record and refer it to Betsy for analysis and that's the recommendation that we take position on ab-69. We don't necessarily need to hear anything today. If we can get it in the format that we get anything else, if it's still a live bill.

>> If I could, it is still alive. It went to the governor's desk. He has until the 9th. If I could, I would need to talk to staff in parks and rec. It is a legislative priority. It has been for a number of years to support programs to help the senior and children programs. I'm concerned by the time the council takes a position, the action will have taken place. There is an option to use the expedited process. Again following consultation with parks and rec with their recommendation and having been our lobbyist, advocate and support of the measure through the usual channels of the city manager, mayor and the city attorney's office.

>> I don't have any problem with that, as long as it goes through one of our established processes.

>> It would be through the expedited Bill process, and I would report back.

>> Great. Thank you.

>> Include that in the motion. I have some requests to speak on the public record. I'll take that now. David wall and Richard McCoy.

>> Good afternoon, your honors. I know you're pretty tired from last night. Item e in particular. This is the weekly crime report with reference to shopping cart theft and the abandonment at North 10th street. This morning, in my own neighborhood, for example, several, three to four, vagrants with stolen shopping carts were trespassing on neighbor's property, taking recyclables and going into Ryland park. St. James Park, which the name of the park should be changed to criminal element and Vagrant Park. There are codes on the book to hold businesses accountable for the shopping carts. I think it's well past time that you eliminate the criminal element from this vehicle to perpetrate their crimes, transporting their ill-gotten goods to the recycle centers. Also listed is several license plates as instruments being used on the streets. Police don't have time to ask these people to move on. Legislation should be enacted if you've been tagged a couple times by the police that you're living in these vehicles on the street, these vehicles should be impounded. Thank you.

>> Richard McCoy and Marie Hater.

>> Good afternoon, mayor. Richard McCoy, vice chair of the senior commission. I'm here to speak on behalf of AB 6 U 9. Senior commission has unanimously to endorse this Bill and asking council to endorse it. Latest legislation action has put it on the governor's desk as of the 14th. It's a timely matter to move forward with this. We believe that this would help offset some of the city's cost concerning the senior attrition program. Talking with assemblyman Ball on the subject, he would be very willing to take administrative action to see if this program could apply to help raise funds for the San José city nutrition program to help offset costs. He believes this can be worked out. We're encouraging the city council to endorse this and hopefully get a message to the governor before their deadline of the bill. Thank you.

>> Marie Hater and Martha O'Connell.

>> I'm Marie Hater, senior citizen commission member. I want to speak about the letter in your packet recommending that you support the continuation of the community center boutiques at South side and Willow. The newspaper is saying it's a settled matter. It's not a settled matter. The crafting groups are groups within the center, not outside groups. They began keeping their own records when the center was reducing staffing. They

did this as a help to the city. At the present time, the willows has a satisfactory agreement with per and it is not yet approved by the whole group, but it is signed by their president. However, the South side center is still in trouble. Pnrf did not show up for their September meeting so they rescheduled an October meeting. At the present time, they're being asked to move to another location, but there is no agreement that any other location will be prepared for them before the deadline comes for them to move. The ladies are in a considerable state of distress for their future. If you can support the continuation of these two boutiques and oppose any mandatory fee or charge for the use of the space at the centers, though they are very happy and generously willing to give gifts and make arrangements to give gifts to the centers in return for their space, your help on this would be very much appreciated.

>> Martha O'Connell?

>> Chair of the senior commission, speaking to the issue of the boutiques. This is a perfect example of an item that should have been referred to a board or commission but was not. We are supposed to be acting in an advisory capacity to you. The first I heard of this issue is when commissioner hater brought it to the attention of the full commission that this ladies had received a letter telling them they pay either \$2,000a month space rent or they were to be out by December 31st. This should have gone to the senior commission for a recommendation. Instead of that, prns went behind our backs and set up this program which we, if it hadn't been for commissioner hater, we wouldn't have even know it was happening. I would also like to make a final comment that the-- I've been advised by someone at the meeting that the director of prns said I didn't realize anybody was going to be upset. Well, if they had referred it to the senior commission and let us study it and give them a recommendation, this whole brouhaha could have been avoided.

