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>> Mayor Reed: Let's call the meeting to order. This is Rules and Open Government Committee meeting for October 3rd, 2012. Any changes to the agenda order? I don't have any items noted so we'll just start with the October 9th council agenda. We have the special meeting, not much to talk about. That's all set up for the priority-setting session. The question is when are the staff reports memos and stuff going to be circulated.

>> Ed Shikada: Tomorrow, will be out tomorrow.

>> Mayor Reed: Okay, that's good.

>> Dennis Hawkins: Mr. Mayor, the Vice Mayor issued a memo yesterday proposing one item addition to the agenda. We would like to ask that that be considered in the priority setting session.

>> Mayor Reed: That would fit in the category of study session categories that's part of it, already agendized so I don't have any problem of adding this to the discussion. I don't know that it fits in the ordinance section, since it's not an ordinance thing but we are talking about more than just ordinances at this meeting so --

>> Councilmember Constant: I think it fits policy B, item B, new pending and newly proposed policies.

>> City Attorney Doyle: And ordinances so it's either.

>> Mayor Reed: So we have others, memos on today's agenda that we will get to those.

>> Councilmember Oliverio: Can we do ballot measures too? On Tuesday?

>> Mayor Reed: We could but too late.

>> City Attorney Doyle: You get an extra week.

>> Mayor Reed: Let's take up Vice Mayor Nguyen's memo with the other memos and just deal with all of the things that go to that date when we get there. Any other agenda issues okay, anything other than the October 9th meeting than the individual issues we have to go through?

>> Councilmember Constant: Motion to approve.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Motion to approve the agenda? Mr. Wall you want to speak on it.

>> Sir, I'm not privy to the staff memos, and I want to make sure the sewer service and use charge is agendized so you can start talking about correcting the gross miscarriage of justice that that charge has on single family homes. Thank you.

>> Mayor Reed: Anything else on the October 9th meeting? We do not have a closed session that day, this is just a special meeting for these priority setting session and discussions. All in favor, opposed, none opposed, that's approved. And so checking the sequence here, next would be study session agendas. We have a couple of things I know staff is discussed about putting on for study sessions, we have a couple we've decided and we have --

>> City Attorney Doyle: We have the October 16th agenda, I'm sorry.

>> Mayor Reed: Okay, I'm -- I did skip ahead unintentionally. The October 16th agenda, let's do that before we get to the study sessions category. We did have referrals yesterday to the October 16th agendato around ballot proposals and those will be brought back. Anything on page 1?

>> Councilmember Constant: The committee to promote square dancing that's not a council committee is it? I just want to make sure we're not getting into assignments out of this --

>> Mayor Reed: It is not yet a council committee. Would you like to beto volunteer to be the liaison if we have a council committee?

>> Councilmember Constant: Absolutely not.

>> Mayor Reed: Take him off the list. Anything on page 2 or 3? Page 4 or 5?

>> Councilmember Oliverio: Mayor, on 2.12 it says a specific time, just as long as it's after?

>> City Attorney Doyle: Yes, the 1:30 meeting or as soon thereafter as it can be heard.

>> Mayor Reed: So the meeting is noticed for 1:30 p.m, that's just the way we do it. Okay, so on the consent calendar so moving pretty quickly after 1:30. Anything else on page 4 or 5? Page 6 or 7?

>> Dennis Hawkins: Mr. Mayor, 3.6 propositions and provisions referred from yesterday and we would need a sunshine waiver on materials for this item.

>> Mayor Reed: Okay, let's talk about that just for a minute in terms of the staff work. Staff has already made their recommendations of what we should or shouldn't do. And so these are coming back. We need to provide the information to councilmembers but I don't think we need to invest a lot of staff time trying to figure out what the recommendation ought to be. The recommendation was to take no position which is a fine recommendation. There's a lot of materials, staff can collect those but I don't see us asking staff to spend a lot of time trying to nuance a city position. I didn't get that sense that's what the councilmembers wanted open these things, councilmembers have their opinions and there's a lot of material and if staff can collect the material and publish it we will do a sunshine waiver, that way councilmembers will have the stuff.

>> Ed Shikada: Thank you on behalf of staff.

>> Mayor Reed: Did I misread the meeting yesterday?

>> Ed Shikada: That is our understanding as well.

