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>> Mayor Reed: This is the Rules and Open Government committee meeting for April 20th, 2011. Any changes we need to make on the agenda order? No, all right. Then let us take up --

>> Councilmember Oliverio: Actually mayor on the agenda order I had a memo from myself and Councilmember Constant that's on the agenda but Councilmember Constant is apparently not coming, he's at Lafco. And I don't think -- it might be more appropriate to defer it till Councilmember Constant is back next week.

>> Mayor Reed: Okay with me. Anybody else have a problem with just deferring it? If he's not going to be here, this meeting is not going to last very long.

>> Councilmember Oliverio: Yeah I just want to say because I just was informed that Councilmember Constant is not here have a memo going before, I would just prefer, obviously I want to get this to council so I'll wait for Councilmember Constant.

>> Mayor Reed: Item H-2, the with to apply this to Bascom community center.

>> Councilmember Herrera: Motion to defer for one week.

>> Mayor Reed: All in favor, opposed, none opposed, that's approved. All right, April 26th. Council meeting agenda. Anything on page 1? I have a question about ceremonial item 1.1, I see one two three four names on there, that makes me nervous, too many people involved, too much talking. Who's involved? Who will be speaking?

>> You are mayor.

>> Mayor Reed: That will be short. I'm in charge, I can make it short. Anything on page 2 or 3? I have a note that action on civil service classifications item 2.8 needs to be deferred until the 3rd of may.

>> Ed Shikada: That's correct, Mayor.

>> Mayor Reed: Anything else on 2 or 3? Page 4 or 5? Page 6 which is the joint city council financing authority agenda which we need to handle after item 3.3 which won't be a problem. We need to take them together. There's a few other things on the agenda between them.

>> Councilmember Herrera: I think financing authority should be heard after 3.3.

>> Ed Shikada: Yes we will make that registers so the staff that are here for both ideas can stay through and we do have consultants involved for both items.

>> Mayor Reed: Well do we need to take one of them last or can we take the financing authority in the middle of the council agenda? There's no reason we can't, right?

>> City Attorney Doyle: No you can take them in conjunction.

>> Mayor Reed: Okay, we'll hear them one after the other, then. We'll hear them whenever it is on the agenda, right now it's pretty short. I have some requests for additions, proclamation for Mormon helping hands day. Again I got two councilmembers on there. Who's going to speak, do you know that yet?

>> Councilmember Pyle.

>> Mayor Reed: Okay. Any other requests for changes or additions?

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Herrera: Second.

>> Mayor Reed: Motion is to approve, all in favor, opposed, none opposed, that's approved. May 3rd, council meeting agenda, anything on page 1? Page 2 or 3? I see we have five ceremonial items. That might be too many. Given the length that they've been going. So can you check with everybody who's got one on there and see if we can move one, or get commitments to run them on time? From everybody, if they run on time we can do five.

>> Councilmember Oliverio: Is it a policy to just have one per councilperson per meeting? I mean, sometimes you have two to three, I mean, is that --

>> Mayor Reed: I don't know if that's part of our policy or not but I would like to have the policy recirculated to councilmembers and their staff. Some staffers have probably never seen it. If they're short we can do five but if they get longer I don't want to run past 2:00 with the ceremonial items. We usually have other things to do as well. Anything else on page 2 or 3? Page 4 or 5? Page 6 or 7? Page 8 or 9? Page 9 is financing authority and that is -- yeah, that's it, the financing authority, that's regarding the amendment of the supplemental education revenue augmentation fund financing plan loan agreement. That's where the state takes money from us, in case anybody is wondering what that is.

>> Ed Shikada: And Mr. Mayor, anticipating that might be an interest of significant community interest, we would flag it for a 14-day sunshine waiver. Staff is working on a report that we should have out by the end of this week that says we will expect a supplemental that will provide additional detail beyond that initial report.

>> Mayor Reed: All right, also we need to flag it that if we're not prepared to make that decision we have to make it before --

>> City Attorney Doyle: The 10th.