>> That concludes the public comment. Angel, did you have something you wanted to add?

>> Yes. Mayor, members of the committee, in terms of the boutiques, this issue--

>> You need to get that higher.

>> This issue is actually resolved. Both boutiques are going to stay. Our boutique at willows and South side. We met with leadership of both groups. The underlying issue was a noncompliance issue. We met with the leadership of both organizations. We have arrived at an arrangement that brings them into compliance. We're working out the final details. It will be formalized by an mou. We met with both bodies and received approval from both groups.

>> Okay. Thank you. Anything on the public record? Counselor constant?

>> Quick comment. We keep getting the letters about the shopping carts. I've noticed we have had a lot in my district as well. I know we have had a shopping cart removal program that's not really funded any more. There are private vendors. I'm wondering if there's some way we can ask end to discuss with our recycling contractors if there's a way they can pick them up, send a notice out, if it doesn't get picked up in a certain number of days, they recycle. They would get value out of them and they've got their trucks going around anyway. It would be a way of get rid of some of these. I don't need an answer, but maybe you can take a look at it at some point in the future.

A motion to note and file.

>> Motion is to refer item an as outlined for the legislative process and note and file the rest. All in favor.

>> Aye.

>> Opposed? None opposed. Approved.

>> Next item is appointments to committees. I have recommendation by memo to approve reappointment of Robert coheloá--

>> Motion is to approve. All in favor.

>> Aye.

>> Opposed? That's approved.

>> Next item, b, I believe, appeals of public record act requests. First one is the recommendation of the 90 appeal from Terry Moto departments for producing requested information. Is Mr. mow here? Want to speak on that? We don't have Mr. mow here, but we have staff. I'll let the staff talk about it. Okay? Tom?

>> Thank you, Mr. mayor. Tom Manheim, communications director. I think the memo speaks for itself. Mr. mow is doing some demographic research and is asking us to go back beyond what our Website currently shows in terms of data for our employees as well as expand it a little beyond what it shows. We did commute the cost. The cost would be, after he narrowed his request, \$1825. I would note that he does actually have research budget but he's trying to preserve that for his own research assistance.

>> We have a lot of information that has been made available to the public in a variety of ways. Are we giving that to him or pointed him towards it? Yes, we have. We pointed him to the Website. There's a tremendous amount of information for employee compensation for every single employee going back three years on the Website. We have a couple of additional years from reports that we've provided to the media historically. He's asking for more information and to go back further.

>> Tom, that information is searchable one by one. There's no way to actually extract it in a common format like excel so our researcher could do that work?

>> We can provide it to him as an excel spread sheet.

>> Would that be for \$1800?

>> No. The additional money is going back to years prior to the data we have, so it would be actually going and doing new queries in the system, writing queries to gather information.

>> The data we have doesn't--it's only concerning people currently employed. Has nothing to do with someone that retired one or two years ago.

>> He's asking for the retirement date of every employee by year.

>> Thank you.

>> There's also retirement data on the Website too. I've seen it. I'm not sure how you categorize it. It's people who have been retired. There's information.

>> You're correct. I think you can go into any meeting agenda and see anybody who has applied for retirement. I'm not aware of a single file that includes all of that information by year.

>> Well, I've seen it. Question is where have I seen it? It may not be on our Website because Californians for pension reform collected a lot of data and I think they collected that. I don't know if they posted it or not. That's another source on the retirement side. I think that covers people that are currently receiving retirement payments.