>> Mayor Reed: On minimum wage and card room gaming we had previous staff memos on that, we'll get those linked to or recirculated or something. We're.

>> Councilmember Liccardo: Done a lot of work on some of these things. Anything else on page 6 or 7, page 8 or 9? 4.3, the draft Santa Clara Valley habitat plan which we're going to hear first in order to finish the study session before we do the city business we'll do the ceremonial items then have the study session and get to the business.

>> Councilmember Oliverio: Mayor, I just wanted to confirm that 4.3 then is still a study session item per se versus an action.

>> Mayor Reed: Right, this is an opportunity to evaluate and comment on the plan's content in advance of final action. We're not taking final action on this agenda item, correct?

>> City Attorney Doyle: I think tentatively they have scheduled the 23rd of October for an action item, but that's subject to the Rules committee.

>> Mayor Reed: We'll take that up next week. Anything on 8 or 9? No written requests for additions. Any others?

>> Councilmember Oliverio: Motion to approve the agenda.

>> Mayor Reed: Motion to approve the agenda. Mr. Wall you wanted to speak on this item I think.

>> Yes, 2.9 and 2.10 deal with items I think should go to TPAC before they show up on your agenda. 2.9 was a plant master plan, expedite the master plan implementation. I contend that that should undergo review because of the slipshod administration of the Environmental Services Department, whose primary senior partners are no longer with the city, and so this co-generation business at the plant, now that's very interesting, it's a good idea but it wasn't talked about before TPAC. This business with Santa Clara Valley Water District to recycle water operations, now we're going back into that water utility business with reference to the sewer service and use charge, been in trouble with that before. So I do think we need that info memo to clarify that. It is also interesting to see in 3.4 which I support is to start refloating the salaries, at least the salaries anyway, of the fire department. I think you better do it with the police department. On 4.3 on the habitat plan, I don't see any type of movement or discussion whatsoever on that nitrogen deposition issues, and that vehicle trip fee, how are you going to enforce the vehicle trip fee and also how are you going to make it equitable for cars coming into the City of San José to pay that fee? This habitat plan is grossly flawed and I don't know why you keep pursuing it until you deal with that habitat or that nitrogen deposition fee and the car-trip fee. Thank you so much.

>> Mayor Reed: That concludes the public testimony on this item. We have a motion to approve as modified and we need a sunshine waiver on the materials for the ballot measures, correct?

>> Dennis Hawkins: That's correct, Mr. Mayor.

>> Mayor Reed: Anything else needed? Okay motion is to approve with the modifications. All in favor, opposed, none opposed, that's approved. Now the study session agenda discussion, so back to write was trying to get to. What do we have teed up and what dates do we think we might need to put them into, even if only thinking about it? I think we have something maybe for October 29th, is the next time we have one?

>> Ed Shikada: Yes, in fact we're tentatively planning or pegged, two items relating to homelessness, and the housing investment plan, one for October 29th and the second for November 13th. And then on December 10th the council has its joint meeting with the Santa Clara Valley Water District.

>> Mayor Reed: Any others we're contemplating?

>> Dennis Hawkins: Not at this time.

>> Ed Shikada: Our window would typically only go to the end of the year.

>> Mayor Reed: Are there any dates that we're releasing that aren't covered?

>> Ed Shikada: That takes care of the date which --

>> Mayor Reed: That is the dates we've set aside or possibly takes care of the dates we've set aside. Anything else on study sessions? There's no action to take. Legislative update, Betsy Shotwell.

>> Betsy Shotwell: Thank you, Mr. Mayor, members of the committee. Betsy Shotwell, Director of Intergovernmental Relations. I wanted to have this verbal update put in the agenda just in case something developed. The governor had until midnight Sunday to finish signing or vetoing over 700 bills. And I'll have a list in writing of where the city positions -- what happens with the bills the city took positions on or reviewed. I did just want to point out one bill over the weekend that the governor signed, AB 1532, and that's the California global warming solutions act of 2006 and that has to do with providing a long term solution for cap and trade auction revenues. We have an internal interdepartmental team that has been following this and the item did go to T&E and this committee for information. So as this becomes more known and processes and we have an auction in November, we'll be returning to council as things develop for further review and direction. Also, the legislation I had verbally updated this committee on with regards to the local infrastructure finance district bills they all went to the governor's desk he vetoed them all, pretty much in sum premature with regards to as redevelopment is unwinding he wanted the focus, sort of paraphrasing to be on that act, and these were before their time in summation. So I would imagine you'll see more legislation like this introduced as time goes on and you know

again we'll bring this of course to your attention, next year and the beginning of the two year session as these are introduced.