>> Mayor Reed: Well before the 10th. Because we have to write a check for \$13 million, or approximately, I think. Is it only 12.8?

>> City Attorney Doyle: It is 12.8.

>> That's correct, before 1:00 p.m. on the 10th.

>> Mayor Reed: Makes it a lot easier. So on that one we'll need a sunshine waiver for the supplemental memo is that what you're talking about?

>> Ed Shikada: Actually a 14-day sunshine waiver. Recognizing this would go out, the base memo would go out as part of the packet.

>> Mayor Reed: Okay. Any other changes? I have no written requests for additions.

>> Councilmember Herrera: Motion to approve.

>> Mr. Mayor I was just going to offer that to even out the agendas on ceremonials if you wanted to kick the municipal clerks week from the -- back to the 26th, move it up a week that would give you four on each week and we could work on moving at least one ceremonial off of the 3rd.

>> Mayor Reed: Okay, let's do that just to even it out. Because it's a month we're recognizing for the clerks, right? Or only a week? But it doesn't matter.

>> Dennis Hawkins: Doesn't matter.

>> Mayor Reed: Let's move it back then.

>> Councilmember Herrera: Motion to approve.

>> Second.

>> Mayor Reed: Motion to approve with the one change the ceremonial items. The sunshine waivers.

>> Councilmember Herrera: Sunshine waivers on supplementals.

>> Mayor Reed: Anything else? , opposed, none opposed, that's approved approve. Redevelopment on April 26th, anything on page 1, page 2 or 3, we have a note we need a sunshine waiver on the movies of the promissory note at 360 residences?

>> That's correct. We anticipate having that out definitely this week. I'm actually hoping to get it out this afternoon, so we could get it posted online also for the public, get the maximum. But we are below the ten day sunshine requirement.

>> Mayor Reed: That is an existing agreement that we are changing.

>> That's correct, it was approved in February of last year.

>> Mayor Reed: Anything else on that agenda, is there a motion?

>> Motion to approve.

>> Councilmember Herrera: Second.

>> Mayor Reed: Motion is to approve with the waiver. All in favor, opposed none opposed, that's approved. Legislative update's our next item. Betsy Shotwell is here for a verbal report on what's going on in Sacramento.

>> Betsy Shotwell: Thank you mayory. Betsy Shotwell, director of intergovernmental relations. Committee members, I've been putting this on as a placeholder, as you know, in case there were any developments. The legislative recess is taking place this week. They will be back next week. I have no new news with regard to negotiations. I did learn last week one of the leaders in the senate Republican caucus indicated that they may be interested in supporting our voting for a tax extension into the September November area in order to then have a ballot measure that would be voted on by the voters of California. And then there are the other issues as well that they're wanting prior concessions from the governor on. But so those are the kind of nuances that we are hearing and reading about, and I know Mayor you were in Sacramento recently as well, but they are in recess this week and will return on Monday. The next major milestone will be the issuance of the May revise around May 13th from the governor and that we are expecting, anticipating will be the additional \$15 billion in cuts recommended to balance the state budget. So with that, how that will play out as well in these other negotiations remains to be seen. But it will be formidable, I'm sure.

>> Mayor Reed: Any other questions or comments? Right, thanks Betsy.

>> Betsy Shotwell: And Washington is in recess for two weeks as well.

>> Mayor Reed: Next item, public record. Any items from the public record the people want to comment on? We'll take that testimony now. Martha O'Connell and David Wall.

>> Martha O'Connell pulling out G. I selected this type of letter because this is the type of person I wanted to represent an additional lady, she wrote this on a piece of binder paper, she is disabled and the best she can do on writing this letter. She's asking you guys to put a cap on the rate increases for sewer and storm drain and also to let folks share their garbage. In 2009 one of my neighbors wrote to the city asking if she could share garbage and she was told that the ordinance 9.10.1010 needs to be modified, and you can do it. And you don't just have to note and file this. You can look into this and give action to give people like this lady who I hope you represent even though she's not rich and she doesn't know anybody to give her some relief from these burdensome rate increases. Thank you.