>> There's also a spread sheet that has been developed and distributed a couple times to srbr that has every employee and their date of retirement as well. It has their annual retirement data and their srbr data. That's another area compiled. That's for all retirees. Anything we have like that, we can give, obviously we should give, but I think something like this, where we're talking about a lot of work, not just a simple, you know, few minutes' worth of work. My inclination is to deny the appeal. That's my motion with the instruction to give whatever we have readily available.

>> Motion is deny the appeal. One request to speak. Mr. wall?

>> This is of interest, because we see the use of city mechanisms for personal and corporate enrichment. I thoroughly would like to deny this because it opens the door to a variety of questions if you allow it, particularly on the issue of citizen journalists who could tie up city operations for whatever reason. I would go one step further, Mr. mayor. As a citizen. I would like to volunteer my services to actually write the denial. The excoriation would be nothing short of a biblical event. It could include vulgarities upon request, but I would like to see this whole process killed. Thank you.

>> Mr. mayor? May I suggest to David wall to submit that in the public record because I would enjoy reading that. Thank you.

>> Our denials are much more simple than that. We have a motion. All in favor? Aye.

>> Opposed? None opposed? That motion is approved and the appeal is denied. Next item is again another appeal of public record request. Recommendation to deny the appeal from metro newspapers to waive the fee required by the police department producing some requested information.

>> I know we have staff that would probably want to speak. I want to make two brief comments on this.

>> We do have the appellant here I will let speak on this.

>> First of all, whenever we have something that's of a deminimus nature like a half hour, we should consider that, considering we probably have more than an hour invested in the people who are sitting here right now. It costs us more money to have this discussion than it would have been to just provide the information. I think this stands in stark contrast to the previous item that we were looking at. I also think that when we're talking about something as basic as crime statistics, I think we have an obligation to provide those, whether it be to the media or just to have them readily available. I'll tell you I'm not sympathetic-- I'm sympathetic to the appeal and not sympathetic to the reasons we might hear why we are not fulfilling this request.

>> Mr. Oliverio.

>> Do we make a distinction when these requests come from an individual versus the media? I'm assuming an individual's ability to get data out accurately is limited versus media and newspaper whatever, TV, has the ability to actually get information out to the masses and actually is obligated, under professional journalism to have some accuracy. Do we distinguish that or is that just a one off?

>> If I could, Tom Manheim, communications director. If I could step back and give you additional information about this. In fact, this information has been either provided or we've at least communicated to the metro we will be providing it. The chief of police who was interested in seeing the data himself. He asked the records department to extract the data and since it has been extracted, there is no cost for them providing it to the metro. This request has raised an interesting internal debate for us, which is a question about who actually has the authority to waive and at this point, it appears that only the-- only you on behalf of the city council has that authority. We actually have a meeting planned for later this week. This has raised this issue for us so we can begin having internal discussions about making some recommendations on what might be a de minimus cost that we would waive, because we're all aware of the same issue you're raising about the cost of responding to these, just internally. The last note I would make to your question. Yes, we do make a distinction between the media and requests in general. In this case, I think oftentimes, it goes to how large a request it is. I'm not sure exactly how this evolved, but that's another thing we're going to be working on is clarifying when the media requests something, the obligation to try to provide it to them. I've note we have had media requests that have been more extensive than in fact the Stanford request that you just waived. What we typically do is try to work with the requester to see if we have something available that allows us to provide it to them without going through the cost of doing different distractions. We've been able to do that in many instances.

>> Members of the committee, I apologize, this is one where we get a lot of requests. When they come to the pios, they get handled. This doesn't make any sense to me, to your point, we spent more time on this trying to get it through than the amount of time and effort it would take to do this. It raised the question of, chief, you don't

have the authority to waive the fees. That doesn't make sense to me. We're trying to work through that particular issue. We're able to resolve it to make sure the information got put out. We do get a lot of these requests. Typically they're handled as media requests. If we don't have everything available, something close to it. When there are significant data runs that have to be run, similar to the previous request. Sometimes we don't have the staff to do that. I apologize for this, rising to this level but it did give us a chance to talk about an issue we ought to address.