>> Mayor Reed: Thank you.

>> Councilmember Oliverio: Mayor, Betsy, I understood from your comments when I heard before the governor vetoed all the redevelopment that had anything to do with economic development, was that the same for anything related to redevelopment and housing?

>> Betsy Shotwell: Yes, exactly.

>> Councilmember Oliverio: Okay, thank you.

>> Betsy Shotwell: Although we reviewed them and it did create more financing mechanisms but they weren't beneficial to all things that redevelopment was beneficial for. So there was some thoughts that going forward with this legislation we have more issues included such as affordable housing what have you included in the legislation that would work in addition to the infrastructure pieces.

>> Councilmember Oliverio: So I'm confused now. Did you say he vetoed any and all bills to do with RDA whether it was economic or housing?

>> Betsy Shotwell: I'm looking at the three infrastructure bills that were related to mechanisms to try to replace pieces of redevelopment. I'd have to go back with regard to affordable housing legislation that may have been reviewed and vetoed.

>> Councilmember Oliverio: You let me know if I'm wrong. I thought there were some legislation put forward to save affordable housing through the Redevelopment Agency funds that were there to continue to do that. If you can just let me know, did any of those pass or fail or veto?

>> Betsy Shotwell: Well looking at the back side I should have, there was a bill AB 345, this bill would have made changes to the community redevelopment law regarding redevelopment agencies' use of the low and moderate income housing fund and that was vetoed.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: Any other questions? It'll take a while to sort out everything the governor has signed, hundreds signed or vetoed. Let's move to, we have a series of memoranda I think that need to go to the priority-setting session. Public record, I do have requests to speak on public record, sorry I'm anxious to get this meeting concluded, David Wall, Richard McCoy and then Martha O'Connell.

>> Yes, item B, is of noteworthy concern. This is entitled Expose Rose, should be a model to hold councilmembers accountable to public safety. Now this expose rose, this was an event held by the San José Police Officers Association on September 27th. It's already over, however, councilmembers, because of your decisions to destroy the San José police department and fire department, through your measure B, in District 8 crime has just gone through the roof. And people in district 8 are upset, and the Police and Fire departments have decided to come together here to protect District 8 and the rest of the city. But we're starting here with trying to rebuild safe San José neighborhoods. So I think that you should consider donating money to this just and honorable cause. I want to make sure you understand that I'm not a spokesman or agent or principal of any of the two organizations such as the San José Police Officers Association or the San José firefighters, I'm just a grateful and concerned citizen, very grateful to the San José police and the firefighters for their dedication and service and I urge you to cut out some cash from your office accounts to fund this because it's time that when councilmembers fail, when it's time to fail in their Public Safety duties, when it's time for reelection it's time to boot them out. And I think this should be a good mechanism for the rest of you to pass on to your contemporaries. You're up for re-election and you raised your hand against the public safety. You're going to feel the boot, thank you.

>> Mayor Reed: Richard McCoy.

>> I'd like to speak on behalf of the senior commission that we voted to endorse alternative 2 of the city clerk's consolidation and elimination plan for boards and commissions. We also believe that the disability commission and the human rights commission should be part of that supercommission because most of the people we served can be best served from these two groups, and would also eliminate a lot of this swallowing up by the PRNS group. Also, the commission has been delayed in working on some bylaws changes that we would like to do, for the last several years, waiting for the determination of this particular report to come out and we urge the council to move forward with this to make decisions so that the senior commission can get on with our business at hand. Thank you.

>> Mayor Reed: Martha O'Connell.

>> Martha O'Connell, chair of the senior commission. I won't repeat what Richard said, he did an excellent job. I can tell you that having served on the human rights commission in the early '90s there is a national nexus between that commission and the senior commission on such issues as employment discrimination, ageism and marginalization. Also I feel very strongly and have done everything I can for the last two years to make sure that the senior commission is respected and has integrity. And that we're not pressured by any department to vote on issues one way or the other. And I feel that it would be better for the senior commission to go in with human rights and the disability commission than to potentially, and I stress the word potentially become a rubber stamp for PRNS. Thank you.