>> Mayor Reed: David Wall.

>> David Wall: Good afternoon. Your Honors. There have been several letters for several weeks now from these aggrieved mobile home park people, citizens. Do you have any intention to help them? Because I think there should be some movement to either say no, we're not going to help you or we are going to help you. And I'd like to reference item H. About the buffer lands not reference anything about Public Safety, the water pollution control plant. I'd also like to reference item I, specifically, the need to have the treatment plant advisory committee meetings held here in this room, under the auspices of the office of City Clerk. With the plant rebuild and all the assorted funds that are being -- going to be expended the public has really a right to know about this plant rebuild and what's going on out there. The treatment plant advisory committee Mr. Mayor has been a select group of people for way too long. It's true it's a public meeting, the recording aspects, the room aspects last meeting alone was an atrocity. And the only way to remedy this is to have the City Clerk run the recording of these meetings, held in this room, here, for the public to see, and to comment on. Also, this would relieve pressure from the General Fund because the City Clerk would be given access to the restricted use funds as appropriate. And this TPAC has gotten out of control and it's not like I haven't been going to that meeting for just like a couple of years. More like off and on for 19 years. Mr. Mayor the time is now to change this because of those billions of dollars for that plant rebuild and the public's need to know, have it accurately recorded. And that will be that for today. Thank you.

>> Mayor Reed: That concludes the public testimony on the public record. Any items that the council would like to pull for discussion? I'd just like to know what is the date that the council will vote on the rates and charges for storm sewer and service fees?

>> City Attorney Doyle: Part of the budget --

>> Mayor Reed: Somewhere in the budget process we have the fees and charges including the storm sewer, public hearing where the council will make that decision and those are of course either are posted or will be posted as those are scheduled. Anything else on the --

>> Motion to note and file.

>> Councilmember Herrera: Second.

>> Mayor Reed: Motion is to note and file public record all in favor, opposed, none opposed, that's approved. Boards commissions committees work plans. We have arts commission work plan for 10-11 memorandum from the -- from Kim Walesh. And some requests to speak.

>> Ed Shikada: Kerrie Adams Hafner will actually be reporting for staff.

>> Mayor Reed: Kerrie.

>> Thank you, and good afternoon, mayor, members of the council. I'm Kerrie Adams Hafner. I'm the director of the office of cultural affairs, a division of the office of economic development. I also serve as the staff liaison for the arts commission an active and very committed group of 13. The current work plan before you reflects the responsibilities of the arts commission and its role in advising council on all matters pertaining to the arts and culture in San José. A key work plan area is related to cultural policy development. Exemplified by the commission stewardship of our recently adopted cultural plan, cultural connection. This year and in the coming year a key priority will be the implementation of that plan. Other work plan items reflect the role in advising council on matters related to funding the arts and arts-related programs such as the arts grants program. For example, each year the commission forwards its recommendations on arts grants to the full council as part of the annual operating budget process. The commission also very closely monitors the health and the activities of the arts sector which is reflected in this plan. And the commission also advises the office of cultural affairs on its specific programs and initiatives. Such as the public art program. And it looks at its annual work plan as both specific

public art projects. The commission conducts its work through its monthly meets and also through its monthly meetings of its two subcommittees, the Executive committee and the public art committee. Over the past two years, recognizing the reductions in office of cultural affairs staffing levels, the commission has worked with us to increase efficiency. It has actually consolidated the work of three subcommittees into two and also it has gone from meeting 12 times a year to ten times a year. I'd also like to recognize the office of cultural affairs staff that are here with us today that work with me in supporting the commission, Barbara Goldstein and Lynn Rogers. And also I'd like to recognize our arts commission chair, Bobby Yont, who I'm pleased to tell you is going to be serving as chair for another year. So if you have any questions on specific work plan items please let me know. Thank you.

>> Mayor Reed: I have one request to speak, we'll take that now. David Wall.