>> Chief, I'm assuming at the \$42 value, this is something coming out of a software, rather than your people going through paper.

>> The labor and actually entering code was prostitution related data. I'm interested in, it's something important to us in the city when we're not doing other things to see how bad a problem it is.

>> I want to convey my comments earlier. There is a distinction between media and individuals. I find the media can be helpful, depending on what side of the fence you're on. Sharing information, sharing data, versus an individual might exhaust the city. That's why we put the fees in so individuals don't exhaust us.

>> Under the law, you can't distinguish. You have to show everybody the same. You can't inquire as to the why or what. To the chief's point, he's not the-- the department gets these types of requests all the time. We get similar requests on litigation cases and history of cases. A lot of it is compilation of statistics. If it is a reporter, you want to get the information out so you do provide that without charge because you're also interested as a department head how it looks. Many times I don't take these myself as a pra request. Same with the department. I'm sure the city manager's office is the same where you do get a case where, let's use the nor cal example, where we got thousands and thousands of documents being requested. It didn't matter who made the request. A lot of copying time and a lot of staff time to collect the documents. Charges were made. It's a difference between going and getting documents, time to get the documents versus compiling statistics and getting information out. We deal with reporters differently. Under the law, when we're charging for documents we're not supposed to distinguish.

>> We do offer current crime statistics on the public city Website.

>> That's one of the great resources we have online for crimereports.com that will give you summary data. It's when you start to go into more detail that it requires us to go into the computer systems.

>> That's a snapshot of time, a rolling year.

>> We give you real-time data. Love to give a presentation for any council members who have not used it. It's helpful to see what's going on in your neighborhood. It's updated every 24 hours.

>> It eventually extinguishes?

>> You can do it year back, if I recall, I don't know how many years back.

>> But going forward, it seems more statistics will be recorded so five years from now, people will be able to see what's going on in 2016 going back here?

>> I have not used it lately to tell you how far back it goes, when I get back to the office, I'll check and let you know.

>> Thanks.

>> Moving forward, I'm hoping that whoever makes the motion that at some point hopefully close to the near future we can amend our policy perhaps to allow staff to waive the fees if it's less than \$250. I agree that we're taking a lot more time out of this issue that's such a small amount. Anything \$250 or less, staff has the discretion to waive the fee.

>> Motion?

>> Correct me if I am wrong, but isn't this something the city manager has the authority to just institute as a policy?

>> No.

>> We require an ordinance change. It's a simple ordinance. We have to get the authority and the general section of the code.

>> How about this? How about I make a quick motion because I agree with you 100%. The motion would be to deny the appeal. I'm getting ahead of your public comment, you don't have to talk, you don't have to, but if you want to add on, you can. To approve the appeal so we give the information and that we refer to staff to come back to us with a modification to the ordinance to specifically deal with the issue, whether the threshold makes sense, 250 or whatever is in the best discretion of our city information, public administration officer.

>> Without beating this to death, I would take this as coming back with a waiver of fees in public records act request, not just of waiver of fees generally.

>> Oh, yes, public records request only.

>> Second.

>> We have a motion. I would like to take some public testimony. Josh cane and Martha O'Connell.

>> I would like to thank the police chief for being responsive to this request and also to those of you who voiced comments in support of this. What the media does, I think, is very important and we're glad to help out the city. We make significant economic contribution by disseminating information to hundreds of thousands of people.