>> Mayor Reed: That concludes the public testimony on the public record, is there a motion.

>> Councilmember Oliverio: Motion to note and file.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: We have a motion to note and file public record. All in favor, opposed, none opposed, that's approved. Now we'll turn to the memos requesting some action. Item number 4 is a request to agendaize Proposition 39 on October 16th, council's already done that. We're going to have to talk about number 4 because prop 39 will be brought back, so we have a request from councilmembers Liccardo and Oliverio to modify the Muni code regarding obstruction of sidewalks without permits. Request for Councilmember Liccardo to add hotel motel conversions to the priority setting session on October 9th, and then we have the memo from Vice Mayor Nguyen that we talked about earlier regarding homeless issues to also take up on October 9th.

>> Councilmember Oliverio: I'd like to make a motion to approve all, Mr. Mayor.

>> Mayor Reed: We have a motion to approve all three. Councilmember Liccardo is here, did you want to speak to any one of these issues? Okay. Request to speak on this item?

>> City Attorney Doyle: Just a clarification. On all items they're to be referred to the priority setting session is that right?

>> Mayor Reed: Yes, for October 9th. Mr. Wall.

>> On his honor Liccardo's memo, the actual cause of injury to this unfortunate child was his disobedience to the instructions given to him by his grandmother, and two, he wasn't supervised by his grandmother. So there is two reasons that this was more or less a red herring, a very unfortunate incident, but a red herring issue that I'm sorrowful that his honor used for some political gain here. Now, I'm a disabled person and I put out safety cones in the sidewalk when I sit in my chair and prune my roses that are in the park strip or against my property. With this type of legislation, I have to go then get a permit to put safety cones out to sit in my sidewalk to trim my roses? And above all I think it's time you make an ordinance change to ban bicycles from sidewalks. You have adults riding these things down very fast, they could care less if you're sitting down or standing in a sidewalk. And just mow you down. And I think that this is unfortunate what happened to this child. But this type of legislation is self-serving and first of all from a procedure point of view on the T&E agenda for Monday, last Monday, item D-2,

transportation safety report, you're looking at transportation safety systems and if you're looking at sidewalks as a transportation system, transportation system, this should go back at tend. It shouldn't even be at rules, it should be first gone to the committee. Now, are you taking these all at once, Mr. Mayor, so I have to speak to all of these things at once?

>> Mayor Reed: There's one motion, yes.

>> The hotel motel conversions to this apartment business, if these hotels and motels are in such substandard state that they are not making any money, I suggest the city make it financially burdensome and oppressif for the property owners to keep them and bulldoze them and turn them into open space up to your habitat plan. With reference to proposition number -- by the way that also from a procedure standpoint should be going for the community for economic and development to discuss at their committee. And on proposition 39 you have already discussed that so I think that what we have here is a situation in which your councilmembers are usurping the committee process for their own political purposes and going straight to Rules and putting their banter forth here instead of taking it out on their committees where it should be appropriate. On your memo Mr. Mayor, or G-5 is that also included?

>> Mayor Reed: No that's following on.

>> Thank you and I'll wait for G-5, sir.

>> Ed Shikada: Mr. Mayor, and members of the committee, if I might ask for clarification, on the vice mayor's memo, is it intent of the committee that we have staff place that as one of the items to be prioritized among the ordinances, or discussed as a part of the potential study session topics, or both?

>> Mayor Reed: Well I think it belongs in the studying session discussion because it's not an ordinance change and we tentatively have a study session on homelessness on the 29th. That's probably where it ends up after the

council discusses the study session topic. We have memos including a memo from the Vice Mayor that are part of this. Councilmember Constant.

>> Councilmember Constant: Just a quick question. I know we're doing things a little differently as we go along. In the past we used to have council discussion on the individual memos to kind of work through the issues on them, and then they'd end up getting thrown in the mix and then get prioritized and now we're putting things on the priority list but not having the discussion about what's inside the memo, and I'll just pick on Sam because you're here. You know without having a discussion of necessarily the pros and cons and the unintended consequences like what do you do if you are replacing the sidewalk and you have all the barriers and all that, how do you deal with that, I don't think we can get into the details at the study session because we're talking about the priorities. I just want to see how we can work through it so we have an opportunity at some point to discuss each of these ordinances in a way that staff doesn't do work, and then we end up making sausage out of it later because we didn't give the direction.