>> David Wall: First we are to thank all the people involved in the arts for their contributions to the city. There's been some noteworthy projects and they're to be thanked. One point Mr. Mayor that should be looked at from my own lack of ignorance what I call the art tax on Public Works building with special reference to any development at the water pollution control plant. This art tax has to be eliminated. It is just incongruent with today's economic situation and is not sustainable. The office of cultural affairs in my opinion is ripe to contract out, with no disrespect, the art people need to show more of a volunteer spirit in the community. I think their efforts in that regard will lead to more accolades than currently is done today. Once again this art tax ordinance is very burdensome and oppressive and I do not see how it can stand the test of time, when base fundings are governed by proposition 218. We will not discuss that today, thank you.

>> Mayor Reed: Bobby Yont.

>> Good afternoon, I'm Bobby Yont, I chair the arts commission for the city. I thank you for the opportunity to speak in support of the work plan that the office of cultural affairs has submitted. As Kerrie has said we certainly embrace and understand the constraints under which the city is operating and we have done not all we can do but we feel we've been responsive in consolidating the amount of staff time and the amount of city resources in which

we have used in the past in response to the current fiscal needs of this city. The arts commission and the office of cultural affairs it's almost as if I could say they couldn't possibly work any more closely. We are involved as a commissioner and the commission, we are involved seems to me like on an hourly basis but it is certainly much less than that, with the office of cultural affairs in developing our cultural plan for the city and we certainly appreciate this opportunity to present this work plan to you and I hope you will support this work plan as it is presented. Thank you.

>> Mayor Reed: Thank you, that concludes the public testimony. I think we have a couple of questions. Councilmember Herrera.

>> Councilmember Herrera: I just want to thank Kerrie and Bobby Yont for agreeing to chair the commission for another year and for staff for all the work you do. As chair of economic development I just want to again say how important the arts are to our economic development plan. Truly great cities need good art and cultural events and through volunteer and through very small budgets, I know you folks have worked really hard to scale it back and I know that outsourcing was actually considered and it was going to be more costly and difficult to actually do that, I think 1 per handling 300 events. What we do gets handled by very few people. The economic benefit that happens because these events is enormous. It attracts companies, it keeps companies here, it's an integral part of economic development. So I just wanted to say I'm in very strong support of this program, thank you and move for approval.

>> Councilmember Nguyen: Second.

>> Mayor Reed: We have a motion to approve. Like every other of the committee work plans we've had I'm curious, as to you mentioned some of the reduction in meetings and consolidation of work into less committees. How many times per month collectively is staff having to staff a meeting, either a subcommittee or a commission as a whole?

>> We have -- the two subcommittees meet monthly. The full commission meets ten times a year. So collectively, what is that? 34 meetings annually.

>> Mayor Reed: That's a lot. How many staff time does it take to manage all that?

>> The staff time for the subcommittees is probably less intensive than the full sunshine agendas for the full commission. And that's, in part, why that's the commission that we targeted to reduce its frequency of meetings. So as I mentioned previously, there was a separate subcommittee called the programs committee that really stewarded things like our grants program and our arts education program. So by reducing the number of subcommittees, has really helped to alleviate some of the support, the administrative support for the commission.

>> Mayor Reed: And the bylaws and operating rules and all of the other efficiency enhancements I would call them that the clerk has been working on have they all been incorporated into this commission's work?

>> Yes. We look at the bylaws every year and we just have reviewed them about a year ago.

>> Mayor Reed: And what kind of minutes are you having to keep?

>> We take full minutes. I've encouraged the staff, you know, do the minutes to work towards action minutes. So we're really, you know, getting the essence of it but not necessarily documenting what each person that participate in the conversation said. But we also record each meeting, as well. So we have a public record should we need to go back for referral, for reference.

>> Mayor Reed: We know that the full minutes take a lot of work and we have in many cases gone away from full minutes especially since video and audio have been invented that people can access. What about, is there some money we can save there in terms of the administration of it?

>> I think what --

>> Mayor Reed: Whoever wants to answer it. Dennis.

>> I think what we've been doing is trying to get more towards the action minutes and where the moneys that will be saved there is really in staff time and staff support so those limited resources can be used in different ways.