Many citizens of San José rely on us for information. They don't necessarily read other newspapers. We do this at our own cost. We've spent over \$100 million operating a communications vehicle over the past 25 years without public support, so we're not asking for that, and I'm happy to help out. I've served on three commissions and two foundations including the police foundation and parks foundation, so I volunteer time to help the city so I understand the financial pressures you're under. These are tough times in media, and you know, if we have to start paying for information to do our job and our job is to educate the public about the city of San José, to help identify things like whether a certain category of crime is increasing or decreasing and we are here as your partner and the public's partner to help figure out solutions to these pressing issues in the cities. We employ professional news gatherers to get the public interested and involved in these issues. We can't do our job if we're paying fees all the time or if there's delays in information. It's getting harder and harder to get information. 25 years ago I used to go in the police department and ask for a police report. Now it's very difficult to get these. By making it easier, I think you're doing the right thing, you're helping the public understand what's going on in the city and ultimately, it's going to make your jobs better and make it better for the city. I brought you this week's copy free.

>> What a nice guy.

>> Josh, you want to talk? What is your last name? Is it cane or cone?

>> You got it right.

>> Your handwriting helps confuse me.

>> Thanks for having me up here. I appreciate the approval of the appeal. Just to talk about the actual request for information that was submitted, with the focus on gang violence in San José, it being on the rise, the homicide rate being quite high this year compared to years past, we were interested in finding out more information about how the police were allocating their resources. The metro unit is full time gangs is what I'm told. There were a lot of media reports saying prostitution is on the rise without firm numbers from what I can tell. The reason that

request was made was because it's important, in our opinion, that the public is, you know, informed with not just generalities, but real numbers. If you can compare the numbers, they can take more action in the communities and maybe try to combat prostitution, gang violence, get involved. That's really we're getting at, just like the paper's owner said. We want to inform the public. If we can do a public service while reporting the news, it benefits everyone.

>> Martha O'Connell?

>> I would like to speak in support of the appeal. I was not intending to come down and talk on this. To be quite Frank, I find it extremely insulting to say--given the current fiscal situation, the administration does not believe the city should waive the fee for \$42, yet on 9/13, I presume you all voted to send a council person to Dublin, Ireland for at least her second, third or fourth trip. I have requested and I will be requesting again under the public records act. I want to know how much money is being spent on travel which I consider a perk for a lot of folks on the council. You're-- the staff is balking at \$42 which is to give the public information it needs to potentially petition their government and you're spending people to Dublin, Ireland, which I've been there too but on my own dime and South Korea. Shame on the staff for this. It should have never happened. My final comment is what happens if you're poor? And you want to petition your government and you request a record, so only the rich are going to be able to have the information they need to petition their government? Dangerous, slippery slope.

>> That concludes the public testimony on this item. Additional comments?

>> Chief, are you aware of any other city that has an open database? Any other city that allows citizens to extract data the way they wanted it.

>> Not from databases controlled by the police department. We're the first with crime reports.com. It's being used in many other cities across the nation. If you look at the Website, you'll see the map of San José as in all of the brochures and advertising because we were the first. You're not going to see a direct input. Ours is dumped from our cad database, you'll see that in other cities but not a direct touch into your existing databases.

>> Thank you.

>> All right. I think we're done on this. We have a motion. All in favor?

>> Aye.

>> Opposed? None opposed? That's approved. That's the end of the agenda except for the open forum. David wall?

>> First, I want to thank your honor and the rest of the council for all your long and hard work yesterday. Doesn't mean I agree with almost everything you voted for but you did put in a lot of hours and you're tired and you put up, at least you put up with me. The other thing I want to talk about is this issue about students growing food at schools. This could be integrated into their science program. They could get into preparing healthy foods, but also this same food or a portion of it could go to help the senior nutrition program. The seniors are going to get pretty darn hungry next year. This would be a good way of community spirit, of providing fresh food at no cost. Mr. mayor, when you're back at Washington, ask for food stamps for the students at schools and also for food stamps for seniors if they don't already qualify and get them anyway. Taking food out of the equation for the economy or the cost of food will generally help stimulate the local economies. I think it's a good idea that we take advantage of our good growing climate. Thank you.

>> Thank you. That concludes the open forum. Concludes our meeting. We're adjourned.