>> Mayor Reed: Well, I think some of those questions probably will come up in the session. But I would anticipate that once we decide what the top 10 priorities are, we still have to figure out how they're going to get done, and some of those that are not clear like that where there may be questions about framing, scoping it down, if some of the things are pretty clear we know exactly what has to be done and some of them not. Councilmember Liccardo, do you want to talk about that?

>> Councilmember Liccardo: Yes, I would offer, I agree that we certainly can't make decisions about how we're going to go forward on any individual policy proposal. I'd expect that many of those will bounce back to the committee to be fleshed out, and pros and cons will be evaluated at that time.

>> Mayor Reed: Okay. And what you're seeing, Councilmember Constant, is the fact that these things are coming kind of late in the process. So if they happened two months ago we'd have time to do some things. But we want to give everybody an opportunity to make their case for the high priorities when we have the meeting, which we're only doing a couple times a year.

>> Councilmember Constant: As long as we're thinking about all that.

>> Councilmember Oliverio: Were you done Councilmember Constant? I just wanted to clarify if I can just speak briefly to the actual meeting itself. Are we going to do the same thing we did last time as far as how we prioritize, which was the sheet of paper or something and we sort of marked an X on the one we liked?

>> Dennis Hawkins: Right, we have to -- it's a paper ballot. And we have to record the votes and announce the votes. And so we'll be using that process again.

>> Councilmember Oliverio: Would the Rules Committee be open or I don't know if this is the right question, but for us to mark 10, okay, I get that but it doesn't give a level of priority. It would be, it would seem to make things a lot easier to understanding if each councilmembers, beyond voting on just ten, rank their choices, this is first, this is second, this is third, which would bring a consensus faster than we've seen in the past.

>> Dennis Hawkins: So a weighted formula?

>> Councilmember Oliverio: Yeah, I don't know if that's easy to manage on your --

>> Councilmember Liccardo: Ranked choice voting.

>> Councilmember Constant: That's what I was thinking.

>> Councilmember Oliverio: If we did it sort of if you use a web based survey it would be done instantaneously. But I can understand if you want to stay in a paper format. But I would throw that out there as an option.

>> Mayor Reed: I think we want to pick ten, I think we are going pick nine in terms of what we have room on the priority list, and if you were to do it by weighted voting, we would be voting each of us on 31, 32 items on the list, and rank-ordering those, and from that getting the top 10.

>> Councilmember Oliverio: What is our approximate number of selections? Is it approximately 30 while choosing 9?

>> 32.

>> Councilmember Oliverio: 32, that would be fun. And then a final question, Mayor, back to the meeting. Would it be possible for staff during that day to give the presentation of what the ordinances are, and at that point in time pause and have public comment? Because with this type of topic, I can imagine the council may speak for three hours and no one from the public, will have to watch that whole thing. I would just through that out as an option as far as the meeting itself and how it's managed.

>> Mayor Reed: I didn't anticipate have staff make a presentation on all 32 of these items. Some of them have been on and around and have been on the agenda before. I anticipate letting councilmembers ask whatever questions they wanted about the 32, and then have the staff respond to that, rather than having 32 presentations. Because we will have the written materials that describe them to some extent.

>> Councilmember Oliverio: Well, I think there would be benefits to the staff presentation. It doesn't have to be extensive. It could just be just a verbal update, hey council, here are these, I've broken them out in the different blocks, and by the way, these are the ones that actually generate revenue for the city. Because sometimes we get sidetracked on something that's emotional versus bringing revenue.

>> Mayor Reed: Well, it will be a staff presentation, and I think the plan is to organize them by groups, the economic development groups and the other groups.

>> Ed Shikada: Exactly, so into city service areas, but not exactly but logical grouping.

>> Councilmember Constant: I'd just like to say, I like the idea of weighted voting. I could win every vote.

>> Mayor Reed: All depends on the weighting. Then you have to have a handicap, get a few pounds. So I think we'll proceed with, you know, the paper ballot, pick 10. I'm interested in the weighted voting concept but I think it makes it a lot more complicated. Unless we do -- you know, we have a real time survey instrument that we can use to -- otherwise might be days before we know what the outcome was.

>> Councilmember Oliverio: I suggest certainly by the next time we prioritize, at the next one, whatever, if that's six months to a year from now or whatever, I think we should really move to using technology, since it doesn't really cost that much to do it.

>> Mayor Reed: But if you have to pick nine out of 32, isn't that effectively weighting them?

>> Councilmember Oliverio: Well, regardless, but out of the nine options of 11 people voting for 99 different selections, if we found out that all ten or ten of the 11 felt that this was the number one priority then it clearly signals to staff this is a massive priority, versus another one that maybe have less support. Just throwing out there just to confuse us, you know.

>> Dennis Hawkins: Mr. Mayor, we've explored using the council chambers electronic voting system. But the capacity -- we have more items on the priority list than the system capacity. It can only handle ten or 12 items so we just don't have the technology on board to be able to --

>> Councilmember Oliverio: Survey monkey.

>> Dennis Hawkins: We have some other issues on Brown Act and that type thing there.

>> Mayor Reed: Anything else on this meeting?

>> Councilmember Constant: So just, we've done this before. We do get somewhat of a sense because since there are paper ballots and there are check marks we know if one got ten votes or one got one vote right?

>> Dennis Hawkins: That's how we announce. We do each councilmember's votes and then the total and we announce every item that receives more than six votes.

>> Councilmember Constant: But it's just that we individually don't get to prioritize, I like A versus B versus C in that order?

>> Dennis Hawkins: Correct.

>> Mayor Reed: So this is semi ranked voting?

>> Councilmember Constant: It is unranked ranked voting. And I'm all for doing that in the future, as long as we consolidate boards and commissions first.

>> Dennis Hawkins: We can certainly work with the manager's office and see what kind of options we can develop from a technology standpoint.

>> Mayor Reed: All right, we have a motion to refer these three particular memos up to the process. Any other questions from staff on this? On the motion, all in favor, opposed, none opposed, that's approved. Item number 5 is a request for additional referral to the staff following the study session we had on the police department and crime, memorandum from myself and Councilmember Herrera. At the meeting staff collected the referrals and we asked them to come back to the Rules Committee as to how we handle the referrals, and we're not there yet, I don't think, in terms of the work plan issue. But this is an additional referral to consider developing a performance

incentive pay package, encourage lateral transfers and allow individual officers to receive incentive pay for specific achievements. We've given a couple of examples, but that's not the answer, it's just some example.

>> Councilmember Oliverio: Motion to approve.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: We have a motion to approve the additional referral. Councilmember Constant.

>> Councilmember Constant: I really like this idea, but I think as we go forward as we're thinking about the incentives, we should think of it in the context of we have these incentives now, and once the tier 2 plan is in place we have these incentives. Because I would rather innocent people to go into a system that is sustainable, rather than innocent people to go into a broken system, I think we need to continue to remind the public that we need to prioritize getting through this implementation of the tier 2.

>> Mayor Reed: Okay, we have a motion to refer this to the staff. I have a couple of requests to speak on the motion. Mr. Wall.

>> I think that you're well-attended here, but this is very disingenuous because sir, it was for your efforts and that of council that basically caused police officers to leave in droves and continue to leave in droves. Then you have to ask the question, what police officer would come to San José with our retirement issue and wage cuts. Your impending budget cuts. This is in my estimation here political pandering to assist Councilmember Herrera and her reelection bid by looking and giving people the appearance that you want to increase the police, when in all reality you in fact destroyed the police and fire department. In addition, on the bottom of the memo, where you want to use this same approach to attract firefighters from other jurisdictions, well, the same argument will apply. Why would they want to come here to work in San José because you're not trustworthy, you don't keep your bargains. In addition to all this, you're creating a morale problem because you're paying people from outside of the San José incentive to come in to work with police officers who are stuck here because they haven't met

retirement or can't escape from the clutches of this City's poor contractual behavior, and therefore you're going to create grievous morale problems on their morale problems that you've already created. So once again I'll conclude that this is a very disingenuous approach and it's only to serve Councilmember Herrera and her election bid, because crime in her area has gone through the roof, and because part and parcel to her ministerial conduct with with reference to public safety, she should be removed. And this memo here will do absolutely nothing except decrease morale and not solve the problems within the police department or fire department staffing. Thank you.

>> Mayor Reed: Martha O'Connell.

>> I wanted to address the performance incentive pay. For many, many years I was the sole woman working in the skilled trades at San José State. I was an electrician. And when you are one of anything you are frequently put on panels, so that they can show that they have diversity in the workplace. So I ended up on a number of panels, and one of the panels that I was on was the performance incentive pay. And I was absolutely appalled, appalled at what went on those panels. It was basically so-and-so we're going to take care of you, we're going to make sure you get an increase. They were very subjective criteria by which the performance incentive increases were given. It was quite frankly a sick joke. And if you are going to do this, I would urge you to make it as objective as you possibly can, with monitoring so that people are actually rewarded based on hard data, and not because you've got a bunch of their friends on a panel and they're parceling out increases to their friends. Thank you.

>> Mayor Reed: That concludes the public testimony. Canned remember if we have a motion.

>> Yes, we do.

>> Mayor Reed: We have a motion for the referral, on the motion.

>> Councilmember Oliverio: Mayor I just wanted -- the last sentence on the expansion of the memo I just wanted to understand it is purely focused on police?

>> Mayor Reed: Yes.

>> Councilmember Oliverio: That seems to be the main area of emphasis versus other departments have more applicants and positions.

>> Mayor Reed: Yes, this is about the police department. President okay.

>> Mayor Reed: On the motion, all in favor, opposed, none opposed, that's approved. Item 6 is Albanian independence flag day raising as city council specialty event.

>> Motion to approve.

>> Second.

>> Mayor Reed: We have a motion to approve, on the motion, all in favor, opposed, none opposed, that's approved. Open forum, Mr. Wall.

>> Sir, there's memos that are passed out that were put on the public record today, and the title of the memo is Expose Rose, and the Real Rose Herrera will hopefully hose rose on election day. You will see that the expose Rose campaign is carried out by the San José Police Officers Association. The Real Rose Herrera is carried out by the San José firefighters. You will look at the bottom where it says makes check payable to committee for safe San José neighborhoods care of the San José Police Officers Association at 1151 north 4th street. San José, California, 95111. Once again I am not a spokesperson agent or principal for these two fine organizations. I am just a citizen taxpayer who's extremely grateful to the San José police and San José firefighters for their dedication and service. On the back of this memo you will see a slight contribution from myself to this honorable process. And I again suggest that councilmembers donate to the San José Police Officers Association and firefighters to improve public safety not only through in district 8 but throughout the city. And I also encourage

Councilmember Herrera to please voluntarily step down from office due to substandard performance. And it's not like I'm an idle visit to these chambers. I have profound attendance records through many, many years if not decades through many city council meetings and whatnot and I'm very much appalled at how the city council has basically destroyed the finest police department in the state and the if not the nation and taken with it the fire department. Now we take these pay amendments and these anniversary plans to bring them back is simply inexcusable. What is also inexcusable is the fact the sewer service and use charge is being bastardized to create a water utility and other issues at the water pollution control plant. There is a lot of problems here Mr. Mayor, and I'm not trying to berate anybody in this room or upstairs on the 18th floor. These are just facts as I see them. Thank you, sir.

>> Mayor Reed: Martha O'Connell.

>> I just wanted to alert you to the fact that environmental services is not doing their job. I live in a mobile home park, and a number of years ago our communal bin was removed from the park for six months because it had hazardous waste, medical byproducts, mercury, petroleum, dumped in. The City of San José stepped in the bin was taken out for six months. We are now back to square 1. I have provided environmental services with photographs of most of the items I just mentioned. I've come down here sent various e-mails. What is happening is I'm being bounced between the garbage company and the city. The garbage company says it is the City's responsibility to take action so these items are not continuing to be put in the landfill. I think it is not right that it's been approximately six weeks and I'm still waiting for somebody in environmental service to respond. They asked for the photograph I gave them a photograph and I'm still waiting for something to happen. Maybe somebody can ask environmental services to do their job so the land fill is not contaminated. Thank you.

>> Mayor Reed: That concludes the open forum, concludes our meeting, we're adjourned.