>> Mayor Reed: The staff time is valuable and expensive, both, and I'd rather have the staff focused on other work than the minutes. Because we've been through that conversation about how much we need in the way of minutes. Dennis.

>> Dennis Hawkins: I was just going to comment that part of the improvement program that we're bringing forwards to the committee and then release for comments by members of the boards and commissions will focus on structural issues like minutes and staff training. I think we have some opportunity to improve how people are doing the action minutes. I think that there are still some commissions that are doing more than action minutes. It's kinds of a hybrid between action minutes and the more traditional he said she said type of minutes. So that's an area that we need to continue to improve on. And part of that will be some staff training element that will be included in the improvement program.

>> Mayor Reed: Well, this will be a good year to do that because I think every department in the city is going to suffer a reduction in resources and people.

>> We agree and that has been something we've been working on and have made some progress on as well.

>> Mayor Reed: Why can't you just do it? Working on it, making progress why can't you just do it?

>> We are just going to do it, Mayor Reed, absolutely.

>> Mayor Reed: Understand commissioners love their commissions, they're totally dedicated to it. They'd love to have a meeting every week sometimes but there are limits how much staff resources we can put into it.

>> Part of my comments are that I want to acknowledge the good work that has already gone underway by the staff supporting the commission. They have made significant improvements.

>> Mayor Reed: Just tell them we're out of money.

>> Okay.

>> Mayor Reed: Anything else? We have a motion to approve. All in favor? Opposed, none opposed. That's approved. Item H-2 was deferred for a week so that brings us to the open forum part of the meeting. David Wall, Martha O'Connell.

>> David Wall: Yesterday's testimony on 7.3, feasibility assessment for the creation of a South Bay San Francisco -- excuse me, of a South San Francisco Bay emergency port access there's a controversy now. We had a notable speaker from the chamber of commerce say that, correctly in the report on page 11, dredging for a hover craft is not required. Also, on page 11, there is table 2, required dredging and vegetation removal. Now, emergency craft has to have a minus low tide depth of minus six feet. 100 feet wide. That's significant dredging, in my opinion. Another issue that cropped up and you should pay very close attention to this, basically the complete lack of security at the water pollution control plant. You have two contracted security guards that sit there just monitoring porta potty samples. If they still do that. I don't really even know if they still take samples. But with the budget coming up, and the possibility that our security staff here at City Hall might be contracted out it would be exceptionally prudent to transfer them completely to water pollution control, because you're going to have a lot of contractors and a lot of traffic coming in and out of that plant. And a more professional security operation is required so there's no confusion that will lead to error that could possibly lead to a catastrophic event. I think this is a very prudent step to be taken and it should be also augmented by light duty San José police officers or a

combination of tributary agency light duty police officers, in conjunction with our security staff. Security staff can be very flexible, because they can supervise contracted staff.

>> Mayor Reed: Sorry your time is up.

>> Thank you.

>> Mayor Reed: Martha O'Connell.

>> I liked what you said to the arts commission and I concur and I have a real problem about that work plan being approved. They're meeting ten times a year and they have two subcommittees that are meeting monthly and the senior commission which I would argue is more important than the arts commission, when we're talking about senior food and low income housing, has been told we can only meet every three months. So I -- I think you guys need to really take a look at the commissions and treat them all the same. What I was originally going to talk about was, the report that Dennis has been working on for so long, one of the things I would like to see that's very troublesome to me is people who have been on commissions for 30 years. I don't find that appropriate. They're on commission A for seven or eight, ten years they get off they go on to commission B. And I was at a meeting and I came up with a fresh new idea and somebody said we've been doing it that way for 30 years, I've been on this commission for 30 years. I would argue that the face of San José has changed in 30 years and we need to start moving these people on those commissions and getting some newer folks on and I'd be -- that includes me so when my time is up I don't think you should continue to appoint the same people that hop from one commission to the other, continually. So I hope that that is something that the City Clerk will be looking at and the council will be looking at. Thank you.